

January 22, 2015

The Honorable John Shimkus
Chairman
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515-6115

The Honorable Paul Tonko
Ranking Member
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
2322A Rayburn House Office Building
Washington, DC 20515-6115

Re: Subcommittee Hearing, “EPA’s 2014 Final Rule: Disposal of Coal Combustion Residuals from Electric Utilities.”

Dear Chairman Shimkus and Ranking Member Tonko:

I am writing concerning the hearing to be held by the Subcommittee on Environment and the Economy on January 22, 2015, entitled “EPA’s 2014 Final Rule: Disposal of Coal Combustion Residuals from Electric Utilities.”

We have previously shared with you our grave concerns regarding the health and safety of Illinois communities and the risks posed to the State’s waterways by dangerous coal ash disposal. For your convenience, I have attached our letter of August 2014, signed by 18 Illinois organizations, which requests a hearing in your subcommittee on the threats posed by coal ash. (Attachment 1 to this letter).

In light of Thursday’s hearing, I would also like to share with you the following resolutions passed by the Vermilion County Board, Soil & Water Conservation District, Vermilion County Conservation District, and Vermilion County Conservation Foundation, and the Lake Vermilion Water Quality Coalition (Attachments 2-6). Each resolution passed unanimously, supported with the intent of illustrating broad community concern for local resources that stand to be damaged by ongoing coal ash pollution and a potential catastrophic breach in Illinois’ 15th District.

The growing list of damage cases from improperly disposed coal combustion waste has illustrated that unchecked and poorly monitored disposal is an issue worthy of national concern.

In Illinois, the problem is particularly severe. Illinois is home to over 90 coal ash pits, many sited in places that are unsuitable and dangerous for the disposal of toxic waste. Fifty-six ash pits were built over groundwater recharge areas, 62 over shallow aquifers, and 9 were constructed over wetlands. In 2009, the Illinois EPA investigated 22 of the 24 coal-fired power plant sites in Illinois and found groundwater contamination from coal ash pollution at all 22 sites.

Coal ash contains heavy metals like mercury, arsenic, selenium, chromium and cadmium which can cause cancer and brain damage in humans and are harmful to fish and wildlife. Illinois citizens and businesses that rely on the state's water supplies are now facing risks from unstable dams precariously holding back thousands of tons of coal ash waste. In fact, after a series of structural integrity assessments of 38 Illinois coal ash pits, the EPA rated 16 in the state in "poor" condition.

The risks presented by improper coal ash disposal in Illinois' are incontrovertible, and communities across the state have worked to communicate these concerns – for the sake of human health, aquatic life, and their livelihoods.

We urge you to consider these concerns, and we request that your committee refrain from advancing any legislation that weakens the final EPA rule. Such legislation would increase the risk to health and the environment from coal ash in Illinois and throughout the nation.

Respectfully,

A handwritten signature in black ink, appearing to read "Glynnis Collins". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Glynnis Collins
Executive Director

Attachment 1. Letter to Chairman Shimkus Re: Request for House Subcommittee Hearing on Coal Ash Ponds

Attachment 2. Vermilion County Board Resolution

Attachment 3. Vermilion County Soil & Water Conservation District Resolution

Attachment 4. Vermilion County Conservation District Resolution

Attachment 5. Vermilion County Conservation Foundation Resolution

Attachment 6. Lake Vermilion Water Quality Coalition Resolution

11C-1

Resolution

Re: Fly Ash Issue In Vermilion County

WHEREAS, the County of Vermilion recognizes coal as a legitimate energy resource and that it has played a large part in the economic development of this and other counties; and

WHEREAS, it has nonetheless been found through more current research that the byproducts of coal use, particularly fly ash, has the potential for causing current and future damage to important resources of Vermilion County such as the Middle Fork River; and

WHEREAS, such concerns may not have been known at the time the fly ash was so placed and when it's placement was allowed under current State law; and

WHEREAS, the river system is used for wildlife viewing, hiking, paddling, angling, hunting and photography, providing enjoyment and economic value and business use; and

WHEREAS, the County of Vermilion is concerned that the plan for dealing with the fly ash currently on site and elsewhere may not resolve the future needs, both business and recreational, and concerns of citizens, particularly given the experience of Vermilion County with fly ash issues in the past; and

WHEREAS, the Illinois Pollution Control Board now has the authority to act upon current information and concerns and establish best practices for dealing with fly ash now and into the future. Vermilion County strongly supports effective rules for the benefit of its citizens.

BE IT THEREFORE RESOLVED THAT the County of Vermilion encourages and requests that any plan for the disposal of fly ash, particularly along and in water areas, be based upon the best scientific practices that will answer current and future citizen and business concerns for the vitality of the Middle Fork tourist area as well as the concerns of residents who may live close to or in areas affected by such fly ash and that any such rule address the water safety needs of residents and that the producers of fly ash bear the cost of removal or protection.

11C-2

Page 2: Fly Ash Issue In Vermilion County

PRESENTED, APPROVED, AND RESOLVED by the County Board of Vermilion County, Illinois at its May 13, 2014, A.D. meeting.

Dated this 13th day of May, 2014 A.D.

AYE ___ NAY ___ ABSENT ___

Vermilion County Board Chairman

ATTEST: _____

Clerk of the County Board

Approved to Form: State's Attorney

Res: _____



May 8, 2014

Rick Kentner
Chairman

Neil Andrews
Vice Chairman

Robert Mathis
Secretary/Treasurer

Dwight Bohlen
Director

Chris Elliott
Director

Don Dice
Associate Director

Kevin Green
Associate Director

John Maudlin
Associate Director

Re: Coal Ash Resolution

To Whom It May Concern,

We, the board of directors of the Vermilion County Soil & Water Conservation District do support the proposal of removing coal ash from the three Dynegy Midwest Generation storage pits at the Vermilion facility. We also support the relocation of the contaminants to a lined dry waste management unit.

We believe capping the ponds is only a temporary measure and our concern is the long term effects of the coal ash seeping into the Middle Fork River.

We propose that a comprehensive plan be created for the responsible closure and clean-up of the Vermilion facility and that the financial burden be placed upon Dynegy Midwest Generation, L.L.C. and not upon the taxpayers of Vermilion County.

Our mission statement states our task as the board of directors for the Vermilion County Soil & Water Conservation District is to provide for the conservation of the soil, soil resources, water and water resources of the county; to provide for the control and prevention of soil erosion; to provide for the prevention of air and water pollution and to provide for the prevention of erosion, floodwater and sediment damages. Our responsibility is to protect our natural resources of Vermilion County.

The boards of directors is requesting that the Illinois Environmental Protection Agency and Illinois Department of Natural Resources do not approve a closure plan for the Dynegy Midwest Generation Vermilion facility that does not sufficiently address concerns of stability and pollution of groundwater and surface water.

Sincerely,

A handwritten signature in dark ink that reads "Richard W. Kentner".

Richard W. Kentner
Chairman of the Board

Vermilion County Conservation District
Headquarters, Kennekuk County Park
Danville, Illinois

Resolution 14-1

Concerns of the Coal Ash Storage Pits Bordering the Middle Fork National Scenic River in Vermilion County

WHEREAS, the Vermilion County Conservation District maintains a border with the Middle Fork National Scenic River, the only such river designation in Illinois, and thus is concerned over the potential of pollution by coal fly ash in the Middle Fork National Scenic River; and

WHEREAS, the coal fly ash is present in storage pits at the Dynegy Midwest Generation, L.L.C. Vermilion facility, that has been closed since 2011 and that risks of pollution remain because of lack of structural integrity; and

WHEREAS, the river system is used for wildlife observation, canoeing, kayaking, floating, fishing, hiking, horseback riding, hunting, picnicking, nature photography and other nature-related enjoyment; and

WHEREAS, the river system supports a diverse range of threatened and endangered species, where twenty-four species are officially identified as state and federally threatened or endangered such as the blue breast darter, northern slippershell mussel, creek heelsplitter mussel, and the recently re-located northern riffleshell and clubshell mussels from the Allegheny River in Pennsylvania, chosen because of the requirement of high water quality found in this river; and

WHEREAS, the Illinois Environmental Protection Agency has proposed rules to the Illinois Pollution Control Board to address coal ash issues at power plant sites to establish criteria, requirements, and standards for preventive response or corrective action as deemed necessary to protect river quality; and

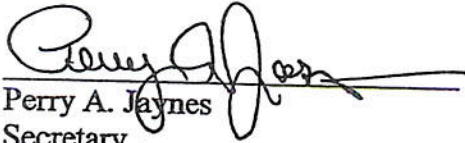
WHEREAS, the mission statement of the Vermilion County Conservation District is "to assure our people permanent access to their outdoor heritage", thus the District strongly supports rules for the benefit of its citizens.

BE IT THEREFORE RESOLVED THAT the Vermilion County Conservation District requests that the Illinois Pollution Control Board should consider implementation of rules that will provide greater protection of water resources threatened by coal ash disposal; and

BE IT FURTHER RESOLVED that the Illinois Environmental Protection Agency and the Illinois Department of Natural Resources do not approve a closure plan of the Dynegy Midwest Generation Vermilion facility until the concerns of the potential pollution of groundwater and surface water are addressed.

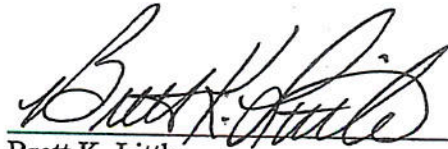
Adopted this 21st day of May, 2014.

ATTEST:

A handwritten signature in black ink, appearing to read "Perry A. Jaynes", written over a horizontal line.

Perry A. Jaynes
Secretary

Vermilion County Conservation District

A handwritten signature in black ink, appearing to read "Brett K. Little", written over a horizontal line.

Brett K. Little
President

Vermilion County Conservation District

**Vermilion County Conservation Foundation
Forest Glen Preserve
Westville, Illinois**

Resolution

Concerns of the Coal Ash Storage Pits Bordering the Middle Fork National Scenic River in Vermilion County.

WHEREAS, the Vermilion County Conservation Foundation supports conservation efforts in Vermilion County, and the Middle Fork National Scenic River lies within the boundary of Vermilion County; and

WHEREAS, the coal fly ash occurs in storage pits at the Dynegy Midwest Generation, L.L.C. Vermilion Facility, which has been non-operational since 2011 and that these storage pits lack structural integrity which causes great risk of polluting the Middle Fork National Scenic River; and

WHEREAS, this river system supports a diverse population of flora and fauna which were major considerations to receive this national scenic river designation; and

WHEREAS, the Environmental Protection Agency has propose rules to the Illinois Pollution Control Board to address coal ash issues at power plant sites to establish criteria, requirements, and standards for preventative response or corrective action as deemed necessary to protect river quality.

BE IT THEREFORE RESOLVED THAT the Vermilion County Conservation Foundation requests that the Illinois Pollution Control Board should consider implementation of rules that will provide great protection of water resources threatened by coal ash disposal; and

BE IT FURTHER RESOLVED that the Illinois Environmental Protection Agency and the Illinois Department of Natural Resources do not approve a closure plan of the Dynegy Midwest Generation Vermilion facility until the concerns of the potential pollution of groundwater and surface water are addressed.

Adopted this 13th day of June, 2014.

ATTEST:

Cheryl Vergin
Secretary
Vermilion County Conservation
Foundation

Gordon Thoennes
Chairman
Vermilion County Conservation
Foundation

**Lake Vermilion Water Quality Coalition
Farm Bureau
1905 A US Rt. 150
Danville, IL 61832**

Resolution 14-1

Concerns of the Coal Ash Storage Pits Bordering the Middle Fork National Scenic River in Vermilion County.

WHEREAS, the Lake Vermilion Water Quality Coalition was established as an education committee made up of local government organizations, corporations, and private individuals, who have a vested interest in water quality in Vermilion County; and

WHEREAS, the North Fork, Salt Fork, and the Middle Fork National Scenic River are tributaries of the Vermilion River and are essential to the area's water supply and recreational opportunities. And, the river system is used for wildlife observation, canoeing, kayaking, floating, fishing, hiking, horseback riding, hunting, picnicking, nature photography, and other nature related enjoyment; and

WHEREAS, the coal fly ash is present in storage pits at the Dynegy Midwest Generation, L.L.C. Vermilion facility, that has been closed since 2011 and that risks of pollution remain because of lack of structural integrity; and

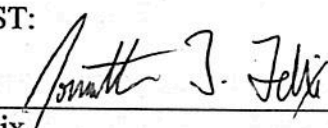
WHEREAS, the Illinois Environmental Protection Agency has proposed rules to the Illinois Pollution Control Board to address coal ash issues at power plant sites to establish criteria, requirements, and standards for preventive response or corrective action as deemed necessary to protect river quality.

BE IT THEREFORE RESOLVED that the Lake Vermilion Water Quality Coalition requests that the Illinois Pollution Control Board should consider implementation of rules that will provide greater protection of water resources threatened by coal ash disposal; and

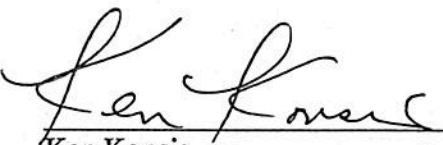
BE IT FURTHER RESOLVED that the Illinois Environmental Protection Agency and the Illinois Department of Natural Resources do not approve a closure plan of the Dynegy Midwest Generation Vermilion facility until the concerns of the potential pollution of groundwater and surface water are addressed.

Adopted this 28th day of August, 2014.

ATTEST:



Jon Felix
Secretary
Lake Vermilion Water Quality Coalition



Ken Konsis
President
Lake Vermilion Water Quality Coalition