Response to Illinois Coal Ash Report

Winter 2018-2019

A recent report by several environmental activist groups made many inaccurate, false or misleading claims regarding coal ash impoundments at operating and retired power plant sites in Illinois owned by Vistra Energy and Luminant, its power generation subsidiary.

The following talking points refute these allegations and provide much needed context to accurately and factually complete the record.

The primary fact our critical stakeholders need to know is that all our CCR ponds are following the CCR regulations to monitor, assess, and remediate ponds according to the prescribed methods and timelines.

Notably, allegations made on each site or Coal Combustion Residual (CCR) Unit regarding groundwater quality are not addressed here because analyses are not yet complete and available. To fully address, parameters exceeding their respective Ground Water Protection Standards (GWPS) still need to have a proper statistical evaluation completed because a measured value may or may not have Statistically Significant Increases (SSI). These analyses will be in the 2018 annual report due on Jan. 31, 2019 as required by the CCR rule.

Those parameters exceeding their respective Ground Water Protection Standards (GWPS), still need to have the proper statistical evaluation completed. These analyses will be in the 2018 annual report due on Jan.31, 2019 as required by the CCR rule.

Allegation: Contamination flowing into lakes and streams

The report made statements without supporting evidence that lakes and rivers near our ash ponds are likely to continue to be “inundated” by groundwater and contamination plumes. The contamination may flow to communities that draw their drinking water from the affected aquifers and rivers.

> **FACT:** While some ash ponds are adjacent to rivers that seasonally flood, these ash ponds are elevated above the flood plain and have containment berms.
>
> **FACT:** The ash ponds located adjacent to lakes are not “inundated” with surface water as water levels in lakes are controlled with dams or outfalls to control water levels.
>
> **FACT:** There’s a sharp distinction between groundwater quality standards and surface water quality standards. Attempting to correlate groundwater quality at a site to surface water quality by unsupported allegations, as this report does, is misleading.

FACT: Importantly, when closing ash ponds, the impact of groundwater to nearby surface waters is assessed and quantified using sophisticated groundwater models and other calculations.

FACT: Drinking water well surveys and assessments were conducted for a 2,500-foot radius from many of our ash ponds. No drinking water wells were identified downgradient from ash ponds.

Allegation: Data from the 2017 ground water report was not presented in March 2018 by Vistra in a form that was easy to understand.

FACT: The data Vistra/Dynegy provided was in a straight-forward chronological tabular manner that met the CCR regulations and included the well ID, date sampled, parameter and result obtained.

Allegation: Location of the monitoring wells

The report claimed that in some cases, both detection monitoring and assessment monitoring would fail to show SSI – even if it exists – because the "upgradient" or "background" wells were both polluted by coal ash.

FACT: The placement of upgradient and downgradient monitoring wells at each site complies with the CCR regulations and is supported by hydrogeological reports, as well as being certified by a professional engineer and geologist.

Allegation: Closure plans

The report made erroneous claims regarding closure plans for the CCR units, such as, "Illinois EPA has been reviewing closure plans for the many ash ponds that operators across the state are closing, and it is doing so without clear, specific standards to ensure that those ponds are closed in a manner that will protect Illinois' waters and communities – and with no public input whatsoever."

FACT: For the Environmental Integrity Project to imply it has expertise superior to the IEPA regarding what is or isn't at risk regarding receptors is unsupported and misleading.

FACT: Illinois EPA has an established record of fulfilling the statutory responsibility, expertise, and experience to review closure plans and ensure compliance with groundwater quality standards through Part 620.

FACT: As true for any landfill, cap placement or "cap and cover" on top of ash ponds is the leading most effective method for blocking water infiltration and, in turn, leachate production. Cap placement is the industry standard and supported by the EPA risk assessment.

Allegation: Predicting SSI and determining exceedances

The report compared groundwater data to three kinds of standard values:

- Health-based standards.
- Illinois class I groundwater standards.
- Groundwater protection standard under CCR rule.

The report used these standard values to estimate potential SSI and the need for assessment monitoring and corrective actions. It compared the mean value of each pollutant in downgradient wells to the maximum upgradient value for the impoundment in question.

However, the report wrongly assumed that when a pollutant is, on average, elevated above the maximum upgradient result, then the pollutant is significantly elevated.

FACT: There is no regulatory requirement in Illinois that groundwater must comply with health-based standards. Illinois has expansive groundwater standards that in many instances exceed federal standards and many other state standards.

FACT: The mean and maximum concentrations formulated in the report are meaningless because they don't show what the changing concentrations are over time and don't fully represent the data submitted to the Illinois EPA or generated in compliance with the CCR Rule.

FACT: Further, comparing mean values of downgradient wells to standards is not a statistically valid approach to determine exceedances. The CCR regulations as well as the USEPA's Statistical Analysis of Groundwater Monitoring Data, Unified Guidance clearly state the statistical methods that may be used to evaluate groundwater data. The Unified Guidance also indicates comparing the mean value to a downgradient well is not a suitable method.

FACT: The report also compares results to Illinois Class I groundwater standards, which is not the correct comparison for all sites as several sites are classified as Class II groundwater.