

Complaint: Ameren improperly disposed of coal ash in Canton

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“The Attorney General’s complaint argues that Ameren failed to show that the coal ash waste was not an environmental threat to the surrounding areas,” said Scott Mulford, spokesman for the Attorney General’s Office.

Along with open dumping of waste, the Attorney General’s complaint said a waste-storage and waste-disposal operation at Duck Creek did not meet requirements and did not have an IEPA permit.

Ameren attorney David Loring declined to comment.

“I’m not going to speak about the specifics of the case,” Loring said Monday.

When asked to speak about the case in general terms, he declined to do that, as well. Earlier in the month, St. Louis-based Ameren officials gave a statement to the St. Louis Post-Dispatch saying it disagreed with the complaint.

“We believe the material was properly used and have submitted additional analytical work, soil borings and modeling data to demonstrate the lack of environmental impact,” Ameren told that newspaper. “We are disappointed that rather than seeking additional information from the company — and after more than a year of silence — the Attorney General’s Office chose to bring this action.”

Prairie Rivers Network water resources scientist Traci Barkley said the case is important because Duck Creek is “just the tip of the iceberg” on the use of coal ash. The heavy metals coal ash contains can cause cancer and brain damage in humans, as well as harm to fish and wildlife. Barkley said Illinois EPA has found groundwater contamination from coal ash pollution at every site it has investigated at coal-fired power plants since it began monitoring in 2009. And those are permitted uses, she said, while Duck Creek was not.

“We hope this will launch a full investigation by both Illinois EPA and the Illinois DNR (Department of Natural Resources) into our current state infrastructure and capacity to coordinate the proper monitoring and management of coal wastes to ensure protection of our water supplies, resources and communities,” Barkley said via email Tuesday.

Barkley helped contribute to a 2010 report from the Environmental Integrity Project called “In Harm’s Way.” It noted 137 sites in 34 states which have been polluted by coal ash or scrubber sludge.

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At issue is a 15-foot-deep pile of coal ash covering three acres near Duck Creek Power Generating Station.

“It’s pretty frightening, the amount,” said Joyce Blumenshine of the Heart of Illinois Group of the Sierra Club.

Heavy metals suspected of causing cancer were found in that pile. The Illinois Environmental Protection Agency has been trying to get Ameren Energy Resources Generating Co. to take care of it for more than six years, but efforts apparently stalled.

At the IEPA’s request, Illinois Attorney General Lisa Madigan’s office now is taking Ameren to the Illinois Pollution Control Board.

A three-count complaint filed Feb. 4 alleges Ameren improperly disposed of “waste” in the form of coal ash at Duck Creek by using the material to build a road and railroad embankment. According to the complaint, the company told the IEPA in 2004 about its plans, but didn’t get a permit. An estimated 180,000 tons of coal ash were transported from E.D. Edwards Power Generating Station in Bartonville to Duck Creek. In 2006, IEPA inspected the site and sent a violation notice to Ameren.

Coal ash is also known as coal combustion waste and considered dangerous because it contains toxic substances which can leach into groundwater at unsafe levels. According to the complaint, Ameren’s own data showed the coal ash at Duck Creek exceeded standards for antimony, boron and silver.

Ameren had asked the IEPA for a special determination that the material should not be considered waste. The complaint maintains that Ameren needed to show that the use of the material did not pose a threat of releasing contaminants into the environment. The IEPA determined that Ameren had not submitted “sufficient and reliable evidence” to qualify for the special determination.