



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217-785-0561

October 24, 2012

CERTIFIED MAIL # 7011 1150 0001 0859 0027  
RETURN RECEIPT REQUESTED

Rick Diericx, Sr. Director, Environmental Compliance  
Dynergy Operating Company  
604 Pierce Boulevard  
O'Fallon, IL 62269

Re: Notice of Non-Issuance of Compliance Commitment Agreement  
Violation Notice: W-2012-00071; Identification Number: 6293  
Dynergy Midwest Generation LLC; Vermilion Power Station

Dear Mr. Diericx

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the proposed Compliance Commitment Agreement ("CCA") terms submitted by Dynergy Midwest Generation LLC; Vermilion Power Station in a letter dated September 25, 2012, in response to the Violation Notice dated July 6, 2012, and has decided not to issue a proposed CCA for these violations. Due to the nature and seriousness of the violations, the Illinois EPA has determined that these violations may not be able to be resolved without the involvement of the Office of the Attorney General or the State's Attorney.

Because the violations remain the subject of disagreement between the Illinois EPA and Dynergy Midwest Generation LLC; Vermilion Power Station, this matter will be considered for referral to the above-referenced prosecutorial authorities for formal enforcement action and the imposition of penalties.

Questions regarding this matter should be directed to Andrea Rhodes at 217/785-0561. Written communications should be directed to Illinois EPA, Attn. Andrea Rhodes, MC#19, 1021 North Grand Ave East, Springfield, IL 62702.

Sincerely,

Michael Crumly  
Manager, Compliance Assurance Section  
Division of Public Water Supplies  
Bureau of Water

IEPA - DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

NOV 05 2014

REVIEWER EAV

