



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

217/782-9861

June 20, 2018

CERTIFIED MAIL # 7013 2630 0001 4707 8643
RETURN RECEIPT REQUESTED

Vistra Energy Corp.
6555 Sierra Drive
Irving, TX 75039

**Re: Violation Notice: Vistra Energy Corp. – formerly Dynegy Midwest Generation-
Vermilion – IL0004057 – W1838000002
Violation Notice No.: W-2018-50056**

Dear Facility Owner:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(a)(1), and is based upon a review of available information and an investigation by representatives of the Illinois Environmental Protection Agency (“Illinois EPA”).

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in Attachment A to this notice. Attachment A includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether or not the facility wishes to enter into a Compliance Commitment Agreement (“CCA”) pursuant to Section 31(a) of the Act. If the facility wishes to enter into a CCA, the written response must also include proposed terms for the CCA that includes dates for achieving each commitment and may include a statement that compliance has been achieved for some or all of the alleged violations. The proposed terms of the CCA should contain sufficient detail and must include steps to be taken to achieve compliance and the necessary dates by which compliance will be achieved.

Vistra Energy Corp. – formerly Dynegy Midwest Generation-Vermilion – IL0004057

VN W-2018-50056

The Illinois EPA will review the proposed terms for a CCA provided by the facility and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, the facility must respond in writing by, either agreeing to and signing the proposed CCA, or by notifying the Illinois EPA that the facility rejects the terms of the proposed CCA. When compliance is achieved, the owner of the facility must submit a completed statement of compliance form certifying that all Compliance Commitment Agreement measures/events have been successfully completed.

If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and meet, and the Illinois EPA may proceed with referral to a prosecutorial authority.

Written communications should be directed to:

Illinois EPA – Division of Water Pollution Control
Attn: Caleb Ruyle/ CAS#19
P.O.BOX 19276
Springfield, IL 62794-9276

All communications must include reference to this Violation Notice number, **W-2018-50056**.

Questions regarding this Violation Notice should be directed to Caleb Ruyle at 217/782-9861.

Sincerely,



Roger Callaway
Compliance Assurance Section
Division of Water Pollution Control
Bureau of Water

Attachments

cc:
CERTIFIED MAIL # 7008 1830 0004 1767 4451
Phil Morris
1500 Eastport Plaza Drive
Collinsville, IL 62234

ATTACHMENT A

Vistra Energy Corp. – formerly Dynegy Midwest Generation-Vermilion – IL0004057 VIOLATION NOTICE NO. W-2018-50056

Questions regarding the violations identified in this attachment should be referred to Caleb Ruyle at (217) 782-9861.

On May 17, 2018, the Illinois EPA conducted a stream survey of a portion of the Middle Fork Vermilion River. During the survey, it was noted that previously-installed gabions bordering the Vistra-Dynegy property had been damaged, with portions of the rocks and baskets found along the lower portion of the stream bank or completely missing. Additionally, several seeps were noted along the stream bank bordering the Vistra-Dynegy property, which contained heavily stained reddish-orange discoloration. Illinois EPA personnel noted that the seeps had discharged to the River, as evidenced by stained sediment and rocks within portions of the waterway. The discharge created offensive conditions in the Middle Fork Vermilion River. Based on these findings and other information available to the Illinois EPA, the discharge is in violation of the Illinois Environmental Protection Act and Illinois Pollution Control Board regulations.

A review of information available to the Illinois EPA indicates the following violations of statutes, regulations, or permits. Included with each type of violation is an explanation of the activities that the Illinois EPA believes may resolve the violation including an estimated time period for resolution.

Discharge of Contaminants

Cease and desist from discharging contaminants that cause or threaten to cause water pollution. Review operational and maintenance procedures and correct the deficiencies which caused the violation. Compliance is expected to be pursued immediately.

<u>Violation Date</u>	<u>Violation Description</u>
05/17/2018	No person shall cause, threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.
Rule/Reg.:	Section 12(a) of the Act, 415 ILCS 5/12(a) (2016)

Deposit of Contaminants

Cease and desist from depositing contaminants that cause or threaten to cause water pollution. Compliance is expected to be pursued immediately.

<u>Violation Date</u>	<u>Violation Description</u>
05/17/2018	Deposited contaminants on the ground in such a manner that caused or threatened to cause a water pollution hazard.

Rule/Reg.: Section 12(d) of the Act, 415 ILCS 5/12(d) (2016)

Offensive Conditions

Review and evaluate operational procedures in order to correct the deficiencies which caused the violations. Discharges must not cause a violation of water quality standards. Compliance is expected to be achieved immediately.

<u>Violation Date</u>	<u>Violation Description</u>
05/17/2018	Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant, oil, odor, plant or algal growth, color or turbidity of other than natural origin.

Rule/Reg.: Section 12(a) of the Act, 415 ILCS 5/12(a) (2016),
35 Ill. Adm. Code 302.203