

June 22, 2021

ATTORNEY GENERAL RAOUL FILES LAWSUIT AGAINST DYNEGY MIDWEST GENERATION, LLC

Chicago — Attorney General Kwame Raoul and Vermilion County State’s Attorney Jacqueline Lacy today filed a lawsuit against Dynegy Midwest Generation, LLC (Dynegy) over the unlawful disposal of coal ash at the site of the former Vermilion Power Station, which led to groundwater pollution surrounding the coal power plant. Raoul and Lacy also filed a motion to enter an agreed interim order that requires Dynegy to, among other things, create a safety emergency response plan for the site.

“Dynegy’s actions created a public health risk by contaminating the area’s groundwater and led to the pollution of Illinois’ only nationally-recognized scenic river and,” Raoul said. “I am pleased to partner with Vermilion County State’s Attorney Jacqueline Lacy and am committed to holding Dynegy accountable for harming our environment and putting the health of Illinois residents at risk.”

“Protecting our environment is critical to the safety and security of our Citizens in Vermilion County,” Lacy said. “Thank you to Attorney General Raoul’s Office for working diligently with our community to ensure the protection of the Middle Fork of the Vermilion River.”

Raoul’s lawsuit is based on a referral from the IEPA.

“The Agreed Interim Order is a vital step in addressing our long-standing concerns with the facility’s coal ash ponds,” IEPA Director John Kim said. “The Order establishes necessary timelines for addressing the impacts on area groundwater and the Middle Fork of the Vermilion River, and provides for more meaningful public participation while moving toward the ultimate closure of the facility’s coal ash ponds.”

Dynegy owns the property in Oakwood, Illinois where the coal-fired Vermilion Power Station operated until November 2011. Dynegy’s operations involved burning coal to generate electricity . The process resulted in the generation of coal ash, which Dynegy dumped in man-made ponds at the site. Coal ash can contain a number of harmful byproducts that may adversely impact groundwater and the nearby Middle Fork of the Vermilion River, Illinois’ only national scenic river under the National Wild and Scenic Rivers Act. The river’s banks continue to steadily erode, and Raoul’s lawsuit alleges the proximity of the coal ash ponds in the flood plain further threatens the river’s well-being.

In [today’s lawsuit](#), Raoul and Lacy argue that by placing coal ash into the onsite ponds, Dynegy contaminated the surrounding groundwater and the Middle Fork of the Vermilion River. Raoul and Lacy point out that as long as the coal ash remains in the unlined ponds, it continues to pose a threat to groundwater and the river. Raoul and Lacy argue the presence of coal ash seriously jeopardizes public health and the environment.

Raoul and Lacy also filed an [agreed interim order](#) that, if entered, would require Dynegy to prepare a safety emergency response plan for the site that outlines circumstances that would trigger the emergency response and the procedures to be followed in the event of further contamination or erosion. The order also requires Dynegy to create written scopes of work for a groundwater collection trench and dewatering of the ponds, and to conduct riverbank inspections at the site. Dynegy must also prepare reports for public meetings at which the company will discuss plans for closure by removal of the coal ash that is currently in the ponds.

Bureau Chief Stephen Sylvester and Senior Assistant Attorney General Kathryn Pamerter are handling the case for Raoul’s Environmental Enforcement Division.