UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG - 1 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory L. Nelson
Senior Vice President, General Counsel and Secretary
Ameren Corporation
One Ameren Plaza
1901 Chouteau Avenue
St. Louis, Missouri 63103

RE: Notice of Violation and Finding of Violation
Ameren Corporation
Newton Generating Station, Newton, Illinois
(Note: Attachment contains **information Ameren claimed is Confidential Business Information**)

Dear Mr. Nelson:

The U. S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Ameren Energy Generating Company (Ameren). This NOV/FOV is issued in accordance with Section 113(a) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a).

EPA has determined that Ameren is violating the Prevention of Significant Deterioration requirements under Section 165 of the Act, 42 U.S.C. § 7475, New Source Performance Standards under Section 111 of the Act, 42 U.S.C. § 7411, the Operating Permit requirements under Title V of the Act, 42 U.S.C. §§ 7661 – 7661e, the Illinois State Implementation Plan, and the Illinois Clean Air Act Permit Program at its Newton generating station in Newton, Illinois.

EPA is offering you an opportunity to confer with us about the violations cited in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violations, and the steps you will take to bring the facilities into compliance. Please plan for your technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Monica Onyszko. You may call her at (312) 353-5139 to request a conference. You should make your request for a conference no later than 10 calendar days after you receive this letter, and we should hold any conference within 30 calendar days of

your receipt of this letter. EPA hopes that this NOV will encourage Ameren's compliance with the requirements of the Clean Air Act.

Sincerely,

George T. Czerniak
Acting Director
Air and Radiation Division

Enclosure: Notice of Violation and Finding of Violation EPA-5-12-IL-12

cc: Susan B. Knowles, Esq.
Ameren Corporation

Jane E. Montgomery, Esq.
Schiff Hardin LLP

Ray Pilapil, Air Quality Division
Illinois Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Ameren Energy Generating Company	)	**NOTICE OF VIOLATION and**
St. Louis, Missouri	)	**FINDING OF VIOLATION**
	)	
Proceedings Pursuant to	)	**EPA-5-12-IL-12**
Section 113(a)(1) and (a)(3) of the	)	
Clean Air Act,	)	
42 U.S.C. §7413(a)(1) and (a)(3)	)	
	)	

NOTICE OF VIOLATION AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation and Finding of Violation (NOV/FOV or Notice) under Section 113(a) of the Clean Air Act ("the Act"), 42 U.S.C. § 7413(a). The authority to issue this NOV/FOV has been delegated to the Regional Administrator of the U.S. Environmental Protection Agency, Region 5, and redelegated to the Director, Air and Radiation Division.

EPA finds that Ameren Energy Generating Company (Ameren) is violating the Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*, at its Newton generating station.

Note that Appendix A contains information Ameren claimed is Confidential Business Information.

STATUTORY AND REGULATORY BACKGROUND

1. The Clean Air Act is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

The National Ambient Air Quality Standards

2. Section 108(a) of the Act, 42 U.S.C. § 7408(a), requires the Administrator of EPA to identify and prepare air quality criteria for each air pollutant, emissions of which may endanger public health or welfare, and the presence of which results from numerous or diverse mobile or stationary sources. For each such "criteria" pollutant, Section 109 of the Act, 42 U.S.C. §.7409, requires EPA to promulgate national ambient air quality standards (NAAQS) to protect the public health and welfare.

3. Pursuant to Sections 108 and 109 of the Act, 42 U.S.C. §§ 7408 and 7409, EPA has identified ozone, particulate matter 2.5 micrometer in diameter or less ($PM_{2.5}$), particulate matter 10 micrometer in diameter or less (PM_{10}) and sulfur dioxide (SO_2) as criteria

pollutants, and has promulgated NAAQS for such pollutants. 40 C.F.R. §§ 50.4 - 50.7, 50.8 - 50.10, 50.13 and 50.15.

4. Under Section 107(d) of the Act, 42 U.S.C. § 7407(d), each state is required to designate those areas within its boundaries where the air quality is better or worse than the NAAQS for each criteria pollutant, or where the air quality cannot be classified due to insufficient data. An area that meets the NAAQS for a particular pollutant is termed an "attainment" area with respect to such pollutant. An area that does not meet the NAAQS for a particular pollutant is termed a "nonattainment" area with respect to such pollutant.

5. The attainment or nonattainment status of the location relevant to this NOV/FOV is listed below under the Factual Background section.

Prevention of Significant Deterioration Requirements

6. The Prevention of Significant Deterioration (PSD) provisions of Part C of Title I of the Act require preconstruction review and permitting of stationary sources in attainment/unclassifiable areas. *See* 42 U.S.C. §§ 7470-7492. Pursuant to applicable regulations, if a major stationary source located in an attainment area is planning to make a major modification, then that source must obtain a PSD permit before beginning actual construction. *See* 40 C.F.R. § 52.21. To obtain this permit, the source must, among other things, undergo a technology review and apply Best Available Control Technology (BACT); perform a source impact analysis; perform an air quality analysis and modeling; submit appropriate information; and conduct additional impact analyses as required.

7. Section 165(a) of the Act, 42 U.S.C. § 7475(a) prohibits the construction and subsequent operation of a "major emitting facility" in an area designated as attainment or unclassifiable unless a permit has been issued that comports with the requirements of Section 165 and the facility employs BACT for each pollutant subject to regulation under the Act that is emitted from the facility.

8. Section 169(1) of the Act, 42 U.S.C. § 7479(1), designates fossil-fuel fired steam electric plants of more than two hundred and fifty million British thermal units (BTUs) per hour heat input which emit or have the potential to emit one hundred tons per year (TPY) or more of any pollutant to be "major emitting facilities."

9. Section 169(2)(c) of the Act, 42 U.S.C. § 7479(2)(c), defines "construction" to include "modification" (as defined in Section 111(a) of the Act). "Modification" is defined in Section 111(a) of the Act, 42 U.S.C. § 7411(a), to be "any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted."

10. On June 19, 1978, EPA issued regulations implementing the federal PSD program at 40 C.F.R. § 52.21. *See* 43 Fed. Reg. 26,388, 26, 403 (June 19, 1978) (federal PSD

program). Since that time, the federal PSD regulations have been revised, with subsequent revisions incorporated under 40 C.F.R. § 52.21.

11. Sections 110(a) and 161 of the Act, 42 U.S.C. §§ 7410(a) and 7471, require each state to adopt a state implementation plan (SIP) that contains emission limitations and such other measures as may be necessary to prevent significant deterioration of air quality in areas designated as attainment or unclassifiable.

12. A state may comply with Sections 110(a) and 161 of the Act, 42 U.S.C. §§ 7410(a) and 7471, by having its own PSD regulations, which must be at least as stringent as those set forth at 40 C.F.R. § 51.166, approved by EPA as part of its SIP. If a state does not have a PSD program that has been approved by EPA and incorporated into its SIP, the federal PSD regulations set forth at 40 C.F.R. § 52.21 may be incorporated by reference into the SIP. 40 C.F.R. § 52.21(a).

13. On August 7, 1980, EPA disapproved Illinois' proposed PSD program and then incorporated by reference the PSD regulations of 40 C.F.R. § 52.21(b) through (w) into the Illinois SIP. 40 C.F.R. § 52.738 and 45 Fed. Reg. 52676, 52741 (Aug. 7, 1980). The federal PSD regulations appearing at 40 C.F.R. § 52.21 are still incorporated into and part of the Illinois SIP. On December 24, 2003, EPA issued a final rule incorporating newly promulgated paragraphs of the New Source Review (NSR) Reform rule, which includes revisions to the federal PSD program, into the Illinois SIP. 68 Fed. Reg. 74489 (Dec. 24, 2003).

14. The PSD regulations set forth in 40 C.F.R. § 52.21 apply to the construction of any new major stationary source (as defined in paragraph (b)(1) of this section) or any project at an existing major stationary source in an area designated as attainment or unclassifiable under Sections 107(d)(1)(A)(ii) or (iii) of the Act. 40 C.F.R § 52.21(a)(2).[1]

15. Under the PSD regulations, "major stationary source" is defined as to include a fossil fuel-fired steam electric plant of more than 250 million BTUs per hour heat input that emits, or has the potential to emit, 100 TPY or more of any regulated NSR pollutant. 40 C.F.R § 52.21(b)(1)(i)(a).[2]

16. Under the PSD regulations, "major modification" is defined at 40 C.F.R. § 52.21(b)(2)(i) as any physical change or change in the method of operation of a major stationary source that would result in a significant net emission increase of a regulated NSR pollutant.[3]

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[1] Prior to the March 3, 2003, effective date of the NSR Reform, the PSD rules applied to any "major stationary source" and any "major modification" with respect to each pollutant subject to regulation under the Act that it would emit in an attainment or unclassifiable area. 40 C.F.R. § 52.21(i)(2).

[2] Prior to March 3, 2003, the regulation defines "major stationary source" to include fossil fuel-fired steam electric plants of more than 250 million BTUs per hour heat input which emit or have the potential to emit 100 TPY or more of any regulated air pollutant. 40 C.F.R. § 52.21(b)(1)(i)(a).

[3] Prior to March 3, 2003, the PSD regulations defined "major modification" as "any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase" of a regulated pollutant. 40 C.F.R § 52.21(b)(2)(i).

17. Under the PSD regulations, "net emissions increase" is defined as the amount by which the sum of the following exceeds zero: "[a]ny increase in actual emissions from a particular physical change or change in method of operation at a stationary source" and "[a]ny other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable." 40 C.F.R. § 52.21(b)(3)(i).

18. Under the PSD regulations, a "significant" net emissions increase is defined as an increase in the rate of emissions that would equal or exceed any of the following rates for the following pollutants: 40 TPY of SO_2; 40 TPY of nitrogen oxides (NO_x); 25 TPY of particulate matter (PM); 15 TPY of PM_{10}; and 10 TPY of $PM_{2.5}$. 40 C.F.R. § 52.21(b)(23)(i).[4] Effective July 15, 2008, SO_2 is regulated as a precursor to $PM_{2.5}$, and NO_x is regulated as a presumed precursor to $PM_{2.5}$. 73 Fed. Reg. 28321, 28327-28 (May 16, 2008).

19. The PSD regulations define "actual emissions" as "the average rate, in TPY, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal operation." 40 C.F.R. § 52.21(b)(21)(i)-(ii).[5]

20. Under the PSD regulations, "construction" is defined as "any physical change or change in the method of operation (including fabrication, erection, installation, demolition or modification of an emissions unit) that would result in a change in emissions." 40 C.F.R. § 52.21(b)(8); *see also* 42 U.S.C. § 7479(2)(C) ("construction" includes the "modification" (as defined in Section 111(a) of the Act, 42 U.S.C. § 7411(a), of any source or facility).[6]

21. If a source is a major stationary source in an attainment or unclassifiable area planning to construct a major modification under the foregoing definitions, then it is subject to the requirements of paragraphs (j) through (r) of 40 C.F.R. § 52.21. 40 C.F.R. § 52.21(a)(2)(ii).[7]

22. A major stationary source subject to the requirements of paragraphs (j) through (r) must, among other things, perform an analysis of source impacts, perform air quality modeling and analysis, apply BACT and allow for meaningful public participation in the process. 40 C.F.R. § 52.21(j)-(r).

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[4] Prior to July 16, 2008, the PSD regulations stated that: "Significant means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission that would equal or exceed any of the following rates: ... Nitrogen oxides: 40 TPY; Sulfur dioxide: 40 TPY; Particulate matter: 25 TPY; PM_{10}: 15 TPY ..." 40 C.F.R § 52.21(b)(i)(23)(i).

[5] Prior to March 3, 2003, the PSD regulations defined "actual emissions" as the average rate, in TPY, at which the unit "actually emitted the pollutant during a two-year period which precedes the particular date" and which is representative of normal operation. 40 C.F.R. § 52.21(b)(21)(i)-(ii).

[6] Prior to March 3, 2003, the PSD regulations defined, "construction" to mean "any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit)" that "would result in a change in actual emissions." 40 C.F.R. § 52.21(b)(8).

[7] Prior to March 3, 2003, *see* 40 C.F.R. § 52.21(i).

23. 40 C.F.R § 52.21(j) requires that: 1) a major stationary source or major modification meet all applicable emissions limitations under the State Implementation Plan along with any standards of performance under 40 C.F.R. Parts 60 and 61; 2) any new major stationary sources apply best available control technology for each regulated NSR pollutant that it would have the potential to emit in significant amounts; and 3) a major modification apply best available control technology for each regulated NSR pollutant that it would have the potential to emit in significant amounts.[8]

24. No major stationary source to which the requirements of paragraphs (j) through (r) of 40 C.F.R. § 52.21 apply shall begin actual construction of a major modification without a permit which states that the stationary source or modification will meet those requirements (a PSD permit). 40 C.F.R. § 52.21(a)(iii).[9]

25. Any owner or operator of a source or modification subject to 40 C.F.R. § 52.21 who constructs or operates a source not in accordance with a PSD application or commences construction without applying for and receiving approval thereunder is subject to an enforcement action. 40 C.F.R. § 52.21(r)(1).

26. The Illinois SIP incorporates Section 9.1(d) of the Illinois Environmental Protection Act (Illinois Act), 415 Illinois Codified Statutes (ILCS) 5/9.1(d) [Section 9.1(d)]. On December 17, 2002, EPA approved Section 9.1(d) as part of the Illinois SIP. 40 C.F.R. § 52.720(c)(84)(i); 57 Fed. Reg. 59928 (Dec. 17, 1992).

27. Section 9.1(d) provides, in relevant part, that "[n]o person shall ... (2) construct, install, modify or operate any... facility, source or installation which is subject to regulation under Sections 165 [PSD] ... of the Clean Air Act, as now or hereafter amended, except in compliance with the requirements of such Sections and federal regulations adopted pursuant thereto . . ."

New Source Performance Standards

28. Under Section 111 of the Act, 42 U.S.C. § 7411, the Administrator promulgated the New Source Performance Standards (NSPS) General Provisions, at 40 C.F.R. Part 60, Subpart A, and the "Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978," codified at 40 C.F.R Part 60, Subpart Da. Subpart Da applies to each electric utility steam generating unit capable of combusting more than 73 megawatts (MWs) (250 million BTU per hour) heat input of fossil fuel (alone or in combination with any other fuel). 40 C.F.R § 60.40a(a)(1).

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[8] Prior to March 3, 2003, 40 C.F.R § 52.21(j) required that: 1) a major stationary source or major modification meet all applicable emissions limitations under the applicable State Implementation Plan along with any standards of performance under 40 C.F.R. Parts 60 and 61; 2) any new major stationary sources apply best available control technology for each pollutant subject to regulation under the Act that it would have the potential to emit in significant amounts; and 3) a major modification which would result in a significant net emissions increase apply best available control technology for each pollutant subject to regulation under the Act.

[9] Prior to March 3, 2003, *see* 40 C.F.R. § 52.21(i)(1).

29. 40 C.F.R. § 60.14(a) provides that "...any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of Section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere."

Title V Requirements

30. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), provides that no source may operate without a Title V permit after the effective date of any permit program approved or promulgated under Title V of the Act. EPA first promulgated regulations governing state operating permit programs on July 21, 1992. *See* 57 Fed. Reg. 32295; 40 C.F.R. Part 70.

31. Section 503 of the Act, 42 U.S.C. § 7661b, sets forth the requirement to submit a timely, accurate and complete application for a permit, including information required to be submitted with the application.

32. Section 504(a) of the Act, 42 U.S.C. § 7661c(a), requires that each Title V permit include enforceable emission limitations and standards, a schedule of compliance and other conditions necessary to assure compliance with applicable requirements, including those contained in a state implementation plan. 42 U.S.C. § 7661c(a).

33. 40 C.F.R. § 70.1(b) provides that: "All sources subject to these regulations shall have a permit to operate that assures compliance by the source with all applicable requirements." *See also* 415 ILCS 5/39.5.6.

34. 40 C.F.R § 70.2 defines "applicable requirement" to include "(1) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including revisions to that plan promulgated in Part 52 of this chapter . . ." *See also* 415 ILCS 5/39.5.1.

35. 40 C.F.R. § 70.7(b) provides that no source subject to 40 C.F.R. Part 70 requirements may operate without a permit as specified in the Act. *See also* 415 ILCS 5/39.5.6.

36. 40 C.F.R. § 70.5(a) and (c) require timely and complete permit applications for Title V permits with required information that must be submitted and 40 C.F.R. § 70.6 specifies required permit content. *See also* 415 ILCS 5/39.5.5 and 39.5.7.

37. 40 C.F.R. § 70.5(b) provides that: "Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date

it filed a complete application but prior to release of a draft permit." *See also* 415 ILCS 5/39.5.5 and 35 Illinois Administrative Code (IAC) 201.208.

Illinois' Title V Requirements

38. EPA gave interim approval of Illinois' Title V program on March 7, 1995. *See* 60 Fed. Reg. 12478 (effective on March 7, 1995). EPA fully approved the Illinois Title V program on December 4, 2001. *See* 66 Fed. Reg. 62946 (effective on November 30, 2001).

39. The Illinois regulations pursuant to Title V of the Act are located in 415 ILCS 5/39.5, which contain the Illinois Clean Air Act Permit Program (CAAPP). The regulations governing the Illinois Title V permitting program are codified at 35 IAC § 201, and are federally enforceable pursuant to Section 113(a)(3) of the Act.

40. 415 ILCS 5/39.5.5(a) provides that "an owner or operator of a CAAPP source shall submit its complete CAAPP application consistent with the [Illinois Protection] Act and applicable regulations."

41. 415 ILCS 5/39.5.5(c) provides that "to be deemed complete, a CAAPP application must provide all information . . . sufficient to evaluate the subject source and its application and to determine all applicable requirements, pursuant to the Clean Air Act, and regulations thereunder, [the Illinois Protection] Act and regulations thereunder."

42. 415 ILCS 5/39.5.6 provides that "it shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements" and that "all terms and conditions of a permit issued under this Section are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in the permit pursuant to paragraph (m) of subsection 7 of this the Section."

43. 415 ILCS 5/39.5.5(i) provides that "any applicant who fails to submit any relevant facts necessary to evaluate the subject source and its CAAPP application or who has submitted incorrect information in a CAAPP application shall, upon becoming aware of such failure or incorrect submittal, submit supplementary facts or correct information to the Agency. In addition, an applicant shall provide to the Agency additional information as necessary to address any requirements which become applicable to the source subsequent to the date the applicant submitted its complete CAAPP application but prior to release of the draft CAAPP permit."

Clean Air Act and Illinois Act Enforcement Provisions

44. Sections 113(a)(1) and (3) of the Act, 42 U.S.C. §§ 7413(a)(1) and (3), provide that the Administrator may bring a civil action in accordance with Section 113(b) of the Act whenever, on the basis of any information available, the Administrator finds that any

person has violated or is in violation of any other requirement or prohibition of, among other things: (1) the PSD requirements of Section 165(a) of the Act, 42 U.S.C. § 7475(a); (2) the federally-enforceable provisions of the Illinois SIP or any permit issued thereunder; and (3) Title V of the Act, 42 U.S.C. §§ 7661-7661f, or any rule or permit issued thereunder.

45. Section 167 of the Act, 42 U.S.C. § 7477, authorizes the Administrator to initiate an action for injunctive relief, as necessary, to prevent the construction, modification or operation of a major emitting facility that does not conform to the PSD requirements in Part C of the Act.

FACTUAL BACKGROUND

46. Ameren Corporation is incorporated in Missouri.

47. The Newton generating station is located in Jasper County, Illinois, an area classified as attainment for all applicable NAAQS during all times relevant to this Notice.

48. The Newton generating station is a fossil fuel-fired electric utility steam generating station with the potential to emit more than 100 TPY each of NO_x, SO_2 and PM. The Newton plant consists of two operating tangentially-fired coal boilers. Boiler #1 began operation on or around [redacted] 1977, and is connected to an approximately 617 MW turbine designated as Unit #1. Boiler #2 began operation on or around [redacted] 1982, and is connected to an approximately 617 MW turbine designated as Unit #2.

49. The Newton generating station is a fossil fuel-fired steam electric plant of more than 250 million BTU per hour. Therefore, it constitutes a "major stationary source" within the meaning of 40 C.F.R. § 52.21(b)(1)(i)(a); and a "major emitting facility" within the meaning of Section 169(1) of the Act, 42 U.S.C. § 7479(1).

50. Ameren completed physical changes and/or changes in the method of operation at its Newton generating station Units #1 and #2 as described in the attached Appendix A.

ALLEGED VIOLATIONS

51. The physical changes and/or changes in the method of operation performed in each outage identified in Appendix A caused a significant net emissions increase, as defined in 40 C.F.R. § 52.21 and the Illinois SIP, of SO_2, NO_x, and/or $PM/PM_{10}/PM_{2.5}$.

52. The physical changes and/or changes in the method of operation performed in each outage identified in Appendix A constitute a "major modification" under the Act, 40 C.F.R. § 52.21, and the Illinois SIP. Each outage listed in Appendix A is a major modification based on the entire scope of work performed during the outage. In these instances, the entire scope of work performed during the outage is properly considered together when determining whether a modification occurred. In addition, individual

physical changes and/or changes in the method of operation specifically listed in Appendix A also are major modifications without reference to the rest of the scope of work performed during the outage.

53. For the major modifications identified in Appendix A, Ameren failed to obtain a PSD permit as required by the Act, 40 C.F.R. § 52.21, and the Illinois SIP.

54. The Parties violated and continue to violate Section 165 of the Act, 42 U.S.C. § 7475, 40 C.F.R. § 52.21, and the Illinois SIP by constructing major modifications to existing major sources at the Newton generating station without applying for or obtaining PSD permits and operating the modified facilities without installing BACT.

55. The removal of the flue gas desulfurization (FGD) system at the Newton generating station Unit #1 was a "physical or operational change" as defined by 40 C.F.R. 60.14 of the NSPS. The change resulted in an increase in the emission rate of PM, SO_2, and NO_x, causing Newton Unit #1 to become an affected facility and subjecting Unit #1 to the requirements of 40 C.F.R. 60, Subpart Da. Ameren is in violation of 40 C.F.R. Part 60, Subpart Da for not complying with the requirements of 40 C.F.R. 60, Subpart Da.

56. The Parties failed and continue to fail to submit timely and complete Title V permit applications for the Newton generating station with information pertaining to the modifications identified in Paragraph 50 and Appendix A and with information concerning all applicable requirements, including, but not limited to, the requirement to apply, install and operate BACT for NO_x, SO_2 and/or PM at the plants and also failed to supplement or correct the Title V permit applications for these plants in violation of Sections 502, 503 and 504 of the Act, 42 U.S.C. §§ 7661a, 7661b and 7661c; the regulations at 40 C.F.R. Part 70, including, but not limited to, 40 C.F.R. §§ 70.1(b), 70.5, 70.6 and 70.7(b); and the Illinois Title V provisions at 415 ILCS 5/39.5 and 35 IAC 201.

Environmental Impact of Violations

57. Current scientific evidence links short-term NO_x exposures, ranging from 30 minutes to 24 hours, with adverse respiratory effects including airway inflammation in healthy people and increased respiratory symptoms in people with asthma. In addition, studies show a connection between breathing elevated short-term NO_x concentrations and increased hospital admissions for respiratory issues, especially asthma.

58. Current scientific evidence links short-term exposures to SO_2 ranging from 5 minutes to 24 hours, with an array of adverse respiratory effects including bronchoconstriction and increased asthma symptoms.

59. Particulate matter, especially fine particulates contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:

- irritation of the airways, coughing, and difficulty breathing;
- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

8/1/12

Date

George T. Czerniak
Acting Director
Air and Radiation Division

Contains Confidential Business Information (CBI)

Appendix A: Newton Generating Station

Unit	Dates[1]	Description[2]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

[1] The dates provided represent approximate dates the activities were completed.
[2] The list of activities described is not intended to be an exhaustive list, but rather a description of the major work completed.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation and Finding of Violation, No. EPA-5-12-IL-12, by Certified Mail, Return Receipt Requested, to:

Susan B. Knowles
Associate General Counsel
Ameren Corporation
One Ameren Plaza
1901 Chouteau Avenue
St. Louis, Missouri 63103

Gregory L. Nelson
Senior Vice President, General Counsel and Secretary
Ameren Corporation
One Ameren Plaza
1901 Chouteau Avenue
St. Louis, Missouri 63103

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First-Class Mail to:

Jane Montgomery, Esq.
Schiff Hardin LLP
233 South Wacker Drive, Suite 6600
Chicago, IL 60606

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62702

On the 1 day of Aug 2012.

Loretta Shaffer
Administrative Professional Assistant
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: Sent UPS