



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814 6026

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

217/785-0561

April 12, 2006

CERTIFIED MAIL # 7004 2510 0001 8655 9041  
RETURN RECEIPT REQUESTED

Exelon Generation - Byron  
Attn: Stephen Kuczynski, Site Vice President  
4450 North German Church Road  
Byron, IL 61010

Re: Violation Notice: EXELON GENERATION - BYRON STATION  
Violation Notice No.: M-2006-02007

Dear Mr. Kuczynski:

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

The Illinois EPA hereby provides notice of violations of environmental statutes, regulations or permits as set forth in Attachment A to this letter. Attachment A includes an explanation of the activities that the Illinois EPA believes may resolve the specified violations, including an estimate of a reasonable time period to complete the necessary activities. However, due to the nature and seriousness of the violations cited, 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. The response must address each violation specified in Attachment A and include for each, an explanation of the activities that will be implemented and the time schedule for the completion of each activity. Also, if a pollution prevention activity will be implemented, indicate that intention in any written response. The written response will constitute a proposed Compliance Commitment Agreement ("CCA") pursuant to Section 31 of the Act. The Illinois EPA will review the proposed CCA and will accept or reject the proposal within 30 days of receipt.

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EXELON GENERATION – BYRON STATION  
VN M-2006-02007

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 a referral to the prosecutorial authority.

Written communications should be directed to BEVERLY BOOKER at the ILLINOIS EPA, BUREAU OF WATER, CAS #19, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276. All communications must include reference to this Violation Notice number, M-2006-02007.

Questions regarding this Violation Notice should be directed to Gary Forsee at 217/785-0561.

Sincerely,



Michael S. Garretson, Manager  
Compliance Assurance Section  
Bureau of Water

Attachment

cc: Melburg, Peg  
Kerr, Stanley

cc addresses and bccs

Peg Melburg  
Environmental Manager, West  
Exelon Generation  
4300 Winfield Road  
Warrenville, IL 60555

Stanley Kerr  
4450 North German Church Road  
Byron, IL 61010

**ATTACHMENT A**

**EXELON GENERATION - BYRON STATION, VIOLATION NOTICE NO. M-2006-02007:**

Questions regarding the violations identified in this attachment should be referred to Gary Forsee at (217) 785-0561.

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.

**Groundwater Quality**

No person shall cause, threaten, or allow the release of any contaminant to a resource groundwater such that treatment or additional treatment is necessary to continue an existing use or to assure a potential use of such groundwater, or such that the existing or potential use of such groundwater is precluded. Exelon Generation - Byron Station must cease and desist of any further violations of the Act.

<u>Violation Date</u>	<u>Violation Description</u>
	Sampling results indicate violations of Section 12 of the Act, the General Prohibition Against Use Impairment of Resource Groundwater during the time period and at the location(s) designated below:
2/14/06	Five vacuum breaker valve vaults have standing water from leaks from valve failures. Sample results of the water show concentrations of tritium ranging from less than 1,000 pCi/L to 82,000 pCi/L of tritium. These concentration levels threaten the use of private wells of nearby homes.
Rule/Reg.	Section 12(a), and (d) of the Act, 415 ILCS 5/12, 35 Ill. Adm. Code 620.115, and 35 Ill. Adm. Code 620.301(a)(1) and (2).

<u>Violation Date</u>	<u>Violation Description</u>
	Sampling results indicate violations of Section 12 of the Act, the General Prohibition Against Use Impairment of Resource Groundwater during the time period and at the location(s) designated below:
3/30/06	The Agency was notified of samples in monitoring wells with detections of tritium above background.
	AR-3        459 pCi/L
	AR-4        3,572 pCi/L

ATTACHMENT A

EXELON GENERATION - BYRON STATION, VIOLATION NOTICE NO. M-2006-02007:

Rule/Reg. Section 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2004), 35 Ill. Adm. Code 620.115, and 35 Ill. Adm. Code 620.301(a) (1) and (2).

**Discharging Wastewaters Without NPDES Permit**

Determine the cause and extent of all wastewater discharges, including those containing tritium, which have exited Exelon's wastewater treatment and discharge system other than through the NPDES-permitted outfall discharge points and investigate corrective actions to eliminate such discharges. Submit a detailed response including a timetable for each corrective measure proposed. Compliance is expected to be pursued immediately.

<u>Violation Date</u>	<u>Violation Description</u>
02/14/06	Discharge of wastewater containing contaminants from areas other than the permitted outfall points.

Rule/Reg. Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and f) (2004); 35 Ill. Adm. Code 309.102(a).

**Failure to Ensure Proper Operation and Maintenance and Failure to Mitigate**

Determine the cause and extent of all wastewater discharges, including those containing tritium, which have exited Exelon's wastewater treatment and discharge system other than through the NPDES-permitted outfall discharge points and investigate corrective actions to eliminate such discharges. Submit a detailed response including a timetable for each corrective measure proposed. Compliance is expected to be pursued immediately.

<u>Violation Date</u>	<u>Violation Description</u>
02/14/06	Failure to prevent or mitigate the discharge of wastewater containing contaminants from areas other than permitted outfall points.

Rule/Reg. Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and f) (2004); 35 Ill. Adm. Code 306.102(a) and (b), 309.102(a); Standard Conditions 1, 4 and 5 of NPDES Permit No. IL0048313.

**ATTACHMENT A**

**EXELON GENERATION - BYRON STATION, VIOLATION NOTICE NO. M-2006-02007:**

**Failure to Report**

Determine the nature and cause of all instances where Exelon failed to report violations of the terms and conditions of its NPDES permit to the Illinois EPA as required by the Act, Illinois PCB regulations and the terms and conditions of Exelon's NPDES Permit No. IL0048313 and investigate corrective actions to eliminate such reporting failures. Submit a detailed response including a timetable for each corrective measure proposed. Compliance is expected to be pursued immediately.

<u>Violation Date</u>	<u>Violation Description</u>
02/14/06	Failure to provide notification of noncompliance to the Illinois EPA.
Rule/Reg.	Section 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2004); 35 Ill. Adm. Code 309.102(a); Standard Condition 12(e) and (f) of NPDES Permit No. IL0048313.