

**Capexel, LLC**  
Rd. 3, Km 19.9  
Canovanas, Puerto Rico 00729

October 10, 2022

**Via Certified and Electronic Mail**

Illinois EPA: Division of Water Pollution Control  
c/o Caleb Ruyle/CAS#19  
PO BOX 19276  
Springfield, Illinois 62794-9276

**Re: Agency Meeting Response Letter for Finch Development, LLC - Havana  
Power Station – W1250200004, VN: W-2022-50142**

Dear Mr. Ruyle:

Please accept this letter in response to the meeting I had with your office on September 21, 2022 to discuss the July 26, 2022 Violation Notice entitled “Finch Development, LLC – Havana Power Station – W1250200004, Violation Notice W-2022-50142” (the “VN”). This letter serves as Finch Development, LLC’s written response to the VN, and is submitted within twenty-one (21) days after our September 14th meeting.

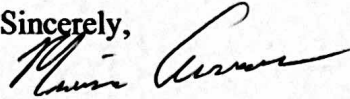
On behalf of Finch Development, LLC (“Finch”), I propose the following corrective actions, which may be memorialized in a Compliance Commitment Agreement (“CCA”) or via any other method that the Agency deems suitable:

- (1) Attached to this letter, and in response to the first of the two allegations in the VN, please find the Annual Consolidated Report for the 2021 calendar year pursuant to 35 Ill. Adm. Code 845.550(a) and (b).
- (2) As we discussed at the VN meeting, although Finch hopes to beneficially reuse the ash at the Havana Power Station, the timeline to establish of a concrete manufacturing facility is tentative. To that end, because Finch wants to ensure compliance with Part 845.700 *et seq.*, we will propose an alternative method of closure for your approval. As required by 35 Ill. Adm. Code 845.240, 845.710(e) and 845.700(h)(1), Finch will hold the two pre-application public meetings in November and/or December 2022 to discuss its closure alternatives analysis for closure of the CCR surface impoundments at the Havana Power Station, and we will submit a complete and thorough application for a Construction Permit within thirty (30) days of the public meeting. Going forward, Finch commits to meeting all deadlines enumerated in Part 845.700 *et seq.* for the swift and safe closure of the ponds.

Finch Development, LLC is committed to closing the surface impoundments at the Havana Power Station in compliance with 35 Ill. Adm. Code Part 845. We sincerely hope that these corrective actions will be sufficient to respond to the allegations in the VN, and that we can work cooperatively with the Agency in a quick and efficient manner to submit a compliant Construction Permit Application.

Do not hesitate to reach out with any questions or concerns. I look forward to hearing from you.

Sincerely,



Marissa L. Curran  
Environmental Counsel