

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IPH, LLC and)	
ILLINOIS POWER RESOURCES)	
GENERATING, LLC)	
(E.D. EDWARDS POWER PLANT),)	
)	
Petitioners,)	
)	
v.)	PCB 15-
)	(NPDES Permit Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY ,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

TO:

John Therriault, Clerk
 Illinois Pollution Control Board
 James R. Thompson Center
 100 West Randolph, Suite 11-500
 Chicago, Illinois 60601
 john.therriault@illinois.gov

Division of Legal Counsel
 Illinois Environmental Protection Agency
 1021 North Grand Avenue, East
 P.O. Box 19276
 Springfield, IL 62794-9276

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board, the **APPEARANCE OF JOSHUA R. MORE**, the **APPEARANCE OF RAGHAV MURALI** and **PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION AND MOTION FOR PARTIAL STAY**, copies of which are herewith served upon you.



Joshua R. More

Dated May 27, 2015

Joshua R. More
 Raghav Murali
 Schiff Hardin LLP
 233 South Wacker Drive
 Suite 6600
 Chicago, IL 60602
 (312) 258-5500

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PROTECTION AGENCY,)
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Respondent.)

PCB 15-_____
(NPDES Permit Appeal)

APPEARANCE

I hereby file my appearance in this proceeding on behalf of IPH, LLC and Illinois Power Resources, LLC (E.D. Edwards Power Plant).



Joshua R. More
SCHIFF HARDIN, LLP
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
312-258-5500
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Dated: May 27, 2015

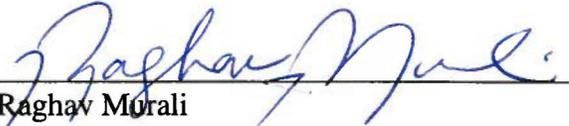
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SCHIFF HARDIN, LLP
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Dated: May 27, 2015

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ILLINOIS ENVIRONMENTAL PROTECTION)	(NPDES Permit Appeal)
AGENCY)	
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Respondent.)	

**PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION
AND MOTION FOR PARTIAL STAY**

Petitioners IPH, LLC (“IPH”) and Illinois Power Resources Generating, LLC (“IPRG”) (collectively, “Petitioners”), pursuant to Section 40(a) of the Illinois Environmental Protection Act (“Act”) (415 ILCS 5/40(a)), and Section 105.200 *et seq.* of the Illinois Administrative Code (35 Ill. Adm. Code 105.200 *et seq.*), contest certain conditions of the National Pollutant Discharge Elimination System (“NPDES”) permit issued by the Illinois Environmental Protection Agency (“IEPA” or “Agency”) on April 22, 2015 for the E.D. Edwards Power Plant (“Edwards”). A copy of the Edwards NPDES Permit No. IL0001970 (the “2015 Permit”) is attached as Exhibit A.

This Petition for Review of IEPA’s NPDES Permit Decision (“Petition”) asserts that IEPA’s attempt to preclude the discharge of non-chemical metal cleaning wastes in Special Condition 3 of the 2015 Permit is not lawful, not necessary to accomplish the purposes of the Act and Board regulations, and otherwise arbitrary and capricious. This Petition also asserts that the

Agency's issuance of the 2015 Permit to Illinois Power Holdings, LLC (now, IPH, LLC)¹ as the permittee (and the permittee's address as identified on the 2015 Permit) is erroneous and otherwise arbitrary and capricious. Petitioners request that the Board stay Special Condition 3. In support of this Petition and Motion for Partial Stay, Petitioners state as follows:

I. BACKGROUND

1. Petitioner IPRG owns and operates Edwards, a coal-fired steam electric generating plant located at 7800 South CILCO Road, Bartonville, Illinois 61607 (Peoria County). Edwards is an approximate 695 MW power plant that is authorized to discharge to the Illinois River. The facility employs approximately 106 people.

2. Prior to the 2015 Permit, Edwards operated under the NPDES permit issued in 2006 and attached as Exhibit B (the "2006 Permit"). An application to renew the 2006 Permit was timely made on or about July 23, 2010. IEPA issued a draft permit on or about January 16, 2013, and a hearing was held on August 7, 2013. IPRG commented on the draft permit, including on the issues raised herein. IEPA issued the 2015 Permit on April 22, 2015 and it became effective on May 1, 2015. Petitioner IPH received the 2015 Permit on or about April 24, 2015.

3. Petitioner IPH is an indirect parent company of IPRG. On December 2, 2013, IPH indirectly acquired the corporate entity owning Edwards and renamed that acquired entity IPRG. In advance of that corporate acquisition and company name change, on or about November 1, 2013, IPH filed a request for name change with the IEPA to identify IPRG as the permittee on the Edwards NPDES permit, including the pending renewal application. In that

¹ On April 30, 2015, Illinois Power Holdings, LLC was renamed IPH, LLC.

filing, IPH also included an Address Correction Form that requested a change in the permittee's address to 1500 Eastport Plaza Dr., Collinsville, IL 62234.

II. CHALLENGED CONDITION – SPECIAL CONDITION 3

4. The 2006 Permit authorized Edwards to discharge from Outfall 001 numerous contributory wastewater streams, including various non-chemical metal cleaning wastes. Ex. B, p. 2.

5. These non-chemical metal cleaning waste waters were characterized by IEPA and U.S. EPA as low volume waste.

6. As the Board is aware, technology-based-effluent limits (“TBELs”) for facilities such as Edwards were established by U.S. EPA in 1982 through its steam electric effluent limitation guidelines codified at 40 C.F.R. Part 423 (the “1982 ELG”). The 1982 ELG specifically did not establish numeric effluent limitations for non-chemical metal cleaning wastes (see, e.g., 40 C.F.R. 423.13(f)). Consequently, non-chemical metal cleaning wastes have long been properly regulated as “low volume waste sources”, defined at 40 C.F.R. 423.11(b), and authorized for discharge at Edwards through Outfall 001.

7. On or about July 23, 2010 an application was submitted to renew the 2006 Permit. That application did not seek removal of the authorization to discharge non-chemical metal cleaning wastes at Outfall 001.

8. The 2015 Permit, however, precludes the discharge of all metal cleaning wastes, which would arguably include non-chemical metal cleaning wastes, such as equipment water washes. *See* Special Condition 3 of the 2015 Permit, Ex. A. pg. 4.

9. IEPA's preclusion of a discharge authorized by the Clean Water Act is arbitrary and capricious and not in accordance with applicable law.

III. CHALLENGED CONDITION – NAME AND ADDRESS OF PERMITTEE

10. As issued by IEPA, the 2015 Permit names Illinois Power Holdings, LLC as the permittee with a mailing address of 604 Pierce Blvd., O’Fallon, Illinois 62269. Ex. A at pg. 1. Petitioners object to identification of Illinois Power Holdings, LLC as the named permittee and the incorrect identification of the (former) address for the permittee. IEPA acted erroneously and/or arbitrarily and capriciously in identifying the name and address of the permittee on the 2015 Permit. Accordingly, the name and address of the permittee should be modified to reflect IPRG as the permittee with its correct address.

IV. MOTION FOR PARTIAL STAY

11. Petitioners ask the Board to stay the effectiveness of Special Condition 3 of the 2015 Permit from the May 1, 2015 (the “Effective Date” of the 2015 Permit) until the later of (a) the Board’s final resolution of this Petition or, (b) if granted, the Agency’s issuance of a correct permit.

12. Once appealed to the Board, a permit applicant may seek to have the permit stayed in its entirety (*Borg-Warner v. Mauzy*, 427 N.E.2d 415 (Ill. App. 3d 1981)), or may seek a discretionary stay of only the contested conditions, allowing the remaining sections of the new permit to go into effect. *ConocoPhillips Co. v. IEPA*, PCB 12-101 (Apr. 5, 2012) (“ConocoPhillips”). In this instance, Petitioners have no objection to the balance of the conditions contained in the 2015 Permit and seek to stay only Special Condition 3 of the 2015 Permit.

13. The Board did not expressly state its reasoning in granting the petitioner a discretionary stay of contested conditions in *ConocoPhillips*. However, in the past the Board has referred to four factors in determining whether a discretionary stay is appropriate.

- a. a certain and clearly ascertainable right needs protection;

- b. irreparable injury will occur without the stay;
- c. no adequate remedy at law exists; and
- d. there is a probability of success on the merits.

Community Landfill Company and City of Morris v. IEPA, PCB 01-48 and 01-49 (consol.), slip op. at 5 (Oct. 19, 2000) (granting discretionary stay), citing *Motor Oils Refining Company, Inc. v. IEPA* (August 31, 1989), PCB 89-116; *Junkunc v. SJ. Advanced Technology & Mfg.*, 149 Ill. App. 3d 114, 498 N.E.2d 1170 (1st Dist. 1986). The Board need not find that all of these factors exist in order to grant a discretionary, partial stay. *Bridgestone/Firestone Off Road Tire Co. v. IEPA*, PCB 02-31 (Nov. 1, 2001).

14. A stay is necessary to protect Petitioners' right to appeal and to prevent the imposition of unlawful, arbitrary and capricious conditions before Petitioners are able to exercise their right to appeal and be heard by the Board. Thus, Petitioners have an ascertainable right that needs protection.

15. Petitioners will suffer irreparable injury if Special Condition 3 of the 2015 Permit is not stayed pending the outcome of this Petition. Compliance with the Special Condition 3 would require Petitioners to capture waste waters generated from cleaning equipment and discharge those waste waters offsite. Compliance with Special Condition 3 requires extensive modifications to how Edwards cleans equipment and to the piping of the existing waste treatment system (e.g., ash handling, sumps, and floor drains), as well as other modifications. The cost of these modifications would be substantial and implementation of these modifications would require various regulatory approvals and design, engineering and construction activities that would likely take between 36 and 48 months. Until such modifications were completed, Petitioners would not be able to comply with Special Condition 3, and if Petitioners complied

with Special Condition 3 and then succeeded on the merits of this Petition, the costs would be lost. Thus, Petitioners would suffer irreparable injury.

16. Petitioners have no other adequate remedy at law to prevent these injuries or to contest Special Condition 3; a permit appeal is the only remedy available.

17. It is also likely Petitioners will succeed on the merits of this Petition. Petitioners are prepared to demonstrate that based on the evidence of the administrative record, U.S. EPA guidance and IEPA practice, IEPA made incorrect determinations in precluding the discharge of non-chemical metal cleaning waste.

18. Finally, no harm to human health or the environment will result from staying Special Condition 3. Petitioners will continue to operate Edwards as it has been operated in the past. The non-chemical metal cleaning waste stream at issue will continue to be treated in the ash pond system as authorized by the 2006 Permit and Petitioners will continue to monitor Outfall 001 in accordance with the 2006 Permit. Also, as the Board has previously noted, regarding discretionary stays:

[T]he Board has tended to grant parties the relief they request. The Board believes that, in some cases, a permittee may find it advantageous to operate under most of the terms of a renewed permit, rather than under the terms of the old one. The Board finds nothing in the Act or APA that prevents a permittee from electing *not* to avail itself of the APA stay. In such situations, the permittee then would be operating under the terms of the most-recently issued permit, as to all but the conditions explicitly stayed by Board order.

AmerenEnergy Generating Co. v. IEPA, PCB 06-67 (Feb. 16, 2006).

19. The Board has granted discretionary stays in a number of cases, including *AkzoNobel Surface Chemistry, LLC v. IEPA*, PCB 13-49 (Apr. 18, 2013) (NPDES Permit Appeal); *Dynegy Midwest Generation, Inc. v. IEPA*, PCB 10-53 (Feb. 3, 2010) (NPDES Permit Appeal); *ExxonMobil Oil Corp. v. IEPA*, PCB 10-30 (Dec. 17, 2009) (NPDES Permit Appeal);

Citgo Petroleum Corporation v. IEPA, PCB No. 07-10 (Sept. 21, 2006) (NPDES Permit Appeal); *Midwest Generation, LLC, Will County Generating Station v. IEPA*, PCB 06-156, slip op. at 5-6 (July 20, 2006) (CAAPP permit appeal)); *Community Landfill Co. and City of Morris v. IEPA*, PCB 01-48, 01-49 (consol.), slip op. at 4 (Oct. 19, 2000) (landfill operating permits).

WHEREFORE, Petitioners respectfully move the Board to grant a stay of effectiveness of Special Condition 3 of the 2015 Permit from May 1, 2015 until the later of (a) the Board's final resolution of this Petition or, (b) if granted, the Agency's issuance of a correct permit. Moreover, Petitioners respectfully request that the Board grant review of the Agency's issuance of the 2015 NPDES Permit as set forth above and remand the 2015 Permit to the Agency for reissuance consistent with law and Petitioners' request as set forth above.

IPH, LLC and Illinois Power Resources
Generating, LLC

Respectfully submitted,



Joshua R. More

Dated: May 27, 2015

Joshua R. More
SCHIFF HARDIN, LLP
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
312-258-5500
jmore@schiffhardin.com

EXHIBIT A

2015 NPDES PERMIT NO. IL0001970



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

217/782-0610

April 22, 2015

Illinois Power Holdings, LLC
604 Pierce Blvd.
O'Fallon, Illinois 62269

Re: Illinois Power Holdings, LLC - E.D. Edwards Power Plant
NPDES Permit No. IL0001970
Final Permit

Gentlemen:

Attached is the final NPDES Permit for your discharge. The Permit as issued covers discharge limitations, monitoring, and reporting requirements. Failure to meet any portion of the Permit could result in civil and/or criminal penalties. The Illinois Environmental Protection Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge.

Based on comments from hearing and USEPA the following changes were made to the draft permit:

1. The name has been changed to reflect an ownership change.
2. The compliance schedule in Special Condition 4 has been updated. The compliance schedule outlines a single compliance date and pathway.
3. Special Condition 17 has been updated to include the requirements of the new 316(b) final rule that became effective August 15, 2014.
4. The monitoring for Mercury at Outfall 001 has been changed from 2/Year to 1/Month.
5. Special Condition 22 was added to the permit to allow the Permittee to pump ash pond water from the outlet control riser to the Illinois River during periods of time when the ash pond cannot discharge through Outfall 001.
6. The Agency has required the Permittee to develop a new procedure to determine the Illinois River flow data in Special Condition 4 Part J.
7. Special Condition 4 was modified to require all submissions of information or compliance dates to be from the effective date of the permit for consistent purposes.

The Agency has begun a program allowing the submittal of electronic Discharge Monitoring Reports (NetDMRs) instead of paper Discharge Monitoring Reports (DMRs). If you are interested in NetDMRs, more information can be found on the Agency website, <http://epa.state.il.us/water/net-dmr/index.html>. If your facility is not registered in the NetDMR program, a supply of preprinted paper DMR Forms for your facility will be sent to you prior to the initiation of DMR reporting under the reissued permit. Additional information and instructions will accompany the preprinted DMRs upon their arrival.

The attached Permit is effective as of the date indicated on the first page of the Permit. Until the effective date of any re-issued Permit, the limitations and conditions of the previously-issued Permit remain in full effect. You have the right to appeal any condition of the Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

Should you have questions concerning the Permit, please contact Jamie Cowles at the 217/782-0610.

Sincerely,



Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control

SAK:DEL:JMC:11072601 IL0001970 Illinois Power Holding.doc

Attachment: Final Permit

cc: Records
Compliance Assurance Section
USEPA
Peoria Region
Billing

NPDES Permit No. IL0001970

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: April 30, 2020

Issue Date: April 22, 2015

Effective Date: May 1, 2015

Name and Address of Permittee:

Illinois Power Holdings, LLC
604 Pierce Blvd.
O'Fallon, Illinois 62269

Facility Name and Address:

Illinois Power Holdings, LLC
E.D. Edwards Power Plant
7800 South CILCO Road
Bartonville, Illinois 61607
(Peoria County)

Discharge Number and Name:

001 Ash Pond Discharge
002 Condenser Cooling Water
B02 Boiler Blowdown
003 Intake Screen Backwash
004 Stormwater

Receiving Waters:

Illinois River
Illinois River
Illinois River
Illinois River
Illinois River

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of Ill. Adm. Code, Subtitle C and/or Subtitle D, Chapter 1, and the Clean Water Act (CWA), the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.



Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control

NPDES Permit No. IL0001970

Effluent Limitations and Monitoring

1. From the effective date of this permit until the expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

PARAMETER	LOAD LIMITS lbs/day <u>DAF (DMF)</u>		CONCENTRATION <u>LIMITS mg/l</u>		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall 001: Ash Pond Discharge* (DAF = 5.24 MGD)						
					Approximate Flow	
1. Fly Ash Sluice Water					Intermittent	
2. Bottom Ash, Economizer Ash and Pyrites Sluice Water					2.60 MGD	
3. Air Preheater Wash Water					Intermittent	
4. Water Treatment Filter Backwash					0.074 MGD	
5. Boiler and Turbine Room Sumps					2.49 MGD	
6. Coal Pile Runoff					Intermittent	
7. Yard Substation and Track Drains					Intermittent	
Total:					5.24 MGD	
Flow (MGD)					1/Week	24 Hour Total
pH	See Special Condition 1				1/Week	Grab
Total Suspended Solids			15	30	1/Week	8 Hour Composite
Oil and Grease			15	20	1/Month	Grab
Mercury**	Monitor Only				1/Month	Grab

*Normal operations employ dry and wet fly ash handling. See Special Condition 18 for additional monitoring requirements.

**Minimum reporting for Mercury is 1.0 ng/L (1 part per trillion). Utilize USEPA Method 1631E and the digestion procedure described in Section 11.1.1.2 of 1631E.

See Special Condition 22 for Emergency Outfall requirements.

NPDES Permit No. IL0001970

Effluent Limitations and Monitoring

1. From the effective date of this permit until the expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

PARAMETER	<u>LOAD LIMITS lbs/day</u>		<u>CONCENTRATION</u>		SAMPLE FREQUENCY	SAMPLE TYPE
	<u>30 DAY AVERAGE</u>	<u>DAILY MAXIMUM</u>	<u>30 DAY AVERAGE</u>	<u>DAILY MAXIMUM</u>		
Outfall: 002 Condenser Cooling Water (DAF = 351 MGD)						
					Approximate Flow	
1. Main Condenser Cooling Water					319 MGD	
2. Turbine Auxiliary Cooling Water					32.4 MGD	
3. Miscellaneous Equipment Cooling Water					1.1 MGD	
4. Boiler Blowdown					0.021 MGD	
5. Roof Drains					Intermittent	
Total:					351 MGD	
Flow (MGD)					Daily	Continuous
Total Residual Chlorine	See Special Condition 5			0.05	1/Week	Grab
Temperature	See Special Condition 4				Daily	Continuous
Outfall: B02 Boiler Blowdown (DAF = 0.003 MGD)						
Flow (MGD)					2/Year*	24 Hour Total
pH	See Special Condition 1				2/Year*	Grab
Total Suspended Solids			15	30	2/Year*	8 Hour Composite
Oil and Grease			15	20	2/Year*	Grab

*Reported on June and December DMR's.

Outfall: 003 Intake Screen Backwash (DAF = 0.05 MGD)

During maintenance of trash rack or intake screen, any debris collected shall not be returned to the river but shall be properly disposed.

Outfall: 004 Stormwater

See Special Condition 13.

Special Conditions

SPECIAL CONDITION 1. The pH shall be in the range 6.0 to 9.0. The monthly minimum and monthly maximum values shall be reported on the DMR form.

SPECIAL CONDITION 2. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

SPECIAL CONDITION 3. Metal cleaning waste is not allowed to be discharged under this permit.

SPECIAL CONDITION 4. This facility meets the criteria for establishment of a formal mixing zone for thermal discharges pursuant to 35 Ill. Adm. Code 302.102. Water quality standards for temperature listed in table below must be met at every point outside of the mixing zone except as provided herein this Special Condition.

A.

	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>
°F	60	60	60	90	90	90	90	90	90	90	90	60
°C	16	16	16	32	32	32	32	32	32	32	32	16

B. There shall be no abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.

The normal daily and seasonal temperature fluctuations which existed before the addition of heat due to other than natural causes shall be maintained.

C. The maximum temperature rise above natural temperatures shall not exceed 2.8° C (5° F).

D. The water temperature at the edge of the mixing zone shall not exceed the maximum limits in the above table during more than one percent of the hours in the 12 month period ending with any month. Moreover, at no time shall the water temperature at the edge of the mixing zone exceed the maximum limits in the table above by more than 1.7° C (3° F).

E. The monthly maximum temperature, at the edge of the mixing zone, shall be reported on the DMR form, along with the total number of hours the temperature has exceeded the applicable limitations in the table above.

F. The permittee shall implement one of the methods in Paragraph G below for determining compliance with the limitations in the above table, within 180 days of the effective date of this permit (unless provided for in Paragraph H and I). In addition, the permittee must determine the dimensions of the mixing zone, and submit this information to the Agency within 180 days of the effective date of this permit.

G. The permittee shall determine compliance with the above limitations by one of the following methods.

1. Direct thermal monitoring, at an approved location, in the receiving stream at the edge of the mixing zone.
2. Monitor end of pipe temperature. Utilize an approved thermal program model that predicts the temperature at the edge of thermal mixing zone taking in to account the end of pipe temperature.
3. An alternative method approved by the Agency. The alternative method must be submitted to the Agency and approved by the Bureau of Water – Standards Development Unit.

H. If an alternative method is submitted to the Agency then the applicant shall submit that plan within a 90-day time period of the effective date of the permit. The plan shall include a contingency plan to implement an approved method in case the alternative plan is denied. Agency Pre-approved methods are listed in paragraph G.1 and G.2 of this special condition.

The applicant will be allowed a three month implementation schedule once a method is selected and approved. The implementation schedule shall be submitted to the Agency.

I. Schedule of Compliance with Final Effluent Limitations

If the applicant determines the facility is unable to demonstrate compliance with the water quality standards for temperature, then the applicant must follow the Compliance Schedule below.

The Permittee shall achieve compliance with the final effluent limitations as specified in this special condition for Outfall 002 as soon as possible, but no later than forty-eight (48) months from the effective date of this permit:

Special Conditions

1. The Permittee shall prepare a written Implementation Plan (IP); and an implementation schedule, including significant steps and dates for completion of planning, design and construction phases as necessary and required for achieving compliance with the thermal effluent limitations listed in this condition (Section A, B, C, and D). The Permittee shall submit the IP to the IEPA, Compliance Assurance Section and the Industrial NPDES Permit Section as soon as possible, but no later than six (6) months of the effective date of this permit.

The implementation schedule(s) set forth in the IP shall be such that compliance is achieved as indicated above within 48 months from the effective date of this permit.

IEPA shall provide written comments to the permittee within 30 days of receipt of the IP. If comments are made, IEPA will provide the permittee the opportunity to discuss any comments and provide a revised/approvable IP in response to IEPA comments. The approved IP and the compliance Implementation Schedule(s) set forth in the IP shall be incorporated by reference in this permit. Any subsequent changes to the compliance Implementation Schedule(s) included in the IP due to unforeseen situations shall require prior review/approval by IEPA and shall become part of this permit.

The IP shall include significant steps for achieving compliance with the final effluent limits (e.g., planning, design and construction, biological studies, data collection, thermal relief requests) and provide Implementation Schedule(s), timelines/dates for such significant steps. The limits for temperature for Outfall 002 shall become effective 48 months from the effective date of this permit, unless the effluent limits can be met at an earlier date. Monitoring and reporting of the effluent temperature from Outfall 002 is required during the interim period. See Section J on this condition for interim compliance formula.

The permittee shall notify the IEPA, Compliance Assurance Section as soon as the final effluent limits can be met. Upon receipt of such notification by IEPA, the final temperature limits for Outfall 002 will become effective.

2. The Permittee shall submit a certification of 50% implementation schedule completion as defined in the IP to the IEPA, Compliance Assurance Section and include the completed compliance implementation significant steps as stated in the IP and the Compliance Schedule no later than twenty-four (24) months from the effective date of this permit or within 30 days of completion, whichever is earlier.
3. The Permittee shall submit a certification of 75% implementation schedule completion as defined in the IP to the IEPA, Compliance Assurance Section and include the completed compliance implementation significant steps as stated in the IP and the Compliance Schedule no later than thirty-six (36) months from the effective date of this permit or within 30 days of completion, whichever is earlier. The Permittee is not required to include as part of this certification any completed significant step(s) that was included as part of the certification in Section I.2 of this condition.
4. If applicable within thirty (30) days of completion of construction for compliance with the effluent limits, the Permittee shall file with the Industrial NPDES Permits Section and Compliance Assurance Section of IEPA, a notice of installation for the additional pollutant control equipment and any modifications along with a design summary as applicable.
5. If applicable within thirty (30) days of completion of final approval of thermal relief from board order, the Permittee shall file with the Industrial NPDES Permits Section and Compliance Assurance Section of IEPA, a permit modification request for adjusted standards/limit.
6. The Permittee shall comply with the final effluent temperature limitations no later than forty-eight (48) months from the effective date of this permit.
7. If the Permittee fails to comply with any deadline contained in the approved IP or subsequent approved schedules by IEPA, the permittee shall, within fourteen (14) days following the missed deadline, submit a written notice of noncompliance to the IEPA, Compliance Assurance Section, stating the cause of noncompliance, and remedial action taken or planned, and the probability of meeting the date fixed for compliance with final effluent limitations.

The IEPA may initiate a modification of the compliance schedule set out in this Permit at any time, to include other dates which are necessary to carry out the provisions of the Illinois Environmental Protection Act, the Federal Clean Water Act or regulations promulgated under those Acts. If necessary Public Notice of such modification and opportunity for public hearing shall be provided.

Reporting

The Permittee shall submit a report no later than fourteen (14) days following the completion dates indicated for each numbered item in the compliance schedule, indicating, a) the date the item was completed, or b) that the item was not completed. All reports shall be submitted to IEPA at the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control

Special Conditions

Attention: Compliance Assurance Section, Mail Code #19
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

J. Interim methodology for compliance.

The permittee shall determine compliance by direct measurement or by using the equations below, until methodology is approved in paragraph G of this condition or as outlined in paragraph I of this Special Condition.

(Total Flow of Outfall 002)

$$(\text{Flow of River}) \times (\text{Outlet Temperature} - \text{Inlet Temperature}) = \text{Temperature Rise of the River}$$

To determine the maximum temperature of the river use:

$$\text{Temperature Rise of the River} + \text{Inlet Temperature} = \text{Maximum River Temperature.}$$

The calculation shall be performed hourly and the monthly maximum temperature shall be reported on DMR.

E.D. Edwards Station shall utilize the best available flow information to estimate real-time Illinois River flow at the established mixing zone. E.D. Edwards Station shall submit a proposed river flow estimating procedure to the Agency for approval within 60 days of the effective date of this permit. The proposed procedure shall consider the flow estimates at the Peoria Lock and Dam and Kingston Mines gaging station and the various natural and artificial flow controls within that reach of the Illinois River. Until a new flow estimating procedure is approved by the Agency, E.D. Edwards Station may continue to use river flow data from the Kingston Mines gaging station. Measured Kingston Mines flows will be adjusted to exclude Mackinaw River inflows immediately upstream from the Kingston Mines gaging station, and 7Q10 flows from Lost Creek and LaMarsh Creek.

SPECIAL CONDITION 5. The sample date, the total flow from Outfall 002 (MGD), the condenser cooling water flow (MGD), the total residual chlorine concentration and pounds of chlorine applied shall be reported for each sampling date. Sampling shall be conducted during time periods when chlorination is performed. The permittee shall notify this Agency in writing one week prior to the beginning of chlorination and one week prior to the discontinuance of chlorination each year.

All samples for Total Residual Chlorine shall be analyzed by an applicable method contained in 40 CFR 136, equivalent in accuracy to low-level amperometric titration. Any analytical variability of the method used shall be considered when determining the accuracy and precision of the results obtained.

The effluent limit to determine water quality standards compliance is 0.05 mg/L.

SPECIAL CONDITION 6. There shall be no discharge of polychlorinated biphenyl compounds (PCBs).

SPECIAL CONDITION 7. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) Forms using one such form for each outfall each month.

In the event that an outfall does not discharge during a monthly reporting period, the DMR Form shall be submitted with no discharge indicated.

The Permittee may choose to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA. More information, including registration information for the NetDMR program, can be obtained on the IEPA website, <http://www.epa.state.il.us/water/net-dmr/index.html>.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 15th day of the following month, unless otherwise specified by the permitting authority.

Permittees not using NetDMRs shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Attention: Compliance Assurance Section, Mail Code # 19

SPECIAL CONDITION 8. The provisions of 40 CFR 122.41(m) and 122.41(n) are applicable to this permit.

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SPECIAL CONDITION 9. If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

SPECIAL CONDITION 10. The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

SPECIAL CONDITION 11. For the purpose of this permit, the discharge outfall 002 is limited to main condenser cooling water, turbine auxiliary cooling water, miscellaneous equipment cooling water, boiler blowdown and roof drains, free from other wastewater discharges.

In the event the permittee shall require the use or change (increase of feed rate or quantity used) of water treatment additives other than those previously approved by this Agency or provided in the renewal application dated July 23, 2010, the permittee shall request a modification of this permit in accordance with the Standard Conditions – Attachment H.

The following information must be submitted to the Agency for review and approval prior to the additive's use.

1. Brand name.
2. The function of the water treatment additive.
3. The Material Safety Data Sheet (MSDS) for the additive, which must include:
 - a. Product ingredients.
 - b. Aquatic life toxicity estimates for the product.
4. The proposed application rate of the product, including:
 - a. The frequency and duration of usage.
 - b. The dose (ppm) and the application rate (gallons/day) within the system.
 - c. The volume (MGD) of water the product is applied into.
5. Information regarding the fate of the product within the system, such as:
 - a. Neutralization – Dechlorination or pH buffering.
 - b. Degradation – Breakdown within the system, with a retention pond, or from biological treatment.
 - c. Internal dilution with other waste streams prior to outfall.
6. A flow diagram showing the point of application within the system.
7. The final outfall from which the additive would be discharged.
8. The estimated concentration of the final product.

The additive shall not be used until Agency approval has been issued.

SPECIAL CONDITION 12. No effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.

SPECIAL CONDITION 13.

The following Stormwater Pollution Prevention Plan is applicable to discharges tributary to Outfall 004.

See Special Condition 14 for discharges tributary to Outfall 001.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

A. A storm water pollution prevention plan shall be maintained by the permittee for the storm water associated with industrial activity at this facility. The plan shall identify potential sources of pollution which may be expected to affect the quality of storm water discharges associated with the industrial activity at the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The permittee shall modify the plan if substantive changes are made or occur affecting compliance with this condition.

1. Waters not classified as impaired pursuant to Section 303(d) of the Clean Water Act.

Unless otherwise specified by federal regulation, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event.

2. Waters classified as impaired pursuant to Section 303(d) of the Clean Water Act

For any site which discharges directly to an impaired water identified in the Agency's 303(d) listing, and if any parameter in the subject discharge has been identified as the cause of impairment, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations, the storm water pollution prevention plan shall adhere to a more restrictive design criteria.

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- B. The operator or owner of the facility shall make a copy of the plan available to the Agency at any reasonable time upon request.
- Facilities which discharge to a municipal separate storm sewer system shall also make a copy available to the operator of the municipal system at any reasonable time upon request.
- C. The permittee may be notified by the Agency at any time that the plan does not meet the requirements of this condition. After such notification, the permittee shall make changes to the plan and shall submit a written certification that the requested changes have been made. Unless otherwise provided, the permittee shall have 30 days after such notification to make the changes.
- D. The discharger shall amend the plan whenever there is a change in construction, operation, or maintenance which may affect the discharge of significant quantities of pollutants to the waters of the State or if a facility inspection required by paragraph H of this condition indicates that an amendment is needed. The plan should also be amended if the discharger is in violation of any conditions of this permit, or has not achieved the general objective of controlling pollutants in storm water discharges. Amendments to the plan shall be made within 30 days of any proposed construction or operational changes at the facility, and shall be provided to the Agency for review upon request.
- E. The plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from storm water outfalls at the facility. The plan shall include, at a minimum, the following items:
1. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate. Any map or portion of map may be withheld for security reasons.
 2. A site map showing:
 - i. The storm water conveyance and discharge structures;
 - ii. An outline of the storm water drainage areas for each storm water discharge point;
 - iii. Paved areas and buildings;
 - iv. Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.
 - v. Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);
 - vi. Surface water locations and/or municipal storm drain locations
 - vii. Areas of existing and potential soil erosion;
 - viii. Vehicle service areas;
 - ix. Material loading, unloading, and access areas.
 - x. Areas under items iv and ix above may be withheld from the site for security reasons.
 3. A narrative description of the following:
 - i. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
 - ii. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
 - iii. Existing structural and non-structural control measures to reduce pollutants in storm water discharges;
 - iv. Industrial storm water discharge treatment facilities;
 - v. Methods of onsite storage and disposal of significant materials.
 4. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities. Also provide a list of any pollutant that is listed as impaired in the most recent 303(d) report.

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5. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
 6. A summary of existing sampling data describing pollutants in storm water discharges.
- F. The plan shall describe the storm water management controls which will be implemented by the facility. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The description of the storm water management controls shall include:
1. Storm Water Pollution Prevention Personnel - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.
 2. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
 3. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
 4. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill cleanup equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
 5. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
 - i. Containment - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff. To the maximum extent practicable storm water discharged from any area where material handling equipment or activities, raw material, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water should not enter vegetated areas or surface waters or infiltrate into the soil unless adequate treatment is provided.
 - ii. Oil & Grease Separation - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges.
 - iii. Debris & Sediment Control - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges.
 - iv. Waste Chemical Disposal - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges.
 - v. Storm Water Diversion - Storm water diversion away from materials manufacturing, storage and other areas of potential storm water contamination. Minimize the quantity of storm water entering areas where material handling equipment of activities, raw material, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water using green infrastructure techniques where practicable in the areas outside the exposure area, and otherwise divert storm water away from exposure area.
 - vi. Covered Storage or Manufacturing Areas - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
 - vii. Storm Water Reduction - Install vegetation on roofs of buildings within adjacent to the exposure area to detain and evapotranspire runoff where precipitation falling on the roof is not exposed to contaminants, to minimize storm water runoff; capture storm water in devices that minimize the amount of storm water runoff and use this water as appropriate based on quality.
 6. Sediment and Erosion Prevention - The plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion. The plan shall describe measures to limit erosion.

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7. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
 8. Inspection Procedures - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.
- G. Non-Storm Water Discharge - The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharge. The certification shall include a description of any test for the presence of non-storm water discharges, the methods used, the dates of the testing, and any onsite drainage points that were observed during the testing. Any facility that is unable to provide this certification must describe the procedure of any test conducted for the presence of non-storm water discharges, the test results, potential sources of non-storm water discharges to the storm sewer, and why adequate tests for such storm sewers were not feasible.
- H. Quarterly Visual Observation of Discharges - The requirements and procedures for quarterly visual observations are applicable to all outfalls covered by this condition.
1. You must perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation must be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, you are excused from the visual observations requirement for that quarter, provided you document in your records that no runoff occurred. You must sign and certify the document.
 2. Your visual observation must be made on samples collected as soon as practical, but not to exceed 1 hour or when the runoff or snow melt begins discharging from your facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The observation must document: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. If visual observations indicate any unnatural color, odor, turbidity, floatable material, oil sheen or other indicators of storm water pollution, the permittee shall obtain a sample and monitor for the parameter or the list of pollutants in Part E.4.
 3. You must maintain your visual observation reports onsite with the SWPPP. The report must include the observation date and time, inspection personnel, nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
 4. You may exercise a waiver of the visual observation requirement at a facility that is inactive or unstaffed, as long as there are no industrial materials or activities exposed to storm water. If you exercise this waiver, you must maintain a certification with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water.
 5. Representative Outfalls - If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, you may conduct visual observations of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s).
 6. The visual observation documentation shall be made available to the Agency and general public upon written request.
- I. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.
- J. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated there under, and Best Management Programs under 40 CFR 125.100.
- K. The plan is considered a report that shall be available to the public at any reasonable time upon request.
- L. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.
- M. Facilities which discharge storm water associated with industrial activity to municipal separate storm sewers may also be subject to additional requirement imposed by the operator of the municipal system

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Construction Authorization

Authorization is hereby granted to construct treatment works and related equipment that may be required by the Storm Water Pollution Prevention Plan developed pursuant to this permit.

This Authorization is issued subject to the following condition(s).

- N. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee there upon waives all rights there under.
- O. The issuance of this authorization (a) does not release the permittee from any liability for damage to persons or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (b) does not take into consideration the structural stability of any units or part of this project; and (c) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or other applicable local law, regulations or ordinances.
- P. Plans and specifications of all treatment equipment being included as part of the stormwater management practice shall be included in the SWPPP.
- Q. Construction activities which result from treatment equipment installation, including clearing, grading and excavation activities which result in the disturbance of one acre or more of land area, are not covered by this authorization. The permittee shall contact the IEPA regarding the required permit(s).

REPORTING

- R. The facility shall submit an electronic copy of the annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part I of this condition. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s). The annual inspection report is considered a public document that shall be available at any reasonable time upon request.
- S. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.
- T. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.
- U. The permittee shall retain the annual inspection report on file at least 3 years. This period may be extended by request of the Illinois Environmental Protection Agency at any time.

Annual inspection reports shall be mailed to the following address:

Illinois Environmental Protection Agency
Bureau of Water
Compliance Assurance Section
Annual Inspection Report
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

- V. The permittee shall notify any regulated small municipal separate storm sewer owner (MS4 Community) that they maintain coverage under an individual NPDES permit. The permittee shall submit any SWPPP or any annual inspection to the MS4 community upon request by the MS4 community.

SPECIAL CONDITION 14. The Agency has determined that for outfall 001 the effluent limitations in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities for purposes of this permit reissuance, and no pollution prevention plan will be required for such storm water. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated storm water discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

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SPECIAL CONDITION 15. For the purpose of this permit, discharge from Outfall 004 is limited to storm water, free from process and other wastewater discharges.

SPECIAL CONDITION 16. Illinois Power Holding Company, LLC. E.D. Edwards Power Plant has complied with Section 302.211(f) of Title 35, Chapter 1, Subtitle C: of Water Pollution Regulations by demonstrating that thermal discharge from E. D. Edwards Generating Station has not caused and cannot reasonably be expected to cause significant ecological damage to the Illinois River as stated and approved in PCB order 80-90 dated February 19, 1981. Pursuant to 35 Ill. Adm. Code 302.211(g) no additional thermal demonstration is being required for reissuance of this NPDES Permit.

SPECIAL CONDITION 17. Cooling Water Intake Structure

Based on available information, the Agency has determined that the operation of the cooling water intake structure meets the equivalent of Best Technology Available (BTA) in accordance with the Best Professional Judgment provisions of 40 CFR 125.3 and 40 CFR 125.90(b), based on information available at the time of permit reissuance.

However, the Permittee shall comply with the requirements of the Cooling Water Intake Structure Existing Facilities Rule as found at 40 CFR 122 and 125. Any application materials and submissions required for compliance with the Existing Facilities Rule, shall be submitted to the Agency no later than 4 years from the effective date of this permit.

If for any reason, the Cooling Water Intake Structure Existing Facilities Rule is stayed or remanded by the courts, the Permittee shall comply with the requirements below. The information required below is necessary to further evaluate cooling water intake structure operations based on the most up to date information, in accordance with the Best Professional Judgment provisions of 40 CFR 125.3 and 40 CFR 125.90(b), in existence prior to the effective date of the new Existing Facilities Rule:

- A. The permittee shall submit the following information/studies within 4 years of the effective date of the permit:
 - 1. Source Water Physical Data to include:
 - a. A narrative description and scaled drawings showing the physical configuration of all source water bodies used by the facility including aerial dimensions, depths, salinity and temperature regimes;
 - b. Identification and characterization of the source waterbody's hydrological and geomorphological features, as well as the methods used to conduct any physical studies to determine the intake's area of influence and the results of such studies; and
 - c. Location maps.
 - 2. Source Waterbody Flow Information

The permittee shall provide the annual mean flow of the waterbody, any supporting documentation and engineering calculations to support the analysis of whether the design intake flow is greater than five percent of the mean annual flow of the river or stream for purposes of determining applicable performance standards. Representative historical data (from a period of time up to 10 years) shall be used, if available.
 - 3. Impingement Mortality and Entrainment Characterization Study

The permittee shall submit an Impingement Mortality and Entrainment Characterization Study whose purpose is to provide information to support the development of a calculation baseline for evaluating impingement mortality and entrainment and to characterize current impingement mortality and entrainment. The Study shall include the following in sufficient detail to support establishment of baseline conditions:

 - a. Taxonomic identification of all life stages of fish and shellfish and any species protected under Federal, State, or Tribal law (including threatened or endangered species) that are in the vicinity of the cooling water intake structure(s) and are susceptible to impingement and entrainment;
 - b. A characterization of all life stages of fish and shellfish, and any species protected under Federal, or State law, including a description of the abundance and temporal and spatial characteristics in the vicinity of the cooling water intake structure(s). These may include historical data that are representative of the current operation of the facility and of biological conditions at the site; and
 - c. Documentation of the current impingement mortality and entrainment of all life stages of fish, shellfish, and any species protected under Federal, State, or Tribal Law (including threatened or endangered species) and an estimate of impingement mortality and entrainment to be used as the calculation baseline. The documentation may include historical data that are representative of the current operation of the facility and of biological conditions at the site. Impingement mortality and

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entrainment samples to support the calculations required must be collected during periods of representative operational flows for the cooling water intake structure and the flows associated with the samples must be documented.

- B. The permittee shall comply with the following requirements:
1. At all times properly operate and maintain the intake equipment as demonstrated in the application material supporting the BTA determination.
 2. Inform IEPA of any proposed changes to the cooling water intake structure or proposed changes to operations at the facility that affect impingement mortality and/or entrainment.
 3. Debris collected on intake screens is prohibited from being discharged back to the canal. Debris does not include living fish or other living aquatic organisms.
 4. Compliance Alternatives. The permittee must evaluate each of the following alternatives for establishing BTA for minimizing adverse environmental impacts at the facility due to operation of the intake structure:
 - a. Evaluate operational procedures and/or propose facility modifications to reduce the intake through-screen velocity to less than 0.5 ft/sec. The operational evaluation may consider modified circulating water pump operation; reduced flow associated with capacity utilization, recalculation or determination of actual total water withdrawal capacity. The evaluation report and any implementation plan for the operational changes and/ or facility modification shall be submitted to the Agency with the renewal application for this permit.
 - b. Complete a fish impingement and entrainment mortality minimization alternatives evaluation. The evaluation may include an assessment of modification of the traveling screens, consideration of a separate fish and debris return system and include time frames and cost analysis to implement these measures. The evaluation report and implementation plan for any operational changes and/ or facility modifications shall be submitted to the Agency with the renewal application for this permit.
- C. All required reports shall be submitted to the Industrial Unit, Permit Section and Compliance Assurance Section at the address in Special Condition 7.

This special condition does not relieve the permittee of the responsibility of complying with any other laws, regulations, or judicial orders issued pursuant to Section 316(b) of the Clean Water Act.

SPECIAL CONDITION 18. The Permittee shall monitor the effluent from outfall 001 for the following parameters on a semi-annual basis. This Permit may be modified with public notice to establish effluent limitations if appropriate, based on information obtained through sampling. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted to the address in special condition 7 in June and December. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

<u>STORET CODE</u>	<u>PARAMETER</u>	<u>Minimum reporting limit</u>
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01022	Boron	0.1 mg/L
01027	Cadmium	0.001 mg/L
00940	Chloride	0.1 mg/L
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (grab) (weak acid dissociable)	5.0 ug/L
00720	Cyanide (grab not to exceed 24 hours) (total)	5.0 ug/L
00951	Fluoride	0.1 mg/L
01045	Iron (total)	0.5 mg/L
01046	Iron (Dissolved)	0.5 mg/L
01051	Lead	0.05 mg/L
01055	Manganese	0.5 mg/L
01067	Nickel	0.005 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
00945	Sulfate	0.1 mg/L
01077	Silver (total)	0.003 mg/L
01092	Zinc	0.025 mg/L

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Unless otherwise indicated, concentrations refer to the total amount of the constituent present in all phases, whether solids, suspended, or dissolved, elemental or combined, including all oxidation states.

SPECIAL CONDITION 19. The discharge of a reportable quantity is not subject to the reporting requirements of Section 311 of the Clean Water Act, if such discharge is in compliance with this permit and such activity was reviewed and made part of the public record in accordance with the issuance of this permit. The permittee is exempt from Section 311 reporting for discharges meeting the terms and conditions as found at 40 CFR 117.12.

SPECIAL CONDITION 20. Application of GE Betz ClamTrol CT-2 and CT-4 with detoxification for macroinvertebrate control:

- A. Application of GE Betz ClamTrol CT-2 and CT-4 is authorized on an intermittent basis. The products shall not be used simultaneously or in consecutive twelve hour periods.
- B. Spectrus CT1300 and BULAB 6086 shall be injected at a rate sufficient to achieve a 5 mg/l concentration in the service water pump discharge header of the fire protection system. The application shall occur for twelve consecutive hours and not exceed three annual molluscicide applications.
- C. The discharge shall be completely detoxified as necessary using bentonite clay product. The detoxification chemical shall be injected at a ratio of 6.3 parts bentonite clay product to 1 part of detected GE Betz ClamTrol CT-2 and CT-4. The detoxification chemical shall be injected as far up stream as possible to allow for optimum mixing.
- D. The discharge for GE Betz ClamTrol CT-2 and CT-4 shall be below detection (< 0.2 PPM). The discharge concentration shall be monitored at least twice during the twelve hour period following the application period.

SPECIAL CONDITION 21. The Permittee shall prepare a preliminary plan for biomonitoring and submit the plan to IEPA for review and approval within ninety (90) days of the effective date of this Permit. The Permittee shall begin biomonitoring of the effluent discharge when molluscicides (other than GE Betz ClamTrol CT-2 and CT-4) are in the discharge within ninety (90) days after approval of the biomonitoring plan or other such date as contained in the IEPA's notification letter.

Biomonitoring

1. Acute Toxicity - Standard definitive acute toxicity tests shall be run on at least two (2) trophic levels of aquatic species (fish, invertebrate) representative of the aquatic community of the receiving stream. Except as noted here and in the IEPA document "Effluent Biomonitoring and Toxicity Assessment", testing must be consistent with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (Fourth Ed.) EPA-600/4-90-027F. Results shall be reported in accordance with Section 12 of the USEPA document. Unless substitute tests are pre-approved; the following tests are required:
 - a. Fish - 96 hour static or static renewal LC₅₀ Bioassay using 1- to 14-day old fathead minnows (*Pimephales promelas*).
 - b. Invertebrate 48-hour static LC₅₀ Bioassay using *Ceriodaphnia*.
2. Testing Frequency - The above tests shall be conducted the first two times each molluscicide (other than Clam-Trol) is used when either molluscicide is in the discharge. Tests shall be performed using effluent grab samples unless otherwise authorized by the IEPA. Results shall be submitted to IEPA within one (1) week of becoming available to the Permittee.

Should the results of one sampling event for either molluscicide (other than Clam-Trol) indicate toxicity, the Permittee shall discontinue use of that molluscicide until the permittee demonstrates to the Agency that the molluscicide will be applied in a manner and at a quantity and feed rate that will not cause toxicity. The permittee shall submit the results of the above indicated tests to the IEPA Division of Water Pollution Control/Planning Section at the address indicated in Special Condition 7.
3. The IEPA may modify this Permit during its term to incorporate additional requirements or limitations based on the results of the biomonitoring. In addition, after review of the monitoring results, the IEPA may modify this Permit to include numerical limitations for specific toxic pollutants. Modifications under this condition shall follow public notice and opportunity for hearing.

SPECIAL CONDITION 22.

Emergency Outfall Requirements and Procedures

In the event the Illinois River level reaches or exceeds an elevation of 447' as measured at the Peoria Lock and Dam MET Station, the Outfall 001 ash pond discharge valve shall be closed to prevent river water from entering the ash pond. If the ash pond water level reaches an elevation of 452' as measured at the staff gage at the Outfall 001 structure, the permittee may temporarily pump ash pond water over the levee into the Illinois River to maintain safe water levels in the pond at the same location the Outfall 001 discharge pipe enters the Illinois River.

Temporary pumping from Outfall 001 under this condition shall be conducted in accordance with the following requirements:

Special Conditions

- A. To the extent practicable, the Permittee shall implement measures to minimize plant flows to the ash pond in order to minimize the amount of ash pond water discharged under this condition.
- B. The Permittee shall notify the Agency by telephone prior to the start of pumping, including identification of the type of pump(s) to be used, the maximum pump output, and an estimate of the anticipated duration of pumping.
- C. The Permittee shall secure any required permits by the IEPA Bureau of Air based on the type and size of equipment used for temporary pumping.
- D. The facility manager must authorize the use of temporary pumping prior to the start of pumping, and ensure the facility will provide oversight of the pumping operation, including compliance with this condition.
- E. The pump(s) shall be located near the existing Outfall 001 structure. To the extent practicable, the pump suction shall be placed within the turbidity curtain surrounding the outlet structure. The pump suction shall be maintained as close as possible to the ash pond water surface level in order to prevent pumping of sediments from the bottom of the pond.
- F. Pumped pond water effluent shall be directed to the Illinois River in an area near existing Outfall 001. The pump discharge line must be securely anchored to the River levee at the point of discharge. Pumping shall not cause any erosion (rills) or degradation of levee.
- G. The Permittee shall collect a grab sample of the pumped discharge twice per day while temporary pumping occurs. The grab sample shall be analyzed for pH and TSS. Samples shall be taken at a minimum of 8 hours apart. Results of the daily sampling conducted under this condition and an estimate of the total daily pumped flow (in MGD), for each day temporary pumping occurs shall be reported on the DMR.
- H. The Permittee shall promptly notify the Agency by telephone if daily TSS sampling results of the pumped discharge is greater than the daily maximum TSS limit for Outfall 001.
- I. The Permittee may continue pumping to maintain safe water levels in the ash pond until gravity flow from the ash pond to the river can be resumed.
- J. Until the pond reaches safe water levels the pond berm shall be inspected daily to ensure the integrity of berm.
- K. The Permittee shall maintain records of each day that the temporary pumping occurs, documenting the daily elevation of the ash pond water level and the Illinois River level, the required daily sampling, pond berm inspection log, and estimated daily flow (total MGD) of the pumped discharge.
- L. Mercury monitoring is required 1/week during discharge from the temporary emergency outfall and required for any discharge(s) lasting more than 24-hours in a week.
- M. If the discharge occurs more than 2 weeks continuously or if discharge(s) occurs for more than 30 days in a three month period, then a sample shall be taken and analyzed of the metals listed in Special Condition 18. IEPA Peoria Field Office shall be notified prior to sampling, and sampling results shall be sent separately to the IEPA Compliance Assurance Section, and Peoria Field Office.

Attachment H**Standard Conditions****Definitions**

Act means the Illinois Environmental Protection Act, 415 ILCS 5 as Amended.

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) means Pub. L 92-500, as amended. 33 U.S.C. 1251 et seq.

NPDES (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

USEPA means the United States Environmental Protection Agency.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Maximum Daily Discharge Limitation (daily maximum) means the highest allowable daily discharge.

Average Monthly Discharge Limitation (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Discharge Limitation (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Aliquot means a sample of specified volume used to make up a total composite sample.

Grab Sample means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

24-Hour Composite Sample means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

8-Hour Composite Sample means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

Flow Proportional Composite Sample means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency upon request, copies of records required to be kept by this permit.

(9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) **Monitoring and records.**

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
- (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

(11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.

- (a) **Application.** All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized

representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a); and
 - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
 - (3) The written authorization is submitted to the Agency.
- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(12) **Reporting requirements.**

- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
 - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
- (d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit

- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (2) Any upset which exceeds any effluent limitation in the permit.
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.
The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
- (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
- (h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Bypass.**
- (a) Definitions.
 - (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
- (c) Notice.
- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
- (d) Prohibition of bypass.
- (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The permittee submitted notices as required under paragraph (13)(c).
 - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
 - (4) The permittee complied with any remedial measures required under paragraph (4).
 - (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

- (15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
- (a) **Transfers by modification.** Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
- (b) **Automatic transfers.** As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:
- (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
 - (3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
- (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
 - (4) The level established by the Agency in this permit.
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
 - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
 - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
- (23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.
- (28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

EXHIBIT B

2006 NPDES PERMIT NO. IL0001970



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

217/782-0610 ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

January 11, 2006

Ameren Energy Resources Generating Company
MC 602
P.O. Box 66149
St. Louis, MO 63166

Re: Ameren Energy Resources Generating Company
 Ameren Energy - E.D. Edwards Power Plant
 NPDES Permit No. IL0001970
 Final Permit

Gentlemen:

Attached is the final NPDES Permit for your discharge. The Permit as issued covers discharge limitations, monitoring, and reporting requirements. Failure to meet any portion of the Permit could result in civil and/or criminal penalties. The Illinois Environmental Protection Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge.

The Agency appreciates your involvement in the NPDES notice process. The Agency has reviewed your request to remove limits for Total Suspended Solids and Oil and Grease from internal outfall B02. The Agency is unable to grant this request because limits for TSS and Oil and Grease are required for boiler blowdown in the federal regulations at 40 CFR 423.12(b)(3). Therefore, the Agency must include limits for these parameters in the reissued permit.

The Agency has reviewed your request to use molluscicides as part of a Macroinvertebrate Control Plan. The proposed activity is acceptable. Should you wish to use any additional additives, you must notify the Agency as outlined in Special Condition 14.

Please note that the Agency has removed all mention of internal outfall A01-Chemical Metal Cleaning Waste. The renewal permit does not authorize the discharge of chemical metal cleaning wastes. Should you desire to resume discharging chemical metal cleaning wastes to waters of the state, you must submit the appropriate forms to the Agency 180 days in advance of planned resuming of discharge.

The Agency has begun a program allowing the submittal of electronic Discharge Monitoring Reports (eDMRs) instead of paper Discharge Monitoring Reports (DMRs). If you are interested in eDMRs, more information can be found on the Agency website, <http://epa.state.il.us/water/edmr/index.html>. If your facility is not registered in the eDMR program, a supply of preprinted paper DMR Forms for

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

your facility will be sent to you prior to the initiation of DMR reporting under the reissued permit. Additional information and instructions will accompany the preprinted DMRs upon their arrival.

In addition, a monthly low-level mercury monitoring requirement was added for outfall 001. Special Condition 17 was included to outline the specifics of this new monitoring requirement.

The Permit as issued is effective as of the date indicated on the first page of the Permit. You have the right to appeal any condition of the Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

Should you have questions concerning the Permit, please contact Darin LeCrone at the telephone number indicated above.

Sincerely,



Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control

SAK:BAK:BMB:05062802.daa

Attachment: Final Permit

cc: Records
Compliance Assurance Section
Peoria Region

NPDES Permit No. IL0001970

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: January 31, 2011

Issue Date: January 11, 2006

Effective Date: February 1, 2006

Name and Address of Permittee:

Ameren Energy Resources Generating Company
MC 602
P.O. Box 66149
St. Louis, MO 63166

Facility Name and Address:

Ameren Energy Resources Generating Company
E.D. Edwards Power Plant
7800 South CILCO Road
Bartonville, Illinois 61607
(Peoria County)

Discharge Number and Name:

1 Ash Pond Discharge
2 Condenser Cooling Water
A02 Sewage Treatment Plant Effluent
B02 Boiler Blowdown
003 Intake Screen Backwash
004 Stormwater

Receiving Waters:

Illinois River
Illinois River
Illinois River
Illinois River
Illinois River
Illinois River

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of Ill. Adm. Code, Subtitle C and/or Subtitle D, Chapter 1, and the Clean Water Act (CWA), the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.



Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control

SAK:BMB:05062802.daa

NPDES Permit No. IL0001970

Effluent Limitations and Monitoring

1. From the effective date of this permit until the expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall(s): 001 Ash Pond Discharge*						
This discharge consists of the following:						
1. Fly Ash Sluice Water					3.06 MGD	
2. Bottom Ash, Economizer Ash and Pyrites Sluice Water					1.07 MGD	
3. Air Preheater Wash Water					Intermittent	
4. Lime Softening Water Treatment Waste					0.035 MGD	
5. Water Treatment Filter Backwash					Intermittent	
6. Demineralizer Regenerant Waste					0.035 MGD	
7. Boiler and Turbine Room Sumps					1.03 MGD	
8. Coal Pile Runoff					Intermittent	
9. Yard Substation and Track Drains					Intermittent	
Total:					5.27 MGD	
Flow (MGD)					1/Week	24 Hour Total
pH	See Special Condition 1				1/Week	Grab
Total Suspended Solids			15	30	1/Week	8 Hour Composite
Oil and Grease			15	20	1/Month	Grab
Mercury	See Special Condition 17				1/Month	Grab

*Normal operations employ dry and wet fly ash handling.

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Effluent Limitations and Monitoring

1. From the effective date of this permit until the expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall(s): 002 Condenser Cooling Water					Approximate Flow	
This discharge consists of the following:						
1. Main Condenser Cooling Water					319 MGD	
2. Turbine Auxiliary Cooling Water					32.4 MGD	
3. Miscellaneous Equipment Cooling Water					1.1 MGD	
4. Sewage Treatment Plant Effluent					0.007 MGD	
5. Boiler Blowdown					0.021 MGD	
6. Roof Drains					Intermittent	
Total:					352.6 MGD	
Flow (MGD)					Daily	Continuous
Total Residual Chlorine*			0.05		1/Week	Grab
Temperature	See Special Condition 3				1/Day	Calculation

Outfall(s): A02 Sewage Treatment Plant Effluent (DMF 0.021 MGD)

Approximate Flow is 0.007 MGD

Flow (MGD)					1/Month	Estimate
pH	See Special Condition 1				1/Month	Grab
Total Suspended Solids	5.3	11	30	60	1/Month	8 Hour Composite
BOD ₅	5.3	11	30	60	1/Month	8 Hour Composite
Fecal Coliform	See Special Condition 4				1/Month	Grab

Special Condition 5

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Effluent Limitations and Monitoring

1. From the effective date of this permit until the expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall(s): B02 Boiler Blowdown						
Approximate Flow is 0.021 MGD						
Flow (MGD)					2/Month	Estimate
pH	See Special Condition 1				2/Month	Grab
Total Suspended Solids			15	30	2/Month	8 Hour Composite
Oil and Grease			15	20	2/Month	8 Hour Composite

Outfall(s): 003 Intake Screen Backwash

Approximate Flow is 0.05 MGD

During maintenance of trash rack or intake screen, any debris collected shall not be returned to the river but shall be properly disposed.

Outfall(s): 004 Stormwater

See Special Condition 15.

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SPECIAL CONDITION 1. The pH shall be in the range 6.0 to 9.0. The monthly minimum and monthly maximum values shall be reported on the DMR form.

SPECIAL CONDITION 2. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

SPECIAL CONDITION 3. Discharge of wastewater from this facility must not alone or in combination with other sources cause the receiving stream to violate the following thermal limitations at the edge of the mixing zone which is defined by Section 302.211, Illinois Administration Code, Title 35, Chapter 1, Subtitle C, as amended:

- A. Maximum temperature rise above natural temperature must not exceed 5°F (2.8°C).
- B. Water temperature at representative locations in the main river shall not exceed the maximum limits in the following table during more than one (1) percent of the hours in the 12-month period ending with any month. Moreover, at no time shall the water temperature at such locations exceed the maximum limits in the following table by more than 3°F (1.7°C). (Main river temperatures are temperatures of those portions of the river essentially similar to and following the same thermal regime as the temperatures of the main flow of the river.)

	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>
°F	60	60	60	90	90	90	90	90	90	90	90	60
°C	16	16	16	32	32	32	32	32	32	32	32	16

The permittee shall determine if the effluent exceeds the above limitations by direct measurement or by using the following equations:

$$\frac{\text{Total Flow of Outfall 002}}{\text{Flow of River}} \times (\text{Outlet Temperature} - \text{Inlet Temperature}) = \text{Temperature rise of the River}$$

to determine the maximum temperature of the river use:

$$\text{Temperature Rise of the River} + \text{Inlet Temperature} = \text{Maximum River Temperature.}$$

SPECIAL CONDITION 4. The daily maximum fecal coliform count shall not exceed 400 per 100 mL.

SPECIAL CONDITION 5. The sample date, the total flow from Outfall 002 (MGD), the condenser cooling water flow (MGD), the total residual chlorine concentration and pounds of chlorine applied shall be reported for each sampling date. Sampling shall be conducted during time periods when chlorination is performed. The permittee shall notify this Agency in writing one week prior to the beginning of chlorination and one week prior to the discontinuance of chlorination each year.

The discharge shall comply with the 0.011 mg/L TRC water quality standard at the edge of the mixing zone. Compliance with the water quality standard shall be determined by measuring TRC in the effluent. The effluent limit to determine water quality standards compliance is 0.05 mg/L.

SPECIAL CONDITION 6. Ameren Energy Resources Generating Company Edwards Power Plant has complied with Section 302.211F of Title 35, Chapter 1, Subtitle C: Water Pollution Regulations and Section 316(a) of the CWA by demonstrating that thermal discharge from E. D. Edwards Generating Station has not caused and cannot reasonably be expected to cause significant ecological damage to the Illinois River as stated and approved in PCB order 80-90 dated February 19, 1981. Pursuant to 35 Ill. Adm. Code 302/211(g) no additional monitoring or modification is being required for reissuance of this NPDES Permit.

SPECIAL CONDITION 7. Ameren Energy Resources Generating Company, formerly Central Illinois Light Company, demonstrated for E.D. Edwards Power Plant, compliance with the previous 316(b) ruling, as indicated in the Agency letter of December 4, 1981.

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SPECIAL CONDITION 8. The Permittee's facility has been deemed to meet the criteria as a Phase II existing facility (under section 316(b) of the Clean Water Act) pursuant to 40 CFR 125.91. Therefore, the permittee must fulfill the applicable requirements of 40 CFR 125 Subpart J, and 40 CFR 122(r)(2), (3) and (5). The regulation at 40 CFR 125.95 requires submittal of a Proposal for Information Collection (PIC) to support the development of a Comprehensive Demonstration Study (CDS) for the herein permitted facility. The PIC will be reviewed by the Agency and a response will be provided. An extension of time to submit the CDS has been granted. Therefore, you must submit your CDS on or before January 7, 2008. Once the CDS has been reviewed by the Agency and a compliance strategy has been approved, this permit will be modified to include implementation, monitoring, and reporting requirements pursuant to 40 CFR 125.98.

SPECIAL CONDITION 9. There shall be no discharge of polychlorinated biphenyl compounds (PCBs).

SPECIAL CONDITION 10. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) Forms using one such form for each outfall each month.

In the event that an outfall does not discharge during a monthly reporting period, the DMR Form shall be submitted with no discharge indicated.

The Permittee may choose to submit electronic DMRs (eDMRs) instead of mailing paper DMRs to the IEPA. More information, including registration information for the eDMR program, can be obtained on the IEPA website, <http://www.epa.state.il.us/water/edmr/index.html>.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 15th day of the following month, unless otherwise specified by the permitting authority.

Permittees not using eDMRs shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Attention: Compliance Assurance Section, Mail Code # 19

SPECIAL CONDITION 11. The provisions of 40 CFR 122.41(m) and 122.41(n) are applicable to this permit.

SPECIAL CONDITION 12. If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

SPECIAL CONDITION 13. The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

SPECIAL CONDITION 14. For the purpose of this permit, the discharge outfall 002 is limited to main condenser cooling water, turbine auxiliary cooling water, miscellaneous equipment cooling water, sewage treatment plant effluent, boiler blowdown and roof drains, free from other wastewater discharges. In the event that the permittee shall require the use or change in use of water treatment additives, other than those additives outlined in the renewal application, the permittee must request a change in this permit in accordance with the Standard Condition -- Attachment H.

SPECIAL CONDITION 15.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

For outfall 004, a storm water pollution prevention plan shall be developed by the permittee for the storm water associated with industrial activity at this facility. The plan shall identify potential sources of pollution which may be expected to affect the quality of storm water discharges associated with the industrial activity at the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.

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- B. The plan shall be completed within 180 days of the effective date of this permit. Plans shall provide for compliance with the terms of the plan within 365 days of the effective date of this permit. The owner or operator of the facility shall make a copy of the plan available to the Agency at any reasonable time upon request. [Note: If the plan has already been developed and implemented it shall be maintained in accordance with all requirements of this special condition.]
- C. The permittee may be notified by the Agency at any time that the plan does not meet the requirements of this condition. After such notification, the permittee shall make changes to the plan and shall submit a written certification that the requested changes have been made. Unless otherwise provided, the permittee shall have 30 days after such notification to make the changes.
- D. The discharger shall amend the plan whenever there is a change in construction, operation, or maintenance which may affect the discharge of significant quantities of pollutants to the waters of the State or if a facility inspection required by paragraph G of this condition indicates that an amendment is needed. The plan should also be amended if the discharger is in violation of any conditions of this permit, or has not achieved the general objective of controlling pollutants in storm water discharges. Amendments to the plan shall be made within the shortest reasonable period of time, and shall be provided to the Agency for review upon request.
- E. The plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from storm water outfalls at the facility. The plan shall include, at a minimum, the following items:
1. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate.
 2. A site map showing:
 - I. The storm water conveyance and discharge structures;
 - II. An outline of the storm water drainage areas for each storm water discharge point;
 - III. Paved areas and buildings;
 - IV. Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.
 - V. Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);
 - VI. Surface water locations and/or municipal storm drain locations
 - VII. Areas of existing and potential soil erosion;
 - VIII. Vehicle service areas;
 - IX. Material loading, unloading, and access areas.
 3. A narrative description of the following:
 - I. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
 - II. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
 - III. Existing structural and non-structural control measures to reduce pollutants in storm water discharges;
 - IV. Industrial storm water discharge treatment facilities;
 - V. Methods of onsite storage and disposal of significant materials;

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4. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities.
 5. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
 6. A summary of existing sampling data describing pollutants in storm water discharges.
- F. The plan shall describe the storm water management controls which will be implemented by the facility. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The description of the storm water management controls shall include:
1. Storm Water Pollution Prevention Personnel - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.
 2. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
 3. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
 4. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
 5. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
 - I. Containment - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff;
 - II. Oil & Grease Separation - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges;
 - III. Debris & Sediment Control - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges;
 - IV. Waste Chemical Disposal - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges.
 - V. Storm Water Diversion - Storm water diversion away from materials manufacturing, storage and other areas of potential storm water contamination;
 - VI. Covered Storage or Manufacturing Areas - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
 6. Sediment and Erosion Prevention - The plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion and describe measures to limit erosion.
 7. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.

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8. Inspection Procedures - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.
- G. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.
- H. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.
- I. The plan is considered a report that shall be available to the public under Section 308(b) of the CWA. The permittee may claim portions of the plan as confidential business information, including any portion describing facility security measures.
- J. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.

Construction Authorization

- K. Authorization is hereby granted to construct treatment works and related equipment that may be required by the Storm Water Pollution Prevention Plan developed pursuant to this permit.

This Authorization is issued subject to the following condition(s).

1. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee there upon waives all rights thereunder.
2. The issuance of this authorization (a) does not release the permittee from any liability for damage to persons or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (b) does not take into consideration the structural stability of any units or part of this project; and (c) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or other applicable local law, regulations or ordinances.
3. Plans and specifications of all treatment equipment being included as part of the stormwater management practice shall be included in the SWPPP.
4. Construction activities which result from treatment equipment installation, including clearing, grading and excavation activities which result in the disturbance of one acre or more of land area, are not covered by this authorization. The permittee shall contact the IEPA regarding the required permit(s).

REPORTING

- L. The facility shall submit an annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part G of the Storm Water Pollution Prevention Plan of this permit. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) Which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s).
- M. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.

Annual inspection reports shall be mailed to the following address:

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Illinois Environmental Protection Agency
Bureau of Water
Compliance Assurance Section
Annual Inspection Report
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

- O. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.

SPECIAL CONDITION 16. The Agency has determined that for outfall 001 the effluent limitations in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities for purposes of this permit reissuance, and no pollution prevention plan will be required for such storm water. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated storm water discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

SPECIAL CONDITION 17. Outfall 001 shall be monitored for mercury on a monthly basis until twelve samples have been collected. After collection of all required samples, and upon written notification to the Agency the sampling may cease, unless the Agency modifies the permit to require continued sampling at some frequency. Low-level mercury monitoring shall be performed using USEPA analytical test method 1631 or equivalent.

ATTACHMENT H

Standard Conditions

Definitions

Act means the Illinois Environmental Protection Act, Ch 111 1/2 Ill Rev. Stat. Sec 1001-1052 as Amended

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) means Pub. L. 92-500, as amended, 33 U.S.C. 1251 et seq

NPDES (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

USEPA means the United States Environmental Protection Agency.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Maximum Daily Discharge Limitation (daily maximum) means the highest allowable daily discharge.

Average Monthly Discharge Limitation (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Discharge Limitation (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Aliquot means a sample of specified volume used to make up a total composite sample.

Grab Sample means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

24 Hour Composite Sample means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

8 Hour Composite Sample means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

Flow Proportional Composite Sample means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

- (1) Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (2) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

- (6) Permit actions. This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) Duty to provide information. The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.
- (9) Inspection and entry. The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to:
 - (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) Monitoring and records.
 - (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the permit, measurement, report or application. This period may be extended by request of the Agency at any time.
 - (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
 - (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) Signatory requirement. All applications, reports or information submitted to the Agency shall be signed and certified.
 - (a) Application. All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - (b) Reports. All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph (a); and
 - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
 - (3) The written authorization is submitted to the Agency.

- (c) Changes of Authorization. If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (12) Reporting requirements.
- (a) Planned changes. The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- (b) Anticipated noncompliance. The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (e) Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours;
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (f) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).
- (g) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) Transfer of permits. A permit may be automatically transferred to a new permittee if:
- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
- (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees; and
- (c) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (14) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
- (1) One hundred micrograms per liter (100 ug/l);
- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
- (4) The level established by the Agency in this permit.
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (15) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
- (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (16) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (1) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
- (2) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
- (3) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (17) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (18) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 308.154 is hereby incorporated by reference as a condition of this permit.
- (19) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (20) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 406 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500, nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.
- (21) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (22) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit shall, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (23) Collected screening, slimes, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (24) In case of conflict between these standard conditions and any other conditions included in this permit, the other conditions shall govern.
- (25) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board.
- (26) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

MEMORANDUM

Date: January 18, 2006

To: Greg Russell (Edwards)

Cc: Mark Davis (Edwards)
Steve Harvey (600) [w/o attachments]
~~JCP/SSWA/IS/AERG Binder~~
WQ3.24.1

From: Mike Smallwood



Re: Reissued E.D. Edwards Power Plant NPDES Permit

Attached is a copy of the reissued state operating wastewater discharge (NPDES) permit for the E.D. Edwards Power Plant. The permit is effective February 1, 2006 and will expire on January 31, 2011. This permit contains two major revisions as discussed below.

Low-level Mercury Monitoring

The reissued permit requires low-level (Method 1631 or equivalent with a method detection limit of 1.0ng/L) mercury monitoring of the Outfall 001 discharge each month for a twelve month period. This new monitoring requirement is in response to a comment received during the public notice period. The Agency is obligating the plant to conduct mercury monitoring notwithstanding: (1) there was no indication that mercury concentrations were of concern to IEPA during the water quality assessment, (2) Ameren was not afforded an opportunity to provide comments to the Agency regarding mercury monitoring prior to issuance of this permit, and (3) there are concerns regarding low-level mercury sample collection and analysis.

The public notice permit contained a section detailing the facility impacts upon the receiving stream (Illinois River). This required antidegradation assessment performed by IEPA resulted in that no mercury monitoring was required. The previous three permit reapplications provided similar data to the Agency that effluent mercury was significantly lower (<0.2µg/L) than the appropriate water quality standard of 1.3µg/L.

Ameren Services
Environmental, Safety & Health

MEMORANDUM

There are very specific, complex, and detailed sampling methods to accommodate low-level mercury monitoring. It is suggested that the plant work with the Effingham Resource Center to obtain support from a third-party to perform this sampling. Also, there are a limited number of laboratories that perform this analysis. It is necessary to also obtain a sample of the Illinois River when the Outfall 001 sample is obtained.

To our knowledge, there is no technical basis for mercury monitoring to be required for this permit. Environmental Services and legal counsel are currently discussing if an appeal to the Illinois Pollution Control Board is practicable.

Boiler Blowdown (Outfall B02) Monitoring

The Agency has placed monitoring of the boiler blowdown discharge for Total Suspended Solids and Oil & Grease at a frequency of 2x/month. The permit specifies that an eight-hour composite sample is required for oil & grease monitoring. Further discussions with the permit writer will be held to clarify this monitoring requirement.

While these new monitoring requirements are rigorous, there is a possibility that Outfall B02 monitoring could be reduced after a short period (6 months) of data collection. However, any reduction in Outfall B02 monitoring would require a permit modification.

Other Reissued Permit Revisions

I have preliminarily identified the following changes in the reissued permit as follows:

- Macroinvertebrate control as described in the permit reapplication is approved. Note that approval from IEPA is required if there are deviations from the plan included with the permit reapplication.
- Chemical Metal Cleaning Waste (Outfall A01) is eliminated in this reissued permit. Consequently, annual wastewater permit operating fees should be reduced from \$50,000 to \$30,000.
- Special Condition 8 addresses intake structure (316(b)) regulations. The required studies are currently scheduled to be submitted on or before January 7, 2008. As of this date, the Agency intends to modify applicable NPDES permits to incorporate intake structure monitoring requirements upon approval of the new 316(b) studies. Continued coverage is provided in the interim period prior to Agency approval of the new study via the existing December 1981 approval.

Ameren Services
Environmental, Safety & Health

MEMORANDUM

- Average discharge flows were revised per the permit reapplication for Outfalls 001, 002, A02, B02, and 003.
- Load limitations for Outfall A02 (sewage treatment plant discharge) were rounded up and changed to 5.3 pounds/day (30-day average) and 11 pounds/day (daily maximum).
- Special Condition 15 regarding the facility Storm Water Pollution Prevention Plan (SWPPP) was modified per the permit reapplication to state that the SWPPP is applicable for Outfall 004 only. Note that the Section K construction authorization is only for treatment projects at Outfall 004 that have less than one acre of land disturbance.
- Special Condition 16 was requested by Ameren to recognize the ash pond as BAT/BCT for storm water. An annual inspection of the facility is to be conducted to identify any new storm water discharges not receiving treatment via the ash pond.

A summary of the monitoring requirements is attached to this memo. Please carefully review the reissued permit and contact me (x44581) if there are any questions.

Attachments

Ameren Services
Environmental, Safety & Health

E.D. Edwards Power Plant Monitoring Summary
February 1, 2006**Outfall 001 – Ash Pond Discharge**

Parameter	Frequency	Type	Limit
Flow	1/week	24-hour total	Monitor
pH	1/week	Grab	6.0 – 9.0
TSS	1/week	8-hour composite	Daily max = 30.0 mg/L Monthly ave = 15.0 mg/L
Oil & Grease	1/month	Grab	Daily max = 20.0 mg/L Monthly ave = 15.0 mg/L
Mercury (note 1)	1/month	Grab	Monitor (see Special Condition 17)

Note 1: An Illinois River "background" sample should be obtained at the same time as the Outfall 001 Mercury sample.

Outfall 002 – Condenser Cooling Water Discharge

Parameter	Frequency	Type	Limit
Flow	Daily	Continuous	Monitor
Temperature	Daily	Calculation	see Special Condition 3
Total Residual Chlorine	1/week	Grab	0.05 mg/L (note 2)

Note 2: Special Condition 5 contains other monitoring and notification requirements regarding Total Residual Chlorine.

Outfall A02 - Sewage Treatment Plant Effluent

Parameter	Frequency	Type	Limit
Flow	1/month	Estimate	Monitor
pH	1/month	Grab	6.0 – 9.0
BOD ₅	1/month	8-hour composite	Daily max = 60.0 mg/L Daily max = 11.0 #/day Monthly ave = 30.0 mg/L Monthly ave = 5.3 #/day
TSS	1/month	8-hour composite	Daily max = 60.0 mg/L Daily max = 11.0 #/day Monthly ave = 30.0 mg/L Monthly ave = 5.3 #/day
Fecal Coliform	1/month	Grab	400 colonies/100mL

Outfall B02 – Boiler Blowdown

Parameter	Frequency	Type	Limit
Flow	2/month	Estimate	Monitor
pH	2/month	Grab	6.0 – 9.0
TSS	2/month	8-hour composite	Daily max = 30 mg/L Monthly ave = 15 mg/L
Oil & Grease	2/month	8-hour composite	Daily max = 20 mg/L Monthly ave = 15 mg/L

Outfall 004 - Stormwater

See Special Condition 15.

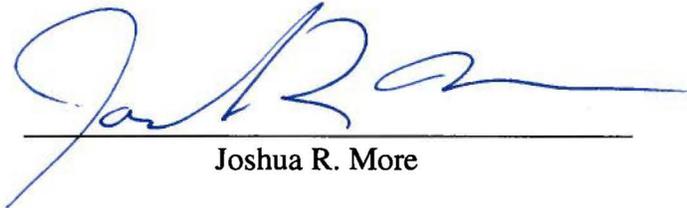
CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 27th day of May, 2015, I have served electronically the attached **APPEARANCE OF JOSHUA R. MORE, APPEARANCE OF RAGHAV MURALI, and PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION AND MOTION FOR PARTIAL STAY** upon the persons listed below electronically:

Mr. John T. Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
john.therriault@illinois.gov

and upon the persons listed below via U.S. Mail:

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, IL 62794-9276



Joshua R. More

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