

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KINCAID GENERATION, L.L.C.,)	
)	
Petitioner)	
)	
v.)	
)	PCB 15-
ILLINOIS ENVIRONMENTAL PROTECTION)	(NPDES Permit Appeal)
AGENCY)	
)	
)	
Respondent.)	

NOTICE OF FILING

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the attached **PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION AND MOTION FOR STAY** and **APPEARANCES** copies of which are herewith served upon you.

Respectfully submitted,



Joshua R. More
 Amy Antonioli
 SCHIFF HARDIN, LLP
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 Chicago, Illinois 60606
 312-258-5500
 jmore@schiffhardin.com

Dated: June 5, 2015

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KINCAID GENERATION, L.L.C.,)	
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Petitioner)	
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ILLINOIS ENVIRONMENTAL PROTECTION)	(NPDES Permit Appeal)
AGENCY)	
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**PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION
AND MOTION FOR STAY**

Petitioner Kincaid Generation, L.L.C. (“Kincaid”), 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.*), contests the decision of the Illinois Environmental Protection Agency (“IEPA” or “Agency”) to include certain conditions in the National Pollutant Discharge Elimination System (“NPDES”) permit dated April 30, 2015, and received by Kincaid on or about May 4, 2015, for the Kincaid Generating Station. A copy of the Kincaid Generating Station NPDES Permit No. IL0002241 is attached as Exhibit A (also referred to as “2015 Permit”).

This Petition for Review of IEPA’s NPDES Permit Decision (“Petition”) asserts that the lack of a condition permitting Outfall F01, the sample frequency for Outfall H01, and the sample type for flow at Outfall H01 are arbitrary and capricious, and the reporting due date in Special Condition 13 of the 2015 Permit is not necessary to accomplish the purposes of the Act and Illinois Pollution Control Board (“Board”) regulations.¹ Kincaid requests that the Board stay

¹ Collectively referred to as the “Contested Conditions.”

these Contested Conditions. In support of this Petition and Motion for Stay, Kincaid states as follows:

I. BACKGROUND

1. Petitioner owns and operates the Kincaid Generating Station (“Station”), a 1,300 MW coal-fired steam electric generating plant located 4 miles west of Kincaid on Route 104, Kincaid, IL 62540 (Christian County). The Station is authorized to discharge to Lake Sangchris. The facility employs approximately 145 people.

2. Prior to the 2015 Permit, the Station operated under the NPDES permit issued in 2000 and attached as Exhibit B (the “2000 Permit”). Kincaid filed an application to renew the 2000 Permit on or about October 6, 2004. On May 30, 2013, Kincaid submitted comments to the Agency with respect to several issues in drafts of the 2015 Permit and filed an amendment to the application for renewal. IEPA issued a draft permit on May 22, 2014 for public notice, but received few public comments and no requests for hearing. Dynegy Inc., through a wholly-owned subsidiary, acquired Kincaid on April 1, 2015 and did not participate in public comment on the draft permit or its terms and conditions before that date. IEPA issued the 2015 Permit on April 30, 2015 and it became effective on May 1, 2015. Kincaid received the permit on May 4, 2015.

II. CHALLENGED CONDITIONS

A. Outfall F01 – Absence of Permitted Discharge

3. The 2000 Permit authorized Kincaid to discharge switchyard area runoff effluent at Outfall F01, identifying the flow as intermittent. Exh. B, p. 5. The permit application identified Outfall F01 and the need to discharge storm water runoff from the switchyard area during rain events.

4. However, the 2015 Permit failed to include Outfall F01, which will be necessary during and after future rain events. The lack of a condition authorizing Outfall F01 makes storm water discharges from the switchyard area during and after future rain events a potential violation of Illinois water pollution regulations.²

5. No changes in law or changes to Kincaid's Outfall F01 warrant the deletion of Outfall F01 from the 2015 Permit. Accordingly, the absence of Outfall F01 from the 2015 Permit is arbitrary and capricious.

B. Outfall H01 – Sample Frequency and Sample Type

6. The 2015 Permit includes a new Outfall H01 for metal cleaning wastes.

7. The 2015 Permit identifies Outfall H01 as having an intermittent discharge. Exh. A, p. 7. However, the permit requires Kincaid to sample at Outfall H01 two times per month for each parameter. Sampling at this outfall will be impossible when there is no discharge. The permit also requires Kincaid to sample flow of the metal cleaning waste discharge at Outfall H01 daily on a continuous basis (and report flow in accordance with Special Condition 1). However, due to the location of the flow meter, Kincaid can only provide an estimated flow based on the pump capacity.

8. Kincaid asserts the language for the appropriate sample frequency (for each parameter) and sample type (for flow) for Outfall H01 should instead read as follows:

PARAMETER			SAMPLE FREQUENCY	SAMPLE TYPE
Flow (MGD)			Once daily when discharging	Estimate
Total Suspended Solids	30	100	Once monthly when discharging	Grab
Oil and Grease	15	20	Once monthly when discharging	Grab

² The discharge is identified in the facility's storm water pollution prevention plan.

Iron	1.0	1.0	Once monthly when discharging	Grab
Copper	1.0	1.0	Once monthly when discharging	Grab

9. The requirement to sample an intermittent and unpredictable discharge two times per month and perform continuous sampling at this outfall is arbitrary and capricious.

C. Special Condition 13 – DMR Due Dates

10. Special Condition 11 of the 2000 Permit allowed Kincaid to submit Discharge Monitoring Report (DMR) forms to IEPA no later than the 28th day of the following month.

11. Special Condition 13 of the 2015 Permit requires Kincaid to submit DMR forms to IEPA no later than the 15th day of the following month.

12. Changing the due date of DMR forms from the 28th of the following month to the 15th day of the following month is unnecessary to accomplish the purposes of the Act and Board regulations. Requiring DMR reports to be submitted by the 15th of the following month requires Kincaid to request and pay for an expedited turnaround on the lab data and is inconsistent with the reporting obligation of the other electric generating facilities.

III. MOTION FOR STAY

13. 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, Kincaid has no objection to the balance of the conditions contained in the 2015 Permit and seeks to stay only the Contested Conditions.

14. Kincaid asks the Board to stay the effectiveness of the 2015 Permit conditions regarding Outfall H01 sampling frequency (for each parameter) and sample type (for Flow) and

Special Condition 13 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.

15. When the permit being appealed is a reissued permit, the provisions of the prior permit that correspond to the stayed conditions of the new permit generally remain in effect and must be complied with.³ Regarding the absence of a condition authorizing Outfall F01, Kincaid asks that, to the extent the 2015 Permit prohibits the discharge of storm water from Outfall F01, the Board stay the prohibition in its entirety from the date the permit became effective and that the terms of the 2000 Permit allowing storm water to discharge from Outfall F01 remain in full force and effect during the pendency of the stay.

16. The Board may consider various factors in determining whether a discretionary stay is appropriate, including whether:

- 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).

³ See e.g., 40 C.F.R. § 124.16(c)(2).

17. A stay is necessary to protect Kincaid's right to appeal and to prevent the imposition of unnecessary, arbitrary and capricious conditions before Kincaid is able to exercise its right to appeal and be heard by the Board. Thus, Kincaid has an ascertainable right that needs protection.

18. Kincaid will suffer irreparable injury if the Contested Conditions are not stayed pending the outcome of this Petition. Compliance with the Contested Conditions would subject Kincaid to potential violations during and subsequent to rain events, require Kincaid to collect samples at Outfall H01 even when there is no discharge, install a new flow meter to continuously monitor flow at Outfall H01, and submit DMR reports for the Kincaid Generating Station on a schedule that is difficult to meet and inconsistent with other electric generating facilities. The cost of modifications necessary at the facility to prevent storm water runoff during rain events and continuously monitor flow at Outfall H01 could be substantial and implementation of these modifications could require various regulatory approvals and design, engineering and construction activities. Until such modifications were completed, Kincaid would not be able to comply with the 2015 Permit, and if Kincaid complied with the 2015 Permit and then succeeded on the merits of this Petition, the costs would be lost. Thus, Kincaid would suffer irreparable injury.

19. Kincaid has no other adequate remedy at law to prevent these injuries or to contest the 2015 Permit; a permit appeal is the only remedy available.

20. It is also likely Kincaid will succeed on the merits of this Petition. Kincaid is prepared to demonstrate that the Contested Conditions were based on mistake, error, or simply oversight.

21. Finally, no harm to human health or the environment will result from staying the 2015 Permit conditions. Kincaid will continue to operate as it has in the past. 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.

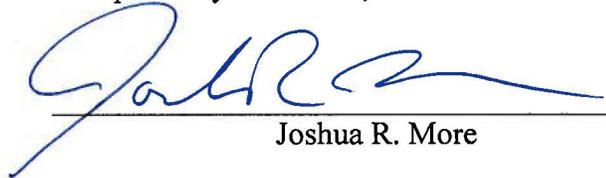
AmerenEnergy Generating Co. v. IEPA, PCB 06-67 (Feb. 16, 2006).

22. 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, Kincaid respectfully moves the Board to grant a stay of effectiveness of the Contested Conditions 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 Kincaid respectfully requests that the Board grant review of the Agency's issuance of the 2015 NPDES Permit and find that the Contested Conditions are not necessary to accomplish the Act and Board regulations and are otherwise arbitrary and capricious, and remand the 2015 Permit to the Agency for reissuance consistent with law and Kincaid's request.

KINCAID GENERATION, L.L.C.

Respectfully submitted,



Joshua R. More

Dated: June 5, 2015

Joshua R. More
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SCHIFF HARDIN, LLP
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312-258-5500
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EXHIBIT A



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 30, 2015

Kincaid Generation, L.L.C.
1500 Eastport Plaza Drive
Collinsville, Illinois 62234-6135

Received 5-4-15
Jmz

Re: Kincaid Generation, L.L.C.
NPDES Permit No. IL0002241
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.

In response to your comment regarding the public notice permit:

1. The duplicate page 2 has been removed from the permit.
2. The sample frequency of pH for Outfall 001 will be twice per month.
3. The facility discharges to Lake Sangchris which has no allowable mixing capability thus the pH standards of 302.204 apply at the outfall.
4. The sample frequency for oil and grease of Outfall D01 has been reduced to once per month.
5. The semi-annual metal monitoring is required to ensure effluent and water quality standards are met, and to allow a reasonable potential analysis during the next permit renewal cycle.
6. Special Condition 15 was changed to require grab samples as requested.
7. Special Condition 7 was modified to require compliance with the new Cooling Water Intake Structure Existing Facilities Rule.
8. Due to a U.S EPA comment, a statement has been added to Special Condition 3 that thermal data will be reviewed in next permit renewal cycle.
9. Outfall 007 has been deleted from the permit since there has been no industrial activity in the Outfall 007 drainage area on Kincaid's property for 15 years.
10. Outfall H01 was revised to Metal Cleaning Waste that include Chemical Metal and Non-Chemical Metal Cleaning Wastes.
11. Special Condition 7 has been revised to clarify that the mailing address is in Special Condition 13.
12. The address of the Permittee has been corrected.

The Agency has begun a program allowing the submittal of electronic Discharge Monitoring Reports (NetDMR) instead of paper Discharge Monitoring Reports (DMRs). If you are interested in NetDMR, more information can be found on the Agency website, <http://www.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 New 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 Shu-Mei Tsai at 217/782-0610.

Sincerely,


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

SAK:SMT:14050101.smt

Attachment: Final Permit

cc: Records
Compliance Assurance Section
Springfield Region

4302 N. Main St., Rockford, IL 61103 (815)987-7760
595 S. State, Elgin, IL 60123 (847)608-3131
2125 S. First St., Champaign, IL 61820 (217)278-5800
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

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 30, 2015
Effective Date: May 1, 2015

Name and Address of Permittee:

Kincaid Generation, L.L.C.
1500 Eastport Plaza Drive
Collinsville, Illinois 62234-6135

Facility Name and Address:

Kincaid Generation, L.L.C.
Kincaid Generation Station
4 Miles West of Kincaid on Route 104
Kincaid, Illinois 62540

Discharge Number and Name:

- 001 Condenser Cooling Water, House Service Water, and Boiler Drains
- B01 Wastewater Treatment Plant Effluent
- C01 Sewage Treatment Plant Effluent
- D01 Demineralizer Regenerant Wastes
- E01 Ash Sluice Water Recycle System Emergency Overflow
- H01 Metal Cleaning Wastes
- 002 Intake Screen Backwash
- 008 East M2 Conveyer Belt Area Runoff
- 009 West M2 Conveyer Belt Area Runoff
- 010 Crib House Area Runoff

Receiving Waters:

- Lake Sangchris

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: SMT:14050101.smt

NPDES Permit No. IL0002241

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:

Outfall: 001 Condenser Cooling Water, House Service Water, and Boiler Drains (DAF = 865 MGD)

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		
This Discharge Consists of						
1. Condenser Cooling Water				790 MGD		
2. House Service Water				70 MGD		
3. Equalization Basin Sump Discharge				0.063 MGD		
4. Wastewater Treatment Plant Effluent				4.65 MGD		
5. Sewage Treatment Plant Effluent				0.021 MGD		
6. Switchyard Oil/Water Separator				Intermittent		
7. Demineralizer Regenerant Wastes				0.0162		
8. Ash Sluice Water Recycle System Emergency Overflow				Intermittent		
9. Boiler Drains				0.03 MGD		
10. Switchyard Area Runoff				Intermittent		
Flow	See Special Condition 1				Daily	Continuous
pH	See Special Condition 2				2/Month	Grab
Temperature	See Special Condition 3				Daily	Continuous
Total Residual Chlorine	See Special Condition 4			0.05	*	Grab

*Total Residual Chlorine shall be sampled daily whenever chlorination or biocide addition is being performed at the main condensers or residuals are likely to be present in the discharge. If chlorination and biocide addition are not used during the month it shall be so indicated on the DMR.

NPDES Permit No. IL0002241

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:

Outfall: B01 Wastewater Treatment Plant Effluent (DAF = 6.178 MGD)

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		
This Discharge Consists of						
1. Ash Sluice Water Recycle System					5 MGD	
2. Water Treatment Plant Floor Drains					Intermittent	
3. Station Basement and Condensate Storage Area Sumps					Intermittent	
4. Boiler Sample Drains					0.03 MGD	
5. Auxiliary Boiler Blowdown					Intermittent	
6. East Area Runoff Basins						
a. East Station Area Stormwater Runoff					Intermittent	
b. Ash Sluice Recycle Water Strainer Backwash					0.1 MGD	
c. Boiler Drains (alternate route)					0.03 MGD	
d. Main Oil/Water Separator					Intermittent	
i. Main and Auxiliary Transformer Area Runoff						
ii. Turbine Oil Pit Drains						
iii. Turbine Room Floor Drains						
iv. Boiler Fan Area Floor Drains						
e. Oil/Water Separator No. 1					Intermittent	
i. Turbine Room Pump						
ii. D.C. Heater Drains						
iii. Condensate Polisher Backwash (alternate route)						
iv. Water Treatment Plant Drains (alternate route)						
v. Water Treatment Plant Filter Backwashes (alternate route)						
f. Continuous Mercury Monitoring System Condensate					1 GPD	
7. West Area Runoff Basins						
a. Tunnel Groundwater Sump					Intermittent	
b. Coal Pile Runoff and Seepage					Intermittent	
c. West Station Area Runoff					Intermittent	
d. Slag Tank Cooling Water					1.0 MGD	
8. Equalization Basins						
a. Non-Chemical Metal Cleaning Waste					Intermittent	
b. Water Treatment Plant Area Runoff					Intermittent	
c. Condensate Polisher Backwash					0.001 MGD	
d. Water Treatment Plant Drains					Intermittent	
e. Water Treatment Plant Filter Backwash					0.017 MGD	
f. Chemical Metal Cleaning Wastes					Intermittent	
g. DSI Building Washdown					400 GPD	
9. Metal Cleaning Wastes						
Flow	See Special Condition 1				Daily	Continuous
Total Suspended Solids			15	30	1/Week	24 Hour Composite
Oil and Grease			15	20	2/Month	Grab

NPDES Permit No. IL0002241

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:

Outfall C01: Sewage Treatment Plant Effluent (DAF = 0.021 MGD)

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		
Flow (MGD)	See Special Condition 1				Daily	Continuous
Total Suspended Solids			30	60	2/Month	24 Hour Composite
BOD ₅			30	60	2/Month	24 Hour Composite
Total Residual Chlorine	See Special Condition 4			0.05	Daily When Chlorinating	Grab
Fecal Coliform			Monitoring Only		2/Month	Grab

If equipment maintenance or malfunction prohibits the continuous sampling for flow at outfall C01, then sampling shall consist of a single reading estimate taken at least once per week.

NPDES Permit No. IL0002241

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:

Outfall D01: Demineralizer Regenerant Wastes (DAF = 0.162 MGD)

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		
This Discharge Consists of						
1. Makeup Demineralizer Regenerant Wastes						
2. Condensate Polisher Regenerant Wastes						
Flow (MGD)	See Special Condition 1				2/Month	24 Hour Total
Total Suspended Solids			15	30	2/Month	8 Hour Composite
Oil and Grease			15	20	1/Month	Grab

NPDES Permit No. IL0002241

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:

Outfall E01: Ash Sluice Water Recycle System Emergency Overflow (Intermittent Discharge)

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		
Flow (MGD)	See Special Condition 1				1/Month When Discharging	Estimate
Total Suspended Solids			15	30	1/Month When Discharging	Grab
Oil and Grease			15	20	1/Month When Discharging	Grab

NPDES Permit No. IL0002241

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:

Outfall H01: Metal Cleaning Wastes (Intermittent Discharge)

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		
This Discharge Consists of						
1. Chemical Metal Cleaning Waste				Intermittent		
2. Non-Chemical Metal Cleaning Waste				Intermittent		
Flow (MGD)	See Special Condition 1				Daily	Continuous
Total Suspended Solids			30	100	2/Month	Grab
Oil and Grease			15	20	2/Month	Grab
Iron			1.0	1.0	2/Month	Grab
Copper			1.0	1.0	2/Month	Grab

NPDES Permit No. IL0002241

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:

Outfall 002: Intake Screen Backwash (Intermittent Discharge)

There shall be no discharge of collected debris.

Outfalls: 008 East M2 Conveyer Belt Area Runoff (Intermittent Discharge)
009 West M2 Conveyer Belt Area Runoff (Intermittent Discharge)
010 Cribhouse Area Runoff (Intermittent Discharge)

Stormwater shall be managed in accordance with Special Condition 16.

Special Conditions

SPECIAL CONDITION 1. Flow shall be reported in million gallons per day as a daily maximum and a monthly average on the DMR form.

SPECIAL CONDITION 2. The pH shall be in the range 6.5 to 9.0. The monthly minimum and monthly maximum values shall be reported on the DMR form.

SPECIAL CONDITION 3. The thermal discharge to Lake Sangchris shall meet the following standards and conditions: The effluent temperatures shall not exceed 37°C (99°F) during more than seven (7) percent of the hours in the 12 month period ending with any month and shall at no time exceed 44°C (111°F). Compliance with the above thermal limitations shall be determined by reporting daily average and daily maximum water temperatures of the discharge, the number of hours per month 99°F is exceeded, and the percentage of hours 99°F was exceeded in the previous 12 months. Thermal data collected during this permit cycle will be analyzed to reassess thermal limitations during the next permit review.

The Permittee may use back-up continuous monitoring equipment for temperature if the primary monitoring equipment fails. The Permittee may take manual readings on the existing temperature gauges in the event the back-up equipment fails. The sample frequency for manual temperature readings shall be once per day if the temperature is greater than 5° Fahrenheit from the effluent limitation and once per hour if the temperature is within 5° Fahrenheit from the temperature effluent limitation.

SPECIAL CONDITION 4. 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.

SPECIAL CONDITION 5. 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 6. There shall be no discharge of polychlorinated biphenyl compounds (PCB's).

SPECIAL CONDITION 7. 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

NPDES Permit No. IL0002241

Special Conditions

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 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 best available technology 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 13.

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 8. The bypass provisions of 40 CFR 122.41(m) and upset provisions of 40 CFR 122.41(n) are hereby incorporated by reference.

SPECIAL CONDITION 9. The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities (Outfalls 001, B01 and E01) 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

NPDES Permit No. IL0002241

Special Conditions

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

SPECIAL CONDITION 11. In the event the permittee shall require the use of water treatment additives not previously approved by this Agency, or in the event the permittee increases the feed rate or quantity of the additives used beyond what has previously been approved by this Agency, the permittee shall request a modification in the permit in accordance with the Standard Conditions, Attachment H.

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 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 NetDMR 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 14. For the purpose of this permit, the waters in the flume are not "waters of the state."

SPECIAL CONDITION 15. The Permittee shall monitor the effluent from outfalls 001, 008, and 009 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 type shall be a grab and the results shall be submitted to the address in special condition 13 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)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (available *** or amendable to chlorination)	5.0 ug/L
00720	Cyanide (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
71900	Mercury **	1.0 ng/L*
01067	Nickel	0.005 mg/L

Special Conditions

00556	Oil (hexane soluble or equivalent)	5.0 mg/L
32730	Phenols	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

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

*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.

***USEPA Method OIA-1677

SPECIAL CONDITION 16.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.

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. Any amendments to the SWPPP must be signed in accordance with 40 CFR 122.41(k) and 40 CFR 122.22(b).

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. Any amendments to the SWPPP must be signed in accordance with 40 CFR 122.41(k) and 40 CFR 122.22(b).

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:

Special Conditions

- 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.
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.
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. The following good housekeeping measures are required:
 - i. *Fugitive Dust Emissions.* Minimize fugitive dust emissions from coal handling areas. To minimize the tracking of coal dust offsite, consider procedures such as installing specially designed tires or washing vehicles in a designated area before they leave the site and controlling the wash water.
 - ii. *Delivery Vehicles.* Minimize contamination of stormwater runoff from delivery vehicles arriving at the plant site. Consider procedures to inspect delivery vehicles arriving at the plant site and ensure overall integrity of the body or container and procedures to deal with leakage or spillage from vehicles or containers.
 - iii. *Fuel Oil Unloading Areas.* Minimize contamination of precipitation or surface runoff from fuel oil unloading areas. Consider using containment curbs in unloading areas, having personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and using spill and

NPDES Permit No. IL0002241

Special Conditions

overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).

- iv. *Chemical Loading and Unloading.* Minimize contamination of precipitation or surface runoff from chemical loading and unloading areas. Consider using containment curbs at chemical loading and unloading areas to contain spills, having personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and loading and unloading in covered areas and storing chemicals indoors.
 - v. *Miscellaneous Loading and Unloading Areas.* Minimize contamination of precipitation or surface runoff from loading and unloading areas. Consider covering the loading area; grading, berming, or curbing around the loading area to divert run-on; locating the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures.
 - vi. *Liquid Storage Tanks.* Minimize contamination of surface runoff from above-ground liquid storage tanks. Consider protective guards around tanks, containment curbs, spill and overflow protection, dry cleanup methods, or equivalent measures.
 - vii. *Large Bulk Fuel Storage Tanks.* Minimize contamination of surface runoff from large bulk fuel storage tanks. Consider containment berms (or their equivalent). You must also comply with applicable State and Federal laws, including Spill Prevention, Control and Countermeasure (SPCC) Plan requirements.
 - viii. *Spill Reduction Measures.* Minimize the potential for an oil or chemical spill, or reference the appropriate part of your SPCC plan. Visually inspect as part of your routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to stormwater, and make any necessary repairs immediately.
 - ix. *Oil-Bearing Equipment in Switchyards.* Minimize contamination of surface runoff from oil-bearing equipment in switchyard areas. Consider using level grades and gravel surfaces to retard flows and limit the spread of spills, or collecting runoff in perimeter ditches.
 - x. *Residue-Hauling Vehicles.* Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.
 - xi. *Ash Loading Areas.* Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water before departure of each loaded vehicle.
 - xii. *Areas Adjacent to Disposal Ponds or Landfills.* Minimize contamination of surface runoff from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas.
 - xiii. *Landfills, Scrap yards, Surface Impoundments, Open Dumps, General Refuse Sites.* Minimize the potential for contamination of runoff from these areas.
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. 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

Special Conditions

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.
 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 - You must document that you have evaluated for the presence of non-storm water discharges and that all unauthorized discharges have been eliminated. Documentation of your evaluation must include: (1) The date of any evaluation; (2) A description of the evaluation criteria used; (3) A list of the outfalls or onsite drainage points that were directly observed during the evaluation; (4) The different types of non-storm water discharge(s) and source locations; and (5) The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge.
- H. Quarterly Visual Observation of Discharges - The requirements and procedures of 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 measureable (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.

Special Conditions

7. Routine Facility Inspections.

i. Routine Facility Inspection Procedures - Conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to stormwater, and of all stormwater control measures used to comply with the effluent limits contained in this permit. Routine facility inspections must be conducted at least quarterly (i.e., once each calendar quarter) although in many instances, more frequent inspection (e.g., monthly) may be appropriate for some types of equipment, processes, and control measures or areas of the facility with significant activities and materials exposed to stormwater. Perform these inspections during periods when the facility is in operation. You must specify the relevant inspection schedules in your SWPPP document. These routine inspections must be performed by qualified personnel with at least one member of your stormwater pollution prevention team participating. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is occurring.

ii. Routine Facility Inspection Documentation - You must document the findings of each routine facility inspection performed and maintain this documentation onsite with your SWPPP. You are not required to submit your routine facility inspection findings to IEPA, unless specifically requested to do so. At a minimum, your documentation of each routine facility inspection must include: (1) The inspection date and time; (2) The name(s) and signature(s) of the inspector(s); (3) Weather information and a description of any discharges occurring at the time of the inspection; (4) Any previously unidentified discharges of pollutants from the site; (5) Any control measures needing maintenance or repairs; (6) Any failed control measures that need replacement; (7) Any incidents of noncompliance observed; and (8) Any additional control measures needed to comply with the permit requirements.

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 thereunder, and Best Management Programs under 40 CFR 125.100.

K. Confidential Business Information (CBI) may be withheld from the public, but may not be withheld from those staff cleared for CBI review within the Agency.

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

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 thereunder.

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 a 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

NPDES Permit No. IL0002241

Special Conditions

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 submitted to the following email and office addresses: epa.npdes.inspection@illinois.gov

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

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



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/782-0610

April 11, 2000

Kincaid Generation, L.L.C.
P.O. Box 260
Kincaid, Illinois 62540

Re: Kincaid Generation, L.L.C.
NPDES Permit No. IL0002241
Final Permit

Gentlemen:

Attached is the final NPDES Permit for your discharge. The Permit as issued covers discharge limitations, monitoring, and reporting requirements. The failure of you 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.

Following the public notice period, the requirement in Special Condition 17 that a Form 2F be completed for existing stormwater outfalls F01, 007, 008 and 009 was deleted since this requirement has already been met.

The IEPA renamed the internal outfalls in the reissued NPDES Permit to conform to the data entry requirements for the USEPA's compliance system:

Outfall 001A was renamed to outfall A01, outfall 001B was renamed to outfall B01, outfall 001C was renamed to outfall C01, outfall 001D was renamed to outfall D01, outfall 001E was renamed to outfall E01 and outfall 001F was renamed to outfall F01.

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.

To assist you in meeting the self-monitoring and reporting requirements of your reissued NPDES permit, a supply of preprinted Discharge Monitoring Report (DMR) forms for your facility is being prepared. These forms 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.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas G. McSwiggin".

Thomas G. McSwiggin, P.E.
Manager, Permit Section
Division of Water Pollution Control

TGM:SFN:FLR:99102201.map

Attachment: Final Permit

cc: Records
Compliance Assurance Section
Springfield Region

GEORGE H. RYAN, GOVERNOR

NPDES Permit No. IL0002241

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: April 30, 2005

Issue Date: April 11, 2000

Effective Date: May 1, 2000

Name and Address of Permittee:

Facility Name and Address:

Kincaid Generation, L.L.C.
P.O. Box 260
Kincaid, Illinois 62540

Kincaid Generation, L.L.C.
Kincaid Generating Station
4 Miles West of Kincaid on Route 104
Kincaid, Illinois 62540
Christian County

Discharge Number and Name:

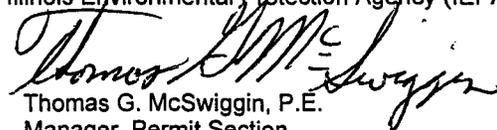
Receiving Waters

001 Condenser Cooling Water and House Service Water
A01 Equalization Basin Sump Discharge
B01 Wastewater Treatment Plant Effluent
C01 Sewage Treatment Plant Effluent
D01 Demineralizer Regenerant Wastes
E01 Ash Sluice Water Recycle System Emergency Overflow
F01 Switchyard Area Runoff
002 Intake Screen Backwash
007 Bottom Ash Processing Area Runoff
008 East Conveyer Belt Area Runoff
009 West Conveyer Belt Area Runoff

Lake Sangchris
Lake Sangchris

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.


Thomas G. McSwiggin, P.E.
Manager, Permit Section
Division of Water Pollution Control

TGM:FLR:99102201.map

NPDES Permit No. IL0002241

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	30 DAILY MAX.	30 DAY AVG.	DAILY MAX.		
1. From the effective date of this permit until it's expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:						
Outfall: 001 Condenser Cooling Water and House Service Water**						
This discharge consists of						
1. Condenser Cooling Water						Approximate Flow 790.0 MGD
2. House Service Water						70.0 MGD
3. Equalization Basin Sump Discharge						0.063 MGD
4. Wastewater Treatment Plant Effluent						4.65 MGD
5. Sewage Treatment Plant Effluent						0.021 MGD
6. Switchyard Oil/Water Separator						Intermittent
7. Demineralizer Regenerant Wastes						0.162 MGD
8. Ash Sluice Water Recycle System Emergency Overflow						Intermittent
9. Boiler Drains						0.03 MGD
10. Switchyard Area Runoff						Intermittent
Flow (MGD)*					Daily	Continuous
pH	See Special Condition No. 1				2/Week	Grab
Temperature	See Special Condition Nos. 3 and 7				Daily	Continuous
Total Residual Chlorine	See Special Condition No. 4			0.2	1/Week	Concentration Curve

Outfall: A01 Equalization Basin Sump Discharge***

Flow (MGD)*					1/Week	Approximate Flow Intermittent Estimate
pH	See Special Condition No. 1				1/Week	Grab

*Flow shall be reported as a monthly average and daily maximum.

**See Special Condition Nos. 14 and 19.

***See Special Condition No. 14.

NPDES Permit No. IL0002241

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	DAF (DMF)		LIMITS mg/l			
	30 DAY AVG.	30 DAILY MAX.	30 DAY AVG.	DAILY MAX.		
1. From the effective date of this permit until its expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:						
Outfall: B01 Wastewater Treatment Plant Effluent***						
This discharge consists of						Approximate Flow
1. Ash Sluice Water Recycle System Blowdown						5.0 MGD
2. Water Treatment Plant Floor Drains						Intermittent
3. Station Basement and Condensate Storage Area Sumps						Intermittent
4. Boiler Sample Drains						0.030 MGD
5. Auxiliary Boiler Blowdown						Intermittent
6. East Area Runoff Basins						
a. East Station Area Stormwater Runoff						Intermittent
b. Ash Sluice Recycle Water Strainer Backwash						0.1 MGD
c. Boiler Drains (alternate route)						0.030 MGD
d. Main Oil/Water Separator						Intermittent
i. Main and Auxiliary Transformer Area Runoff						
ii. Turbine Oil Pit Drains						
iii. Turbine Room Floor Drains						
iv. Boiler Room Fan Area Floor Drains						
e. Oil/Water Separators No. 1 and No. 2						Intermittent
i. turbine room pump						
ii. D.C. heater drains						
iii. condensate polisher backwash (alternate route)						
iv. water treatment plant drains (alternate route)						
v. water treatment plant filter backwashes (alternate route)						
7. West Area Runoff Basins						
a. Tunnel Groundwater Sump						Intermittent
b. Coal Pile Runoff and Seepage						Intermittent
c. West Station Area Stormwater Runoff						Intermittent
d. Slag Tank Cooling Water						1.0 MGD
8. Equalization Basins						
a. Non-Chemical Metal Cleaning Waste						Intermittent
b. Water Treatment Plant Area Runoff						Intermittent
c. Condensate Polisher Backwash						0.001 MGD
d. Water Treatment Plant Drains						Intermittent
e. Water Treatment Plant Filter Backwash						0.017 MGD
f. Chemical Metal Cleaning Waste						Intermittent
Flow (MGD)**					Daily	Continuous
pH See Special Condition Nos. 1 and 2					1/Week	Grab
Total Suspended Solids		15		30	1/Week	24 Hour Composite
Oil and Grease		15		20	2/Month	Grab
Iron (total)		1.0		1.0	*	24 Hour Composite
Copper (total)		0.5		1.0	*	24 Hour Composite

*The effluent shall be monitored daily during discharge of non-chemical metal cleaning wastes and/or chemical metal cleaning wastes.

**Flow shall be reported as monthly average and daily maximum.

***See Special Condition No. 14.

NPDES Permit No. IL0002241
Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	DAF (DMF)		LIMITS mg/l			
	30 DAY AVG.	30 DAILY MAX.	30 DAY AVG.	DAILY MAX.		
1. From the effective date of this permit until its expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:						
Outfall: C01 Sewage Treatment Plant Effluent						
This discharge consists of				Approximate Flow		
1. Sanitary waste from Kincaid Generating Station				0.021 MGD (DMF 0.06 MGD)		
Flow (MGD)*					Daily**	Continuous**
pH	See Special Condition No. 1				1/Week	Grab
BOD5	15	30.0	30.0	60.0	1/Week	24 Hour Composite
Total Suspended Solids	15	30.0	30.0	60.0	1/Week	24HourComposite
Total Residual Chlorine	See Special Condition No. 5					
Outfall: D01 Demineralizer Regenerant Wastes						
This discharge consists of				Approximate Flow		
1. Makeup Demineralizer Regenerant Wastes				0.162 MGD		
2. Condensate Polisher Regenerant Wastes						
Flow (MGD)*					1/Week	24 Hour Total
Total Suspended Solids			15	30	2/Month	8 Hour Composite
Outfall: E01 Ash Sluice Water Recycle System Emergency Overflow****						
This discharge consists of				Approximate Flow		
1. Ash Sluice Water				Intermittent		
2. Boiler Fireside Washwater						
Flow (MGD)*					Measure When Discharging	Estimate
pH	See Special Condition No.1				1/Month	Grab
Oil and Grease		15	20		1/Month	Grab
Total Suspended Solids		15	30		1/Month	Grab
Outfall: F01 Switchyard Area Runoff****						
				Approximate Flow		
				Intermittent		

NPDES Permit No. IL0002241

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	DAF (DMF)		LIMITS mg/l			
	30 DAY AVG.	30 DAILY MAX.	30 DAY AVG.	DAILY MAX.		
Outfall: 002 Intake Screen Backwash						Approximate Flow Intermittent
There shall be no discharge of collected debris.						
Outfall: 007 Bottom Ash Processing Area Runoff***						Approximate Flow Intermittent
Outfalls: 008 and 009 Conveyor Belt Area Runoff****						Approximate Flow Intermittent

*Flow shall be reported as a Monthly Average and Daily Maximum.

**See Special Condition No. 18.

***See Special Condition No. 13.

****See Special Condition No. 14.

NPDES Permit No. IL0002241

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. The pH 9 maximum limitation may be exceeded if the elevated pH level is caused by the addition of alkali in the wastewater treatment process to cause precipitation of barium, cadmium, chromium, copper, lead, manganese, zinc or other materials requiring such elevated pH for treatment, in which case the upper limit shall be pH 10.

SPECIAL CONDITION 3. The thermal discharge to Lake Sangchris shall meet the following standards and conditions: The effluent temperatures shall not exceed 37°C (99°F) during more than seven (7) percent of the hours in a calendar year and shall at no time exceed 44°C (111°F). Compliance with the above thermal limitations shall be determined by reporting daily average and daily maximum water temperatures of the discharge and the number of hours/month 99°F is exceeded.

SPECIAL CONDITION 4. Total Chlorine Residual

- A. The limit of 0.2 for Total Residual Chlorine (TRC) measured as an instantaneous maximum, shall only apply to the intermittent use of chlorine. Intermittent usage is defined as the time when TRC is being discharged for two hours per day or less.
- B. The reported arithmetic mean concentration and maximum concentration for total chlorine residual shall be based on a chlorine concentration curve. The concentration curve shall be generated using grab samples with a sample frequency of 5 minutes or less over the exposure time. The exposure time is defined to be from the point of first detectable measurement to the point of the last detectable measurement of total residual chlorine. The exposure time shall not exceed 160 minutes in any 24-hour period. Concentration curves shall be submitted with the Discharge Monitoring Reports.
- C. The frequency and duration of the chlorine dosing period plus the amount of chlorine applied shall be reported on the Discharge Monitoring Reports.
- D. For the purpose of determining compliance, the highest single instantaneous TRC concentration measure during compliance curve sampling on any day will be regarded as the daily maximum concentration.
- E. During times of continuous chlorination, that is when TRC is discharged for more than two hours per day, the limit is 0.05 mg/l TRC, measured as an instantaneous maximum.

SPECIAL CONDITION 5. Any use of chlorine within the sewage treatment plant to control slime growths odors or as an operational control, etc. shall not exceed the limit of .05 mg/l (daily maximum) total residual chlorine in the effluent. Sampling is required on a daily grab basis during the chlorination process. Reporting shall be submitted with the (DMR's) on a monthly basis.

SPECIAL CONDITION 6. 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 7. The Permittee may use back-up continuous monitoring equipment for temperature if the primary monitoring equipment fails. The Permittee may take manual readings on the existing temperature gauges in the event the backup equipment fails. The sample frequency for manual temperature readings shall be once per day if the temperature is greater than 5° Fahrenheit from the effluent limitation and once per hour if the temperature is within 5° Fahrenheit from the temperature effluent limitation.

SPECIAL CONDITION 8. There shall be no discharge of polychlorinated biphenyl compounds (PCB's)

SPECIAL CONDITION 9. the Permittee's demonstration for Kincaid Generating Station in accordance with Section 316(b) of the CWA was approved by this Agency by letter dated January 2, 1979. It is determined that no additional intake monitoring or modification is required for reissuance of this NPDES Permit.

SPECIAL CONDITION 10. The permittee shall continue implementation of Spill Prevention Control and Countermeasure Plans (SPCC Plan) in accordance with 40 CFR Section 112.

SPECIAL CONDITION 11. The permittee shall record monitoring results on Discharge Monitoring Report Forms using one such form for each discharge each month.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 28th day of the following month, unless otherwise specified by the permitting authority.

NPDES Permit No. IL0002241

Special Conditions

Discharge Monitoring Reports shall be mailed to the IEPA at the following address:

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

Attention: Compliance Assurance Section

SPECIAL CONDITION 12. The provisions in 40 CFR 122.41 m & n are applicable to this permit.

SPECIAL CONDITION 13.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

- A. 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.
- 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;

NPDES Permit No. IL0002241

Special Conditions

- 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;
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.

NPDES Permit No. IL0002241

Special Conditions

- 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.
- 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 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 cleaning, grading and excavation activities which result in the disturbance of five acres 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).

NPDES Permit No. IL0002241

Special Conditions

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 the 30th day of June 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.

N. 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

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 14. The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities (Outfalls 001, A01, B01 and E01) 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 15. The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

SPECIAL CONDITION 16. In the event the permittee shall require the use of water treatment additives not previously approved by this Agency, or in the event the permittee increases the feed rate or quantity of the additives used beyond what has previously been approved by this Agency, the permittee shall request a modification in the permit in accordance with the Standard Conditions, Attachment H.

SPECIAL CONDITION 17. This permit may be modified to include new stormwater outfalls. The Applicant shall complete and submit Forms 1 and 2F for modification to include new stormwater outfalls. The Agency will Public Notice this permit modification.

SPECIAL CONDITION 18. If equipment maintenance or malfunction prohibits the continuous sampling for flow at outfall C01, then sampling shall consist of a "single reading estimate" taken at least once per week.

SPECIAL CONDITION 19. For the purpose of this permit, the waters in the flume are not "waters of the state."

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 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 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.

(7) **Property rights.** This permit does not convey any property rights of any sort, or an exclusive privilege.

(8) **Duty to provide information.** The permittee shall furnish to the Agency within reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or 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 located or conducted, or where records must be kept under the conditions of the 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 the 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 calibration and maintenance records, and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by the 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 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 proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency:** by either the 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.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/782-0610

April 11, 2000

Kincaid Generation, L.L.C.
Post Office Box 260
Kincaid, Illinois 62540

Re: Kincaid Generation, L.L.C.
NPDES Permit No. IL0002241
Required Testing for NPDES Permit Renewal Application

Gentlemen:

The Agency received your letter dated October 29, 1999 concerning testing for the NPDES permit renewal application for the above referenced NPDES permit. The Agency reviewed your letter dated April 6, 1999 concerning the required testing for the NPDES permit renewal application and approved your proposed testing program in a June 24, 1999 letter. Your October 29, 1999 letter states that the Federal regulations in 40 CFR 122 require existing steam electric power plants to analyze process wastewaters for both acid-extracted and base/neutral semi-volatile organic compounds, and through an inadvertent error at the analytical laboratory, the only base/neutral compounds that were analyzed for in your renewal application received on September 27, 1999 were the polynuclear aromatic hydrocarbon (PNA) base/neutral semi-volatile organic compounds. However, the base/neutral compounds required by the Federal regulations were analyzed in your NPDES permit renewal application submitted on October 26, 1994 and were not detected. Also, the Agency waived the reporting requirements for the GC/MS Fraction volatile, acid and base/neutral compounds on Form 2C, Part V-C for the renewal application in a February 4, 1998 letter. Since no changes in water treatment operations have occurred since the previous renewal application was submitted that would result in non-PNA semi-volatile compounds to be present in the process wastewater, the Agency will not require analysis for non-PNA semi-volatile compounds until the next NPDES permit renewal.

If you have any questions, please contact Fred Rosenblum of my office at the phone number and address indicated above.

Very truly yours,

A handwritten signature in cursive script, reading "Thomas G. McSwiggin".

Thomas G. McSwiggin, P.E.
Manager, Permit Section
Division of Water Pollution Control

TGM:SFN:FLR:00021001.grm

cc: Records
CAS
Springfield FOS

GEORGE H. RYAN, GOVERNOR

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KINCAID GENERATION, L.L.C.,)	
)	
Petitioner)	
)	
v.)	
)	PCB 15-
ILLINOIS ENVIRONMENTAL PROTECTION)	(NPDES Permit Appeal)
AGENCY)	
)	
)	
Respondent.)	

APPEARANCE

I, Amy Antonioli, hereby file my appearance in this proceeding on behalf of Kincaid Generation, L.L.C.

Respectfully submitted,



Amy Antonioli
 SCHIFF HARDIN, LLP
 233 South Wacker Drive, Suite 6600
 Chicago, Illinois 60606
 312-258-5500
 aantonioli@schiffhardin.com

Dated: June 5, 2015

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KINCAID GENERATION, L.L.C.,)	
)	
Petitioner)	
)	
v.)	
)	PCB 15-
ILLINOIS ENVIRONMENTAL PROTECTION)	(NPDES Permit Appeal)
AGENCY)	
)	
)	
Respondent.)	

APPEARANCE

I, Joshua R. More, hereby file my appearance in this proceeding on behalf of Kincaid, L.L.C.

Respectfully submitted,

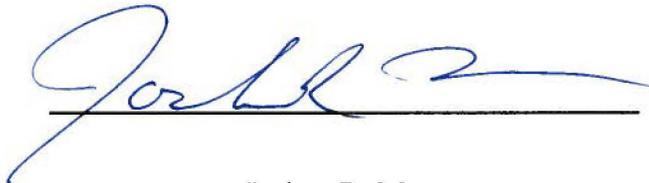


Joshua R. More
SCHIFF HARDIN, LLP
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
312-258-5500
jmore@schiffhardin.com

Dated: June 5, 2015

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 5th day of June, 2015, I have served the attached **PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION AND MOTION FOR STAY** and **APPEARANCES**, by first class mail, postage affixed, upon the persons on the attached service list.

A handwritten signature in blue ink, appearing to read "Joshua R. More", is written over a solid horizontal line.

Joshua R. More

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

SERVICE LIST

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
therriaj@ipcb.state.il.us

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