

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
WATER POLLUTION CONTROL PERMIT

LOG NUMBERS: 1191-13

PERMIT NO.: 2013-EB-1191

FINAL PLANS, SPECIFICATIONS, APPLICATION  
AND SUPPORTING DOCUMENTS  
PREPARED BY: Natural Resource Technology Group

DATE ISSUED: February 25, 2013

SUBJECT: MIDWEST GENERATION, LLC – Joliet 29 Generating Station – Liner Replacement – Discharge Tributary to the Des Plaines River

PERMITTEE TO CONSTRUCT AND OPERATE

Midwest Generation, LLC  
1800 Channahon Road  
Joliet, IL 60438

Permit is hereby granted to the above designated permittee(s) to construct and operate water pollution control facilities described as follows:

A new 60 mil HDPE geomembrane liner, a 12-inch cushion layer, and a 6-inch warning layer will be installed at the South Pond 3. The side-slopes will be reshaped as necessary to maintain a 3 to 1 slope and may require removal of the existing chlorosulfonated polyethylene liner. The DMF of 7.2 MGD and working volume of 8.2 million gallons at 6 feet of freeboard will remain unchanged.

This operating permit expires on December 31, 2017.

This Permit is issued subject to the following Special Condition(s). If such Special Condition(s) require(s) additional or revised facilities, satisfactory engineering plan documents must be submitted to this Agency for review and approval for issuance of a Supplemental Permit.

**SPECIAL CONDITION 1:** The Permittee to Construct shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activities associated with this project will result in the disturbance of one (1) or more acres total land area.

An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control Permit Section."

**SPECIAL CONDITION 2:** The discharge from South Pond 3 shall be governed by NPDES Permit No. IL0064254.

**SPECIAL CONDITION 3:** The existing Midwest Generation waste storage lagoon shall adhere to the following groundwater protection elements:

- a. A minimum of three monitoring wells must be installed around South Pond 3 to demonstrate compliance with 35 IAC 620. At least one monitoring well must be down gradient of the pond. Pursuant to 35 IAC 620.505, compliance

Page 1 of 2

THE STANDARD CONDITIONS OF ISSUANCE INDICATED ON THE REVERSE SIDE MUST BE COMPLIED WITH IN FULL. READ ALL CONDITIONS CAREFULLY.

SAK:JAR:1191-13.docx

DIVISION OF WATER POLLUTION CONTROL

cc: EPA-Des Plaines FOS  
Natural Resource Technology Group  
Records - Industrial  
Binds

*Alan Keller*  
Alan Keller, P.E.  
Manager, Permit Section



MWG13-15\_44275

**READ ALL CONDITIONS CAREFULLY:  
STANDARD CONDITIONS**

The Illinois Environmental Protection Act (Illinois Revised Statutes Chapter 111-12, Section 103B) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

1. Unless the construction for which this permit is issued has been completed, this permit will expire (1) two years after the date of issuance for permits to construct sewers or wastewater sources or (2) three years after the date of issuance for permits to construct treatment works or pretreatment works.
2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any agent duly authorized by the Agency upon the presentations of credentials:
  - a. to enter at reasonable times, the permittee's premises where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit;
  - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
  - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit;
  - d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants;
  - e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.

5. The issuance of this permit:

- a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located;
  - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;
  - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;
  - d. does not take into consideration or attest to the structural stability of any units or parts of the project;
  - e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
6. Unless a joint construction/operation permit has been issued, a permit for operating shall be obtained from the agency before the facility or equipment covered by this permit is placed into operation.
7. These standard conditions shall prevail unless modified by special conditions.
8. The Agency may file a complaint with the Board for suspension or revocation of a permit:
- a. upon discovery that the permit application contained misrepresentations, misinformation or false statement or that all relevant facts were not disclosed; or
  - b. upon finding that any standard or special conditions have been violated; or
  - c. upon any violation of the Environmental Protection Act or any Rules or Regulation effective thereunder as a result of the construction or development authorized by this permit.

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groundwater monitoring requires the down gradient monitoring wells to be located approximately 25 feet from the toe of the ash impoundment berms.

- b. The monitoring wells should be constructed using local conditions as a guide, but must be screened and constructed to allow the collection of representative groundwater samples. In general, the monitoring wells should be cased to at least 10 feet below grade, with a screen that intersects the water table surface.
- c. Midwest Generation must collect an adequate number of samples to establish a statistically valid representation of water quality (background) that has not been impacted by this unit or other units at this facility.
- d. The contaminants for which background and compliance groundwater monitoring must be completed are listed in 35 IAC 620.410(a) and (d), not including radium 226 or radium 228. Static groundwater elevation must be collected before each monitoring event.
- e. Groundwater samples must be analyzed and reported at least quarterly. Copies of the groundwater monitoring well sample analysis shall be submitted during the months of April, July, October, and January for the preceding three month period, to the following addresses:

Illinois EPA  
Division of Water Pollution Control  
Compliance Assurance Section  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Illinois EPA  
DWPC-- Des Plaines Region  
9511 West Harrison  
Des Plaines, Illinois 60016

Illinois EPA  
Hydrogeology and Compliance Unit  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

**READ ALL CONDITIONS CAREFULLY:  
STANDARD CONDITIONS**

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1. Unless the construction for which this permit is issued has been completed, this permit will expire: (1) two years after the date of issuance for permits to construct sewers or wastewater sources or (2) three years after the date of issuance for permits to construct treatment works or pretreatment works.
2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations; the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications, as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any agent duly authorized by the Agency upon the presentation of credentials:
  - a. to enter at reasonable times, the permittee's premises where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit;
  - b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
  - c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit;
  - d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants;
  - e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
  - a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located;
  - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;
  - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;
  - d. does not take into consideration or attest to the structural stability of any units or parts of the project;
  - e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
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  - b. upon finding that any standard or special conditions have been violated; or
  - c. upon any violation of the Environmental Protection Act or any Rules or Regulation effective thereunder as a result of the construction or development authorized by this permit.