

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

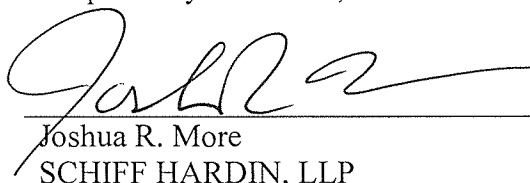
DYNEGY MIDWEST GENERATION, LLC,)	
BALDWIN ENERGY COMPLEX)	
)	
Petitioner)	
)	
v.)	PCB 15-
)	(NPDES Permit Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY)	
)	
)	
Respondent.)	

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 **APPEARANCE** copies of which are herewith served upon you.

Respectfully submitted,



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

Dated: January 16, 2015

CERTIFICATE OF SERVICE

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

A handwritten signature in black 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
Tim Fox, Hearing Officer
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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DYNEGY MIDWEST GENERATION, LLC,)	
BALDWIN ENERGY COMPLEX)	
)	
Petitioners)	
)	
v.)	
)	PCB 15-
ILLINOIS ENVIRONMENTAL PROTECTION)	(NPDES Permit Appeal)
AGENCY)	
)	
)	
Respondent.)	

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

Petitioner Dynegy Midwest Generation, LLC (“DMG”), 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 December 12, 2014, and received on or about December 16, 2014, for the DMG Baldwin Energy Complex. A copy of the Baldwin NPDES Permit No. IL0000043 is attached as Exhibit A (also referred to as “2014 Permit”). This Petition for Review of IEPA’s NPDES Permit Decision (“Petition”) asserts that the conditions concerning internal Outfall B01 of the 2014 Permit are not lawful, not necessary to accomplish the purposes of the Illinois Environmental Protection (“Act”) and Board regulations, and otherwise arbitrary and capricious. DMG requests that the Board stay the contested conditions. In support of this Petition and Motion for Stay, DMG states as follows:

I. BACKGROUND

1. Petitioner operates the Baldwin Energy Complex (“BEC”), a coal-fired steam electric generating plant located at 10901 Baldwin Road, Baldwin, IL 62217. The Baldwin Energy Complex is a 1,800 MW coal plant that is authorized to discharge to the Kaskaskia River. The facility employs approximately 250 people.

2. Prior to the 2014 Permit, the BEC operated under the NPDES permit issued in 2005 and attached as Exhibit B (the “2005 Permit”). DMG timely filed an application to renew the 2005 Permit on or about October 29, 2009. DMG submitted comments to the Agency with respect to several issues in drafts of the 2014 Permit, including IEPA’s proposed conditions for internal Outfall B01. IEPA issued a draft permit on November 6, 2013, but received few public comments and no requests for hearing. IEPA issued the 2014 Permit on December 12, 2014 and it became effective on January 1, 2015.

II. CHALLENGED CONDITIONS - OUTFALL B01

3. The 2005 Permit authorized the BEC to discharge 13 contributory wastewater streams, including “non-chemical metal cleaning wastes,” and “chemical metal cleaning wastes” from Outfall 001. Exh. B, p. 2. All sampling and monitoring for Outfall 001 (which discharges flow from BEC’s ash pond system to the Kaskaskia River) was required by the 2005 Permit to be done at a point prior to the final discharge to the Kaskaskia River. *Id.* The 2005 Permit also imposed iron and copper effluent limitations and monitoring requirements for “chemical metal cleaning wastes” and for those to be monitored at internal Outfall B01, which flows to the ash pond system and ultimately contributes to the discharge from Outfall 001. Exh. B., p. 3.

4. The 2014 Permit added “non-chemical metal cleaning wastes” as a permitted discharge from internal Outfall B01 such that the limitations and requirements previously applicable only to “chemical metal cleaning wastes” (iron and copper) are, for the first time,

equally applicable to discharges of “non-chemical metal cleaning wastes.” Exh. A., p. 4. In addition to making internal Outfall B01 limitations and requirements for chemical metal cleaning wastes applicable to non-chemical metal cleaning wastes, the 2014 Permit also imposed additional effluent limitations and monitoring requirements for both chemical and non-chemical metal cleaning wastes at internal Outfall B01. Specifically, the 2014 Permit imposed effluent limitations and monitoring requirements for total suspended solids and oil and grease for the first time at internal Outfall B01. *Id.* The 2014 Permit’s conditions concerning internal Outfall B01 shall hereinafter be referenced as the “2014 Permit B01 Conditions.” Both chemical and non-chemical metal cleaning waste discharges from the BEC are infrequent and intermittent and often result from removing ash and/or slag from equipment such as air heaters and precipitators as part of required operation and maintenance.

5. From IEPA’s December 12, 2014 response to comments, it appears that, with the 2014 Permit, IEPA is attempting to regulate waste water from BEC’s equipment cleaning washes (chemical and non-chemical) at internal Outfall B01 on the assumption that: (1) non-chemical equipment wash water is “metal cleaning wastes” subject to technology-based limits (“TBELs”) for iron, copper, total suspended solids, and oil and grease; and (2) no treatment of metal cleaning wastes occurs in BEC’s ash pond system. Neither assumption is accurate.

6. As reflected in the 2005 Permit, non-chemical metal cleaning waste waters generated from equipment washes have not been characterized by IEPA, until now, as “metal cleaning wastes”, but rather as low volume waste.

7. As the Board is aware, TBELs for facilities such as the BEC were established by U.S. EPA in 1982 through its steam electric effluent guidelines codified at 40 C.F.R. Part 423 (the “1982 ELG”). The 1982 ELG specifically did not establish numeric effluent limitations for

non-chemical metal cleaning wastes (see, e.g., 40 C.F.R. 423.13(f)). Consequently, non-chemical metal cleaning wastes have long been properly regulated as “low volume waste sources”, defined at 40 C.F.R. 423.11(b). The 2014 Permit, however, incorrectly attempts to regulate (for the first time) BEC’s non-chemical equipment wash water as metal cleaning wastes. IEPA regulation of the BEC’s non-chemical equipment wash water as a metal cleaning waste rather than as a low volume waste source is arbitrary and capricious and not in accordance with applicable law.

8. In addition to incorrectly regulating BEC’s non-chemical equipment wash water as metal cleaning wastes, the 2014 Permit seeks to inappropriately impose effluent limitations and monitoring requirements for chemical and non-chemical equipment wash water at internal Outfall B01, rather than Outfall 001. In doing so, the 2014 Permit improperly and arbitrarily precludes BEC’s ability to use its ash pond system to treat its chemical and non-chemical equipment wash water waste stream. The ash pond system inherently provides treatment (via detention and settling) of chemical and non-chemical metal cleaning waste waters generated from cleaning equipment, including the treatment of iron, copper, total suspended solids, and oil and grease.

9. No changes in law or the facts of BEC’s discharge warrant the imposition of the 2014 Permit B01 Conditions. Accordingly, the inclusion of the 2014 Permit B01 Conditions in the 2014 Permit is inconsistent with applicable law and arbitrary and capricious.

10. Alternatively, if the Agency’s action to impose the 2014 Permit B01 Conditions is somehow authorized by law and not arbitrary or capricious, DMG respectfully contends that the Agency failed to consider the substantial costs and time needed to comply with the new effluent limitations and requirements of the 2014 Permit B01 Conditions and establish a reasonable

schedule of compliance in accordance with 35 Ill. Adm. Code 309.148. Accordingly, the requirement to immediately comply with the 2014 Permit B01 Conditions is inconsistent with applicable law and arbitrary and capricious.

III. MOTION FOR STAY

11. DMG asks the Board to stay the effectiveness of the 2014 Permit B01 Conditions from the January 1, 2015 (the “Effective Date” of the 2014 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. Specifically, DMG asks that the 2014 Permit B01 Conditions be stayed in their entirety from the date the permit was issued and that the terms of the 2005 Permit applicable to internal Outfall B01 remain in full force and effect during the pendency of the stay.

12. Once appealed to the Board, a permit applicant may seek to have the permit stayed in its entirety (*Borg-Warner v. Mauzy*, 427 N.E.2d 415 (Ill. App. 3d 1981)), or may seek a discretionary stay of only the contested conditions, allowing the remaining sections of the new permit to go into effect. *ConocoPhillips Co. v. IEPA*, PCB 12-101 (Apr. 5, 2012) (“ConocoPhillips”). In this instance, DMG has no objection to the balance of the conditions contained in the 2014 Permit and seeks to stay only the 2014 Permit B01 Conditions.

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

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

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

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

15. DMG will suffer irreparable injury if the 2014 Permit B01 Conditions are not stayed pending the outcome of this Petition. Compliance with the 2014 Permit B01 Conditions would require DMG to treat waste waters generated from cleaning equipment prior to discharging those wastes into BEC's ash pond system. Compliance with the 2014 Permit B01 Conditions requires extensive modifications to the piping of the existing waste treatment system (e.g., ash handling, sumps, and floor drains), as well as other modifications, possibly including the construction of additional lined treatment ponds or even a clarifier. The cost of these modifications would be substantial and implementation of these modifications would require various regulatory approvals and design, engineering and construction activities that would likely take between 36 and 48 months. Until such modifications were completed, DMG would not be able to comply with the 2014 Permit B01 Conditions, and if DMG complied with the 2014 Permit B01 Conditions and then succeeded on the merits of this Petition, the costs would be lost. Thus, DMG would suffer irreparable injury.

16. DMG has no other adequate remedy at law to prevent these injuries or to contest the 2014 Permit B01 Conditions; a permit appeal is the only remedy available.

17. It is also likely DMG will succeed on the merits of this Petition. DMG is prepared to demonstrate that based on the evidence of the administrative record, U.S. EPA guidance and IEPA practice, IEPA made incorrect determinations in including the 2014 Permit B01 Conditions.

18. Finally, no harm to human health or the environment will result from staying the 2014 Permit B01 Conditions. DMG will continue to operate as it has in the past. The waste streams at issue will continue to be treated in the ash pond system as authorized by the 2005 Permit and DMG will continue to monitor iron and copper at Outfall B01 in accordance with the 2005 Permit. Also, as the Board has previously noted, regarding discretionary stays:

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

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

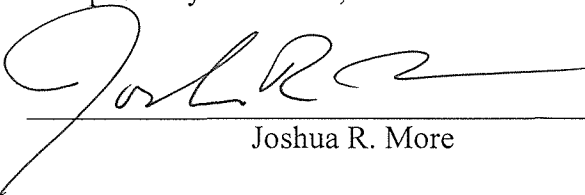
19. The Board has granted discretionary stays in a number of cases, including *AkzoNobel Surface Chemistry, LLC v. IEPA*, PCB 13-49 (Apr. 18, 2013) (NPDES Permit Appeal); *Dynegy Midwest Generation, Inc. v. IEPA*, PCB 10-53 (Feb. 3, 2010) (NPDES Permit Appeal); *ExxonMobil Oil Corp. v. IEPA*, PCB 10-30 (Dec. 17, 2009) (NPDES Permit Appeal); *Citgo Petroleum Corporation v. IEPA*, PCB No. 07-10 (Sept. 21, 2006) (NPDES Permit Appeal); *Midwest Generation, LLC, Will County Generating Station v. IEPA*, PCB 06-156, slip op. at 5-6

(July 20, 2006) (CAAPP permit appeal)); *Community Landfill Co. and City of Morris v. IEPA*, PCB 01-48, 01-49 (consol.), slip op. at 4 (Oct. 19, 2000) (landfill operating permits).

WHEREFORE, DMG respectfully moves the Board to grant a stay of effectiveness of the 2014 Permit B01 Conditions from January 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 DMG respectfully requests that the Board grant review of the Agency's issuance of the 2014 NPDES Permit and find that the 2014 Permit B01 Conditions are inconsistent with applicable law, not necessary to accomplish the Act and Board regulations and are otherwise arbitrary and capricious, and remand the 2014 Permit to the Agency for reissuance consistent with law and DMG's request.

DYNEGY MIDWEST GENERATION, LLC

Respectfully submitted,



Joshua R. More

Dated: January 16, 2015

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

EXHIBIT A



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/782-0610

December 12, 2014

Dynegy Midwest Generation, LLC
604 Pierce Boulevard
O'Fallon, Illinois 62269

Re: Dynegy Midwest Generation, LLC
Baldwin Energy Complex
NPDES Permit No. IL0000043
Final Permit

Gentlemen:

We have reviewed your comments to the subject draft permit and offer the following responses:

Comments 1, 2, 3, and 5 concerning the Fact Sheet were reviewed and addressed in the permit record. However the Fact Sheet is prepared for the public notice period which has been completed, thus a revised Fact Sheet will not be issued.

Comment 4: The use of pre-combustion coal additives described in 8(c) of your June 21, 2013 comments was reviewed and the Agency determined that no new loading would occur, thus an anti-degradation analysis would not be required as the additives would be captured in the baghouses and disposed off-site.

Comment 6: 40 CFR 423.11(d) defines metal cleaning wastes as with or without chemical cleaning compounds. Internal monitoring point B01, proposed as a sampling point for both chemical and non-chemical metal cleaning wastes, will remain to ensure compliance with the BPT limits of 40 CFR 423.12(b)(5) prior to mixing with other waste streams.

Comment 7: Special Condition 4 was removed as requested since total residual chlorine is not limited in the permit.

Comment 8: Special Condition 10 was removed as requested. However, the domestic wastewater effluent from A01 is subject to technology based effluent limits and must be met prior to entering the cooling pond. The remaining special conditions were renumbered.

Comment 9: The Agency will review each change in the use of water treatment additives and respond in the appropriate manner by approving it, denying it, or modifying the permit.

Comment 10: If weather or equipment malfunctions prohibit compliance with the monitoring/sampling requirements, Standard Condition 12 in Attachment H which discusses Reporting Requirements shall be followed.

Comment 11: Any discharge from 002 including discharges over the spillway must comply with the monitoring/sampling requirements on page 5 of the permit.

The flow rate of Bottom Ash Effluent in Outfall 002 has been corrected to 13 MGD.

Language was added to Special Condition 8 stating that the facility must comply with any

requirements of the new Cooling Water Intake Structure Existing Facilities Rule, and that the special condition does not relieve the permittee of the responsibility of complying with any laws, regulations, or judicial orders issued pursuant to Section 316(b) of the Clean Water Act.

Due to the comments from the Sierra Club, the language of 35 Ill. Adm Code 304.105 was added as Special Condition 4.

In addition, the reference to Special Condition 13 for Boron on page 2 of the permit was corrected to refer to Special Condition 12.

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

The Agency 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:11062801.bah

Attachment: Final Permit

cc: Records
Compliance Assurance Section
Collinsville Region
Billing
SWIMRPC
US EPA

NPDES Permit No. IL0000043

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: December 31, 2019

Issue Date: December 12, 2014

Effective Date: January 1, 2015

Name and Address of Permittee:

Dynegy Midwest Generation, LLC
604 Pierce Boulevard
O'Fallon, Illinois 62269

Facility Name and Address:

Baldwin Energy Complex
10901 Baldwin Road
Baldwin, Illinois 62217
(Randolph County and St. Clair County)

Discharge Number and Name:

001 Ash Pond Discharge
A01 Aerated Lagoon Sewage Treatment Plant
B01 Chemical and Non-Chemical Metal Cleaning Waste
002 Overflow from Baldwin Cooling Pond
003 Coal Pile Runoff
004 River Intake Screen Backwash

Receiving Waters:

Kaskaskia River

Kaskaskia River
Doza Creek
Kaskaskia River

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

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



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

SAK: SMT:11062801.bah

NPDES Permit No. IL0000043

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 Ash Pond Discharge (Intermittent)

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/L		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Contributory Streams:	Bottom Ash Transport Water				Flow	
	Demineralizer Regenerate Waste				13.0 MGD (Max.)	
	Unit 1 Boiler Sump				0.2 MGD (Max.)	
	Unit 1 Boiler Lowpoint Drains				0.41 MGD (Max.)	
	Water Treatment System Wastes				Intermittent	
	Sewage Treatment Effluent (combined)				0.06 MGD (Max.)	
	Oil/Water Separator (Stack No. 1)				0.1 MGD (Max.)	
	Miscellaneous Discharges				0.03 MGD (Max.)	
	Chemical and Non-Chemical Metal Cleaning Wastes				Intermittent	
	Dredge Spoils				Intermittent	
Low Volume SDA Sump and Other Miscellaneous Floor Drainage				0.38 MG per year		
Flow (MGD)	See Special Condition 1				1/Week	
pH	See Special Condition 2				1/Week	Grab
Total Suspended Solids			15	30	1/Week	24-Hour Composite
Oil and Grease			15	20	1/Week	Grab
Boron	See Special Condition 12				1/Week	24-Hour Composite
Manganese			Monitoring		1/Month	Grab
Mercury*			Monitoring**		1/Month	Grab

*Minimum reporting limit : 1.0 ng/L (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. Mercury shall be monitored monthly for the first year and quarterly thereafter. This Permit may be modified with public notice to establish effluent limitations if appropriate, based on information obtained through sampling. The quarterly monitoring results shall be submitted on the March, June, September and December DMRs.

NPDES Permit No. IL0000043

Effluent Limitations and Monitoring

- 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: A01 Aerated Lagoon Sewage Treatment Plant (DAF = 0.01375 MGD)

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Flow (MGD)	See Special Condition 1				1/Month	
BOD ₅			30	60	1/Month	24-Hour Composite
Total Suspended Solids			37	74	1/Month	24-Hour Composite
Fecal Coliform	See Special Condition 15				1/Month	Grab

NPDES Permit No. IL0000043

Effluent Limitations and Monitoring

- 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 Chemical and Non-Chemical Metal Cleaning Wastes (Intermittent)

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/Discharge Event	
Total Suspended Solids			30	100	1/Discharge Event	Grab
Oil and Grease			15	20	1/Discharge Event	Grab
Iron			1.0	1.0	1/Discharge Event	Grab
Copper			0.5	1.0	1/Discharge Event	Grab

NPDES Permit No. IL0000043

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 Overflow from Baldwin Cooling Pond (intermittent)

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		
Contributory Streams:	Condenser Cooling Water				Approximate Flow	
	# 1 and #2 Oil/Water Separator				1720 MGD (Max.)	
	Cooling Pond Intake Screen Backwash				0.06 MGD	
	Roof Drains and Area Runoff				3.69 MGD (Max.)	
	High Pressure Heater/Deaerating Heater				Intermittent	
	Floor Drains				0.002 MGD (Max.)	
	Service Water Head Tank Overflow				Intermittent	
	Unit 1 Slag Tank Overflow, Cyclone Jacket				7.74 MGD (Max.)	
	Cooling Water and Ash Line Drain					
	Unit 2 Boiler Room Sump				0.58 MGD	
	Unit 3 Boiler Room Sump				0.50 MGD	
	Unit 2 Cyclone Jacket Cooling Water				0.72 MGD (Max.)	
	Unit 2 Slag Tank Overflow				7.1 MGD	
	Unit 2 and 3 Ash Hopper Overflows					
	Units 2 and 3 Boiler Low Point Drains				Intermittent	
	Unit 3 Boiler Blowdown and Floor Drains				0.445 MGD	
	Unit 3 Pyrite Transfer Tank Overflow				0.005 MGD (Max.)	
Unit 3 Economizer Storage Hopper Overflow				0.037 MGD		
Units 1,2,3 SDA Compressor Cooling				6.5 MGD		
Bottom Ash Effluent				13.0 MGD		
Aerated Lagoon Sewage Treatment Plant (via A01)				0.01375 MGD		
Flow (MGD)	See Special Condition 1				1/Week When Discharging	
pH	See Special Condition 2				1/Week When Discharging	Grab
Temperature	See Special Condition 3				1/Week When Discharging	Single Reading
Total Suspended Solids			15	30	1/Week When Discharging	Grab
Oil and Grease			15	20	1/Week When Discharging	Grab

NPDES Permit No. IL0000043

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: 003 Coal Pile Runoff (DAF = 0.6 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		
Contributory Streams:	Coal Pile Runoff Cooling Pond Seepage Area Runoff					
Flow (MGD)	See Special Condition 1				1/Month	
pH	See Special Condition 2				1/Month	Grab
Total Suspended Solids			15	30	1/Month	24-Hour Composite
Oil and Grease			15	20	1/Month	Grab
Manganese			Monitoring		1/Month	Grab
Mercury*			Monitoring**		1/Month	Grab

*Minimum reporting limit : 1.0 ng/L (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. Mercury shall be monitored monthly for the first year and quarterly thereafter. This Permit may be modified with public notice to establish effluent limitations if appropriate, based on information obtained through sampling. The quarterly monitoring results shall be submitted on the March, June, September and December DMRs.

NPDES Permit No. IL0000043

Effluent Limitations and Monitoring

- 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: 004 River Intake Screen Backwash (DAF = 0.018 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				1/Month	

Special Conditions

SPECIAL CONDITION 1. Flow shall be measured in units of Million Gallons per Day (MGD) and reported as a monthly average and a daily maximum value on the monthly Discharge Monitoring Report.

SPECIAL CONDITION 2. 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 3. This facility meets allowed mixing criteria for thermal discharges pursuant to 35 IAC 302.102. No reasonable potential exists for the discharge to exceed thermal water quality standards. The permittee shall monitor the flow and temperature of the discharge prior to entry into the receiving water body. Monitoring results shall be reported on the monthly discharge Monitoring Report. This permit may be modified to include formal temperature limitations should the results of the monitoring show that there is a reasonable potential to exceed a thermal water quality standard. Modification of this permit shall follow public notice and opportunity for comment.

There shall be no abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions. The normal daily and seasonal temperature fluctuations which existed before the addition of heat due to other than natural causes shall be maintained.

SPECIAL CONDITION 4. The effluent, alone or in combination with other sources, shall not cause a violation of any applicable water quality standard outlined in 35 Ill. Adm. 302.

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. 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 7. There shall be no discharge of polychlorinated biphenyl compounds. The Permittee shall monitor the effluent from outfalls 001, A01, B01, 002, 003, and 004 for polychlorinated biphenyl compounds on a semi-annual basis and submit the results to the Agency with the June, and December DMRs.

SPECIAL CONDITION 8. The facility utilizes a closed-cycle recirculating system, a 2000 acre cooling pond, for cooling of plant condensers and is determined to be equivalent to Best Technology Available (BTA) for cooling water intake structures to prevent/minimize impingement mortality in accordance with the best professional judgment provisions of 40 CFR 125.3. The cooling pond system allows the facility to only withdraw the amount of water necessary to maintain the cooling pond level rather than the entire volume used for cooling of the plant condensers. The use of a cooling pond is determined to meet the equivalent of BTA for control of thermal discharges in accordance with the Best Professional Judgment provisions of 40 CFR 125.3 because thermal discharges are first tempered in the cooling pond and then only occur during overflow events driven by precipitation rather than the entire volume used for condenser cooling.

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 four years from the effective date of this permit.

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

SPECIAL CONDITION 9. Sludge contained in the chemical and non-chemical metal cleaning waste treatment pond at the Baldwin Energy Complex may be applied to the active area of the coal pile for incineration in accordance with permits obtained from the Illinois EPA Division of Air Pollution Control. Sludge shall be applied within the following guidelines:

- 1) Chemical and non-chemical metal cleaning waste sludge shall be applied to an active area of the coal pile at a rate to prevent coal pile runoff.
- 2) Sludge application shall not be permitted if the coal pile has been wetted by rainfall within the 24-hour period preceding the intended application time.
- 3) Sludge application shall not be permitted on the coal pile during precipitation or when precipitation is imminent.
- 4) The filter cake from the portable sock filter may be disposed by application to the active area of the coal pile.
- 5) Chemical and non-chemical metal cleaning waste sludge or filter cake which is a hazardous waste shall not be placed on the coal pile.

Special Conditions

This special condition does not relieve the permittee of any State or Federal requirements for management of hazardous waste. Documentation to support a hazardous waste determination pursuant to 40 CFR 262.11 shall be maintained by the permittee.

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

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

The Permittee may choose to submit 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>.

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

SPECIAL CONDITION 12. In accordance with the adjusted water quality standard granted by the Illinois Pollution Control Board in AS 96-1, the discharge from Outfall 001 may not cause the boron concentration in the Kaskaskia River to exceed the following concentrations:

1. 2.7 mg/l for boron from 310 feet upstream of Outfall 001, to the water intake structure located 1,300 feet upstream of Outfall 001;
2. 9.9 mg/l for boron from 310 feet upstream of Outfall 001, to 300 feet downstream of Outfall 001;
3. 2.7 mg/l for boron from 300 feet downstream of Outfall 001, to 2000 feet downstream of Outfall 001.
4. 1.2 mg/l for boron from 2,000 feet downstream of Outfall 001, to the confluence of the Kaskaskia River with the Mississippi River.

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

SPECIAL CONDITION 14. In the event that the permittee must request a change in the use of water treatment additives, the permittee must request a change in this permit in accordance with Standard Conditions -- Attachment H.

SPECIAL CONDITION 15. The daily maximum fecal coliform count shall not exceed 200 per 100 ml nor the waste load allocation of 104 million colonies per day.

SPECIAL CONDITION 16. The Permittee shall monitor the effluent from outfalls 001, 002, and 003 for the following parameters on a semi-annual basis. This Permit may be modified with public notice to establish effluent limitations if appropriate, based on information obtained through sampling. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted to the address in special condition 10 in June and December. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

Special Conditions

<u>STORET CODE</u>	<u>PARAMETER</u>	<u>Minimum reporting limit</u>
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01027	Cadmium	0.001 mg/L
00940	Chloride	2.0 mg/L
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (grab) (available * or amendable to chlorination)	5.0 ug/L
00720	Cyanide (grab not to exceed 24 hours) (total)	5.0 ug/L
00951	Fluoride	0.1 mg/L
00900	Hardness (as CaCO3)	5.0 mg/L
01045	Iron (total)	0.5 mg/L
01046	Iron (Dissolved)	0.5 mg/L
01051	Lead	0.05 mg/L
01055	Manganese	0.5 mg/L
01067	Nickel	0.005 mg/L
00556	Oil (hexane soluble or equivalent) (Grab Sample only)	5.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
01077	Silver (total)	0.003 mg/L
00945	Sulfate	0.01 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.

*USEPA Method OIA-1677

SPECIAL CONDITION 17. The permittee shall maintain a groundwater monitoring program for the existing ash pond system. The groundwater shall be monitored as follows:

- Monitoring wells MW-104S, MW-104D, MW-150, MW-350, MW-152, MW-252, MW-352, MW-153, MW-253, MW-154, MW-155, and MW-355 shall be monitored for the parameters below:

Manganese (total)	Chloride	Specific Conductance
Iron (total)	Nitrate	Temperature
Sulfate	Boron	Depth to Water (bls)
Total Dissolved Solids	pH	Depth to Water (bmp)
Elevation of MP	Elevation of Groundwater Surface	

- Monitoring wells MW-156, and MW-157S shall be monitored for the parameters below:

Specific Conductance
 Temperature
 Depth to Water (bls)
 Depth to Water (bmp)
 Elevation of MP
 Elevation of GW Surface

- Groundwater sampling at the monitoring wells listed in Item #1 above, including MW-156 and MW-157S, will be performed on a quarterly basis and reported annually to the following address by February 28th of the following year:

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

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

Special Conditions

<u>STORET CODE</u>	<u>PARAMETER</u>	<u>Minimum reporting limit</u>
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01027	Cadmium	0.001 mg/L
00940	Chloride	2.0 mg/L
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (grab) (available * or amendable to chlorination)	5.0 ug/L
00720	Cyanide (grab not to exceed 24 hours) (total)	5.0 ug/L
00951	Fluoride	0.1 mg/L
00900	Hardness (as CaCO3)	5.0 mg/L
01045	Iron (total)	0.5 mg/L
01046	Iron (Dissolved)	0.5 mg/L
01051	Lead	0.05 mg/L
01055	Manganese	0.5 mg/L
01067	Nickel	0.005 mg/L
00556	Oil (hexane soluble or equivalent) (Grab Sample only)	5.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
01077	Silver (total)	0.003 mg/L
00945	Sulfate	0.01 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.

*USEPA Method OIA-1677

SPECIAL CONDITION 17. The permittee shall maintain a groundwater monitoring program for the existing ash pond system. The groundwater shall be monitored as follows:

- Monitoring wells MW-104S, MW-104D, MW-150, MW-350, MW-152, MW-252, MW-352, MW-153, MW-253, MW-154, MW-155, and MW-355 shall be monitored for the parameters below:

Manganese (total)	Chloride	Specific Conductance
Iron (total)	Nitrate	Temperature
Sulfate	Boron	Depth to Water (bls)
Total Dissolved Solids	pH	Depth to Water (bmp)
Elevation of MP	Elevation of Groundwater Surface	

- Monitoring wells MW-156, and MW-157S shall be monitored for the parameters below ~~only~~

Specific Conductance
 Temperature
 Depth to Water (bls)
 Depth to Water (bmp)
 Elevation of MP
 Elevation of GW Surface

- Groundwater sampling at the monitoring wells listed in Item #1 above, including MW-156 and MW-157S, will be performed on a quarterly basis and reported annually to the following address by February 28th of the following year:

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

Illinois Environmental Protection Agency
 Hydrogeology and Compliance Unit
 1021 North Grand Avenue East
 P.O. 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:
- 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;
 - Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - 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.**
- Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - 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.
 - Records of monitoring information shall include:
 - The date, exact place, and time of sampling or measurements;
 - The individual(s) who performed the sampling or measurements;
 - The date(s) analyses were performed;
 - The individual(s) who performed the analyses;
 - The analytical techniques or methods used; and
 - The results of such analyses.
 - 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.
- Application.** All permit applications shall be signed as follows:
 - 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;
 - For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - 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:

- The authorization is made in writing by a person described in paragraph (a); and
 - 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
 - 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.**

- 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:
 - 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
 - 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).
 - 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.
- 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.
- Transfers.** This permit is not transferable to any person except after notice to the Agency.
- 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.
- Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - 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 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, 217-782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

217/782-0610

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

March 25, 2005

Dynegy Midwest Generation, Inc.
Attn: Manager Environmental Resources
2828 North Monroe Street
Decatur, Illinois 62526

Re: Dynegy Midwest Generation, Inc. - Baldwin Energy Complex
NPDES Permit No. IL0000043
Final Permit

Gentlemen:

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

The following changes were made to the draft permit following the 30-day Public Notice.

1. Based on your comment letter dated January 20, 2005, Special Condition 7 was changed in order to clarify that the condition applied to the Kaskaskia River intake structure.
2. The reference to "paragraph (a) of this section" in Special Condition 6(1), was changed to "40 CFR 122.22(a)" in order to clarify which section applied.

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

The 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.

Page 2

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

Sincerely,

A handwritten signature in black ink that reads "Alan Keller". The signature is fluid and cursive, with the first name "Alan" and last name "Keller" clearly distinguishable.

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

SAK:BAK:DEL\00120601.BAH

Attachment: Final Permit

cc: Records
Compliance Assurance Section
Collinsville Region
USEPA

NPDES Permit No. IL0000043

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, 2010

Issue Date: March 25, 2005

Effective Date: May 1, 2005

Name and Address of Permittee:

Dynegy Midwest Generation, Inc.
Attention: Manager, Environmental Resources
2828 North Monroe Street
Decatur, Illinois 62525

Facility Name and Address:

Dynegy Midwest Generation, Inc.
Baldwin Energy Complex
Post Office Box 146
Baldwin, Illinois 62217
(St. Clair and Randolph Counties)

Discharge Number and Name:

001 Ash Pond Discharge
01 Sanitary Sewage Aerated Lagoon System
01 Chemical Metal Cleaning Waste
C01 Activated Carbon Treatment System Effluent
002 Overflow from Baldwin Cooling Pond
004 River Intake Screen Backwash
003 Coal Pile Runoff
A03 Special Waste Storage Area Effluent

Receiving Waters

Kaskaskia River

Doza Creek

In compliance with the provisions of the Illinois Environmental Protection Act, Subtitle C and/or Subtitle D Rules and Regulations of the Illinois Pollution Control Board, and the Clean Water Act, 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:DEL:00120601.bah

NPDES Permit No. IL0000043

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
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(s): 001 Ash Pond Discharge						
Contributory Streams:	Bottom Ash Transport Water			Flow		
	Fly Ash Transport Water			13.0 MGD (Max.)		
	Demineralizer Regenerate Waste			10.0 MGD (Max.)		
	Unit 1 Boiler Sump			0.2 MGD (Max.)		
	Unit 1 Boiler Lowpoint Drains			0.41 MGD (Max.)		
	Water Treatment System Wastes			Intermittent		
	Sewage Treatment Effluent (combined)			0.06 MGD (Max.)		
	Oil/Water Separator (Stack No. 1)			0.1 MGD (Max.)		
	Miscellaneous Discharges			0.03 MGD (Max.)		
	Non-chemical Metal Cleaning Wastes			0.03 MGD (Max.)		
	Chemical Metal Cleaning Wastes			Intermittent		
	Dredge Spoils			Intermittent		
	Activated Carbon Treatment System Effluent			Intermittent		
				0.0144 MGD (Max.)		
Flow (MGD)					1/Week	Single Reading Estimate
pH	The pH shall be in the range of 6.0 to 9.0				1/Week	Grab
Total Suspended Solids			15	30	1/Week	24-Hour* Composite
Oil and Grease			15	20	1/Month	Grab
Total Dissolved Solids				1382	1/Month	24-Hour Composite
Boron				9.9**	1/Month	24-Hour Composite
Sulfate					1/Month	24-Hour Composite

*See Special Condition 4
 **See Special Condition 16

NPDES Permit No. IL0000043
Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall(s): A01 Sanitary Sewage Aerated Lagoon System**						
Flow (MGD)					1/Month	Single Reading
	Flow 0.01375 MGD DAF (0.04 MGD DMF)					
BOD ₅	3.44 (10.08*)	6.88 (20.02*)	30	60	1/Month	24 Hour Composite
Total Suspended Solids	4.24 (12.34*)	8.49 (24.69*)	37	74	1/Month	24 Hour Composite

*Load Limits based on Design Maximum Flow shall apply only when flow exceeds Design Average Flow.

**See Special Condition 10.

Outfall(s): B01 Chemical Metal Cleaning Wastes

Flow (MGD)					1/Discharge Event	Measure When Monitoring
Total Iron				1.0	1/Discharge Event	Grab
Total Copper				1.0	1/Discharge Event	Grab

NPDES Permit No. IL0000043

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
Outfall(s): C01 Activated Carbon Treatment System Effluent						
Flow (MGD)					1/Month*	Measure When Monitoring
Oil and Grease			15	30	1/Month*	Grab
Benzene			--	0.05	1/Month*	Grab
Ethylbenzene			0.014	0.150	1/Month*	Grab
Toluene			0.6	2.0	1/Month*	Grab
Xylenes (total)			0.36	0.92	1/Month*	Grab
Total BETX**			--	0.75	1/Month*	Calculation
Priority Pollutant PNA's***				0.1	1/Month*	Grab

*See Special Condition 14 for more frequent monitoring during first 3 months of operation.
Benzene, ethylbenzene, toluene, xylene.

***Not required for discharge involving only gasoline. See Special Condition 15.

NPDES Permit No. IL0000043

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
Outfall(s): 002 Overflow from Baldwin Cooling Pond						
Contributory Streams:	Condenser Cooling Water		Approximate Flow			
	# 1 and #2 Oil/Water Separator		1720 MGD (Max.)			
	Cooling Pond Intake Screen Backwash		0.06 MGD			
	Roof Drains and Area Runoff		3.69 MGD (Max.)			
	High Pressure Heater/Deaerating Heater		Intermittent			
	Floor Drains		0.002 MGD (Max.)			
	Service Water Head Tank Overflow		Intermittent			
	Unit 1 Slag Tank Overflow, Cyclone Jacket		7.74 MGD (Max.)			
	Cooling Water and Ash Line Drain					
	Unit 2 Boiler Room Sump		0.58 MGD			
	Unit 3 Boiler Room Sump		0.50 MGD			
	Unit 2 Cyclone Jacket Cooling Water		0.72 MGD (Max.)			
	Unit 2 Slag Tank Overflow		7.1 MGD			
	Unit 2 and 3 Ash Hopper Overflows					
	Units 2 and 3 Boiler Low Point Drains		Intermittent			
	Unit 3 Boiler Blowdown and Floor Drains		0.445 MGD			
Unit 3 Pyrite Transfer Tank Overflow		0.005 MGD (Max.)				
Unit 3 Economizer Storage Hopper Overflow		0.037 MGD				
Flow (MGD)					1/Week When Discharging	Single Reading
pH	The pH shall be in the range of 6.0 to 9.0				1/Week	Grab
Temperature	See Special Condition 2					
Total Suspended Solids			15	30	1/Week	Grab
Oil and Grease			15	20	1/Week	Grab
Total Residual Chlorine*				0.05*	1/Week	Grab

*To be measured as an instantaneous maximum

NPDES Permit No. IL0000043

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
Outfall(s): 003 Coal Pile Runoff						
Contributory Streams:	Coal Pile Runoff Cooling Pond Seepage Area Runoff				Approximate Flow 0.6 MGD	
Flow (MGD)					1/Month	Measure When Monitoring
pH	The pH shall be in the range of 6.0 to 9.0				1/Month	Grab
Total Suspended Solids			15	30	1/Month	24-Hour Composite
Oil and Grease			15	20	1/Month	Grab
Outfall(s): A03 Special Waste Storage Area Effluent						
					Approximate Flow Intermittent	
Flow (MGD)					1/Discharge Event	Measure
Oil & Grease			15	30	1/Discharge Event	Grab
Benzene			--	0.05	1/Discharge Event	Grab
Ethylbenzene			0.014	0.150	1/Discharge Event	Grab
Toluene			0.6	2.0	1/Discharge Event	Grab
Xylenes (Total)			0.36	0.92	1/Discharge Event	Grab
Total BETX*			--	0.75	1/Discharge Event	Grab
Priority Pollutant PNA's**				0.1	**	Grab

*Benzene, Ethylbenzene, Toluene, Xylenes
See Special Condition 15

NPDES Permit No. IL0000043

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		

Outfall(s): 004 River Intake Screen Backwash

Approximate Flow
0.018 MGD

Flow (MGD)

1/Month Single Reading
Estimate

NPDES Permit No. IL0000043

Special Conitions

SPECIAL CONDITION 1. 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 2. Discharge of wastewater from this facility must not alone or in combination with other sources cause the receiving stream to violate the following thermal limitations at the edge of the mixing zone which is defined by Section 302.211, Illinois Administration Code, Title 35, Chapter 1, Subtitle C, as amended:

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

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

- C. The monthly maximum value shall be reported on the DMR form.

SPECIAL CONDITION 3. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

SPECIAL CONDITION 4. If inclement weather prohibits the collection of a 24-hour composite sample, sampling shall consist of a grab sample.

SPECIAL CONDITION 5. Standard Condition 11(a) of Attachment H is revised as follows:

An application submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively. In the case of a publicly owned facility, the application shall be signed by either the principal executive officer, ranking elected official, or other duly authorized employee.

SPECIAL CONDITION 6. Standard Condition 11(b) of Attachment H is revised as follows:

Pursuant to 40 CFR 122.22(b) all reports required by permits, other information requested by the Director, and all permit applications submitted for Group II storm water discharges under 122.26(b)(3) shall be signed by a person described in 40 CFR 122.22(a), or by a duly authorized representative of that person. A person is a duly authorized representative if:

- (1) The authorization is made in writing by a person described in 40 CFR 122.22(a);
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and
- (3) The written authorization is submitted to the Director.

SPECIAL CONDITION 7. Dynegy Midwest Generation's Baldwin Energy Complex has been deemed to have met the applicable national performance standards and will not be required to demonstrate further that the Kaskaskia River Intake Structure meets the specified impingement mortality and entrainment performance standards pursuant to 40 CFR 125.94(a)(1)(l). This determination was made because of the use and operation of the cooling pond. The Permittee shall request and receive a modification to this permit prior to changing the use or operation of the cooling pond. This determination does not relieve the Permittee of submitting pertinent information regarding the Kaskaskia River intake structure and cooling pond operation with the renewal application for this permit as required under 40 CFR 122.21(r)(2), (3) and (5).

NPDES Permit No. IL0000043

Special Conitions

SPECIAL CONDITION 8. Sludge contained in the chemical metal cleaning waste treatment pond at the Baldwin Energy Complex may be applied to the active area of the coal pile for incineration in accordance with permits obtained from the Illinois EPA Division of Air Pollution Control. Sludge shall be applied within the following guidelines:

- 1) Chemical metal cleaning waste sludge shall be applied to an active area of the coal pile at a rate to prevent coal pile runoff.
- 2) Sludge application shall not be permitted if the coal pile has been wetted by rainfall within the 24-hour period preceding the intended application time.
- 3) Sludge application shall not be permitted on the coal pile during precipitation or when precipitation is imminent.
- 4) The filter cake from the portable sock filter may be disposed by application to the active area of the coal pile.
- 5) Chemical metal cleaning waste sludge or filter cake which is a hazardous waste shall not be placed on the coal pile.

This special condition does not relieve the permittee of any State or Federal requirements for management of hazardous waste. Documentation to support a hazardous waste determination pursuant to 40 CFR 262.11 shall be maintained by the permittee.

SPECIAL CONDITION 9. This condition authorizes the use of a seventy-five micron portable cartridge filter at the tertiary discharge of the sanitary treatment plant after the permittee has obtained a state construction permit or supplemental permit pursuant to 35 Illinois Adm. Code Subtitle C: Section 309.202.

SPECIAL CONDITION 10. Treated effluent from the Sanitary Sewage Lagoon System is discharged to the fly ash cell of the ash pond system as outfall A01. Water in the fly ash cell is then either discharged through the rest of the ash pond system and outfall 001, or is recycled as make up water to the ash wetting system. Recycle to the ash wetting system will result in no discharge from the fly ash cell to the rest of the ash pond system, and therefore will not discharge to Outfall 001. The effluent limitations for Outfall A01 do not apply during those times when treated effluent from the sanitary sewage lagoon system is used as a makeup to the ash wetting recycle system, resulting in no discharge from the fly ash cell to the remainder of the ash pond system and Outfall 001. For those months when Sanitary Sewage Lagoon System effluent is recycled via the fly ash cell, "No Discharge" shall be reported for Outfall A01 on the DMR.

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

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

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

Permittees not using eDMR's shall mail 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 Agency has determined that the effluent limitations in this permit constitute BAT/BCT for storm water (including stormwater associated with U.S. Minerals' operations), which is treated in the existing treatment facilities for purposes of this permit reissuance, and no pollution prevention plan will be required for such storm water. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated storm water discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

SPECIAL CONDITION 13. pH shall be reported as a daily max. and a daily min. and flow shall be reported as a 30 day average on the monthly DMR.

NPDES Permit No. IL0000043

Special Conitions

SPECIAL CONDITION 14. During the first month of operation of a new discharge (Outfall C01), the sample frequency shall be once per week. During the next two months the frequency shall be twice per month, and thereafter the frequency shall be once per month. Discharges of less than one week duration shall be monitored at least once per discharge event.

SPECIAL CONDITION 15. (Outfall C01) Discharges of water which could have been impacted by any fuel other than gasoline shall analyze the discharge for the following Polynuclear Aromatic Hydrocarbons.

(Outfall A03) Discharges of runoff from the MGP soil storage area shall be sampled a minimum of once per discharge event, but not more than once per month for the following Polynuclear Aromatic Hydrocarbons.

Acenaphthene	Chrysene
Acenaphthylene	Dibenzo(a,h)anthracene
Anthracene	Fluoranthene
Benzo(a)anthracene	Fluorene
Benzo(a)pyrene	Indeno(1,2,3-cd)pyrene
3,4 Benzofluoranthene	Naphthalene
Benzo(g,h,i)perylene	Phenanthrene
Benzo(k)fluoranthene	Pyrene

SPECIAL CONDITION 16. In accordance with the adjusted water quality standard granted by the Illinois Pollution Control Board in AS 96-1, the discharge from Outfall 001 may not cause the boron concentration in the Kaskaskia River to exceed the following concentrations:

1. 2.7 mg/l for boron from 310 feet upstream of Outfall 001, to the water intake structure located 1,300 feet upstream of Outfall 001;
9.9 mg/l for boron from 310 feet upstream of Outfall 001, to 300 feet downstream of Outfall 001;
3. 2.7 mg/l for boron from 300 feet downstream of Outfall 001, to 2000 feet downstream of Outfall 001.
4. 1.2 mg/l for boron from 2,000 feet downstream of Outfall 001, to the confluence of the Kaskaskia River with the Mississippi River.

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.

All 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.

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

(c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.

(4) The level established by the Agency in this permit.

(12) **Reporting requirements.**

(b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.

(15) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:

(a) Any new introduction of pollutants into that POTW from an indirect 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.

(16) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:

(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.

(17) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.

(18) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.

(19) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.

(20) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.

(21) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(22) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit shall, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(23) Collected screening, 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.

(24) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.

(25) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board.

(26) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

(Rev. 3-13-98)

(a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.

(b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(d) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).

(2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.

(e) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and 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) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours.

The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(f) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).

(g) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.

(13) **Transfer of permits.** A permit may be automatically transferred to a new permittee if:

(a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;

(b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees; and

(c) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.

(14) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:

(a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 ug/l);

(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.

(3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DYNEGY MIDWEST GENERATION, LLC,)
BALDWIN ENERGY COMPLEX)

Petitioner)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY)

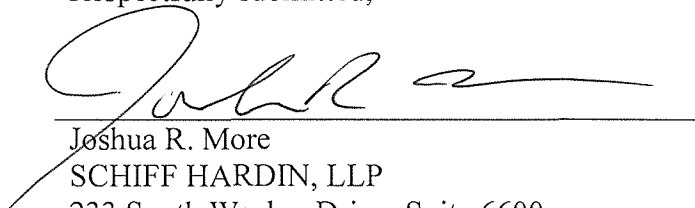
Respondent.)

PCB 15-
(NPDES Permit Appeal)

APPEARANCE

I, Joshua R. More, hereby file my appearance in this proceeding on behalf of Dynegy
Midwest Generation, LLC.

Respectfully submitted,



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

Dated: January 16, 2015