

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>ELECTRIC ENERGY, INC.</b>	)	
<b>(JOPPA ENERGY CENTER),</b>	)	
	)	
	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>PCB 16-</b>
<b>ILLINOIS ENVIRONMENTAL PROTECTION</b>	)	<b>(NPDES Permit Appeal)</b>
<b>AGENCY</b>	)	
	)	
	)	
<b>Respondent.</b>	)	

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

Respectfully submitted,

/s/ Amy Antonioli

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Joshua R. More  
Amy Antonioli  
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233 South Wacker Drive, Suite 6600  
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312-258-5500  
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Dated: September 3, 2015

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>ELECTRIC ENERGY, INC.</b>	)	
<b>(JOPPA ENERGY CENTER),</b>	)	
	)	
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<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>PCB 16-</b>
<b>ILLINOIS ENVIRONMENTAL PROTECTION</b>	)	<b>(NPDES Permit Appeal)</b>
<b>AGENCY</b>	)	
	)	
	)	
<b>Respondent.</b>	)	

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

Petitioner Electric Energy, Inc. (“EEI” or “Petitioner”), 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 July 30, 2015 for the Joppa Energy Center (“Joppa”). A copy of the Joppa NPDES Permit No. IL0004171 (the “2015 Permit”) is attached as Exhibit A.

This Petition for Review of IEPA’s NPDES Permit Decision (“Petition”) asserts that the imposition of Total Suspended Solids (“TSS”) limits at Outfall 008, the imposition of copper and iron limits at Outfall 008, the imposition of new internal Outfall A10, the sample frequency for flow at Outfall 014, the sample frequency for molluscicide at Outfalls 001, 006, 007, 008 and 010, and the sample type for Outfalls 006, 007, and B08 are arbitrary and capricious, and not necessary to accomplish the purposes of the Act and Illinois Pollution Control Board (“Board”)

regulations. Petitioner requests that the Board apply the automatic stay provision of the Administrative Procedure Act, 5 ILCS 100/10-65(b), to the 2015 Permit in its entirety. In support of this Petition and Motion for Stay, Petitioner states as follows:

## **I. BACKGROUND**

1. EEI owns and operates Joppa, an approximate 1,100 MW coal-fired steam electric generating plant located at 2100 Portland Road, Joppa, Illinois (Massac County). Joppa is authorized to discharge to an Unnamed Tributary of the Ohio River and the Ohio River. The facility employs approximately 134 people.

2. Prior to the 2015 Permit, Joppa operated under the NPDES permit issued in 2009 and attached as Exhibit B (the "2009 Permit"). EEI filed an application to renew the 2009 Permit on or about January 24, 2014. IEPA issued a public notice of a draft permit on or about April 8, 2015. EEI commented on the draft permit, including on the issues raised herein. IEPA issued the 2015 Permit on July 30, 2015, with an effective date of August 1, 2015.

## **II. CHALLENGED CONDITIONS**

### **A. Outfall 008 – TSS Limits**

3. The Agency for the first time is imposing TSS limits at Outfall 008 in the 2015 Permit. Ex. A, p. 4. The 2009 Permit and all prior NPDES permits authorized Joppa to discharge from Outfall 008 numerous contributory wastewater streams without imposing a limit on TSS. Ex. B, p. 4.

4. No changes in law or facts of Joppa's discharge warrant the imposition of TSS limits at Outfall 008. Accordingly, the inclusion of a TSS limit at Outfall 008 in the 2015 Permit is inconsistent with applicable law and arbitrary and capricious.

5. To the extent the Agency's action is authorized by law and not found to be arbitrary and capricious, the Agency failed to consider the substantial cost and time needed to

perform the design, engineering, construction and regulatory permitting activities needed to comply with the TSS limits imposed at Outfall 008 and failed to establish a reasonable schedule of compliance in accordance with 35 Ill. Adm. Code 309.148. Accordingly, the requirement to comply immediately with the TSS limits at Outfall 008 is inconsistent with applicable law and arbitrary and capricious.

6. EEI respectfully petitions the Board for review of the 2015 Permit and asks the Board to remand the permit back to the Agency for reissuance deleting the new TSS limits applicable to discharges from Outfall 008, or in the alternative, imposing a reasonable compliance schedule for compliance with the TSS limits.

**B. Outfall 008 – Copper and Iron Limits**

7. The 2009 Permit authorized Joppa to discharge from Outfall 008 numerous contributory wastewater streams, including non-chemical metal cleaning wastewater (e.g., heat exchange tube river sediment rinses, pump wash downs) without imposing limits on copper and iron. Ex. B, p. 4.

8. As the Board is aware, technology-based-effluent limits (“TBELs”) for facilities such as Joppa were established by U.S. EPA in 1982 through its steam electric effluent limitation guidelines codified at 40 C.F.R. Part 423 (the “1982 ELG”). The 1982 ELG specifically did not establish numeric effluent limitations for non-chemical metal cleaning wastes (see, e.g., 40 C.F.R. 423.13(f)). Consequently, non-chemical metal cleaning wastes have long been properly regulated as low volume waste, defined at 40 C.F.R. 423.11(b), and authorized for discharge at Joppa through Outfall 008.

9. The contributory waste streams discharging at Outfall 008 have not changed since the 2009 Permit was issued. Yet, the Agency for the first time is regulating these waste streams

as “metal cleaning wastes (Non-Chemical Only)” as opposed to low volume wastes. Exh. A. As such, the Agency has imposed for the first time copper and iron limits at Outfall 008.

10. No changes in law or facts of Joppa’s discharge warrant imposition of copper and iron limits at Outfall 008. Accordingly, the inclusion of copper and iron limits at Outfall 008 in the 2015 Permit is inconsistent with applicable law and arbitrary and capricious.

11. EEI respectfully petitions the Board for review of the 2015 Permit and asks the Board to remand the permit back to the Agency for reissuance deleting the new copper and iron limits applicable to non-chemical metal cleaning wastes from Outfall 008.

**C. Outfall A10 – New Internal Outfall**

12. The 2009 Permit authorized Joppa to discharge from Outfall 010 (settling lagoon discharge) various contributory wastewater streams, including non-chemical metal cleaning wastewaters which were subsumed as part of the crusher house floor drains and main plant floor drains. All sampling and monitoring associated with these wastewaters was done at a point prior to the final discharge – Outfall 010. See Ex. B, p.2.

13. Consistent with the TBELs, the non-chemical metal cleaning wastes discharged at Outfall 010 were regulated in the 2009 Permit as low volume waste, defined at 40 C.F.R. 423.11(b), and no limits for copper or iron were imposed. Exh. B, p. 5.

14. The contributory waste streams discharging at Outfall 010 have not changed since the 2009 Permit was issued. Yet, in the 2015 Permit, IEPA added a new internal Outfall A10 for non-chemical metal cleaning wastes and for the first time set copper and iron limits for non-chemical metal cleaning wastes. Ex. A, p. 5. This change would require the separation of non-chemical metal cleaning wastes from other low volume wastes (including boiler blowdown). There is currently no physical mechanism in place to segregate the non-chemical metal cleaning wastewater from the other low volume wastewaters.

15. No changes in law or the facts of Joppa's discharge warrant the imposition of internal Outfall A10 and effluent limits for copper and iron to non-chemical metal cleaning wastewater. Accordingly, the inclusion of internal Outfall A10 and the imposition of copper and iron limits to non-chemical metal cleaning wastes are inconsistent with applicable law and arbitrary and capricious.

16. EEI respectfully petitions the Board for review of the 2015 Permit and asks the Board to remand the permit back to the Agency for reissuance deleting Outfall A10 for non-chemical metal cleaning wastewater.

**D. Outfall 014 – Sampling Frequency for Flow**

17. The 2009 Permit required flow sampling "1/Week When Discharging" (Ex. B, p. 6) and the 2015 Permit changed the sampling frequency to "1/Week." Ex. A, p. 6. On average, Outfall 014 discharges only once every three or four years. Sampling at this outfall will be impossible when there is no discharge. Accordingly, the sampling frequency is arbitrary and capricious.

18. EEI respectfully petitions the Board for review of the 2015 Permit and asks the Board to remand the permit back to the Agency for reissuance to specify that flow sampling at Outfall 014 still only be required "when discharging."

**E. Outfalls 001, 006, 007, 008 and 010 – Sampling Frequency for Molluscicide**

19. The 2009 Permit required molluscicide sampling twice during the twelve-hour period after application. Ex. B, Special Condition 18. The 2015 Permit requires molluscicide sampling once per month, as well as twice during the dosing period and twice during the twelve-hour period after the application. Ex. A, pp. 2-5, Special Condition 17. On average,

molluscicide is applied only once per year. Accordingly, the sampling frequency is arbitrary and capricious.

20. EEI respectfully petitions the Board for review of the 2015 Permit and asks the Board to remand the permit back to the Agency for reissuance to specify that molluscicide sampling only be required during and after molluscicide applications.

**F. Outfalls 006, 007, and B08 – Sampling Type for Flow**

21. The 2009 Permit does not specify the sample type for Outfalls 006, 007 and B08, but for Outfall 008 requires an “estimate” flow sample. Ex. B, p. 3-4. The 2015 Permit requires EEI to report “measured” samples of flow at Outfalls 006, 007 and B08. Ex. A, p. 3-4. However, no flow monitors exist for these outfalls. Rather, flow is estimated based on various measured parameters, such as valve position, hours of operation and/or design flow rates. Accordingly, the sampling type for flow at Outfalls 006, 007, and B08 is arbitrary and capricious.

22. EEI respectfully petitions the Board for review of the 2015 Permit and asks the Board to remand the permit back to the Agency for reissuance to specify that the 2015 Permit should require EEI to “estimate” or “calculate” the flow for Outfalls 006, 007 and B08.

**III. MOTION FOR AUTOMATIC STAY**

23. Petitioner asks the Board to stay the 2015 Permit from August 1, 2015 (the “Effective Date” of the 2015 Permit) until the later of (a) the Board’s final resolution of this Petition or, (b) if granted, the Agency’s issuance of a corrected permit.

24. 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). An automatic

stay applies to appeals of NPDES permits under the Illinois Administrative Procedure Act (“APA”). 5 ILCS 100/10-65(b). In this instance, Petitioner asks that the Board apply the automatic stay provision of the APA to the 2015 Permit in its entirety. During the stay, the 2009 Permit will remain in effect and EEI will continue to operate under the 2009 Permit as it existed prior to renewal.

WHEREFORE, Petitioner respectfully moves the Board to grant an automatic stay of effectiveness of the 2015 Permit from August 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, Petitioner respectfully requests that the Board grant review of the Agency’s issuance of the 2015 Permit as set forth above and remand the 2015 Permit to the Agency for reissuance consistent with law and Petitioner’s request as set forth above.

Electric Energy, Inc.

Respectfully submitted,

/s/ Amy Antonioli

Amy Antonioli

Dated: September 3, 2015

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**EXHIBIT A**



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

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

217/782-0610

July 30, 2015

Electric Energy, Inc.  
Water and Waste Permitting / Environmental Compliance  
1500 Eastport Plaza Drive  
Collinsville, IL 62234

Re: Electric Energy, Inc. - Joppa Energy Center  
NPDES Permit No. IL0004171  
Final Permit

Gentlemen:

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

The Agency received your letter dated May 8, 2015 regarding the draft NPDES permit. Based on the information provided, the Agency has the following responses.

1. The facility name was changed as requested.
2. Internal outfall A01 was removed as requested.
3. Internal outfall A08 was removed as requested and the associated monitoring and limits were moved to outfall 008.
4. Internal outfall 010 will remain in the permit due to the waste stream being regulated under 40 CFR 423. The addition of chemical metal cleaning waste will not be added to the permit at this time. The facility may request this waste stream to be added as a separate permit modification.
5. The TSS limits at outfall 008 will remain at outfall 008 due to the waste streams being regulated under 40 CFR 423. Special Condition 22 will now apply to TSS at this outfall giving background credit for non-contact cooling waters at outfall 008, as requested.
6. Special Condition 12 will remain as is. If the facility would like to add other products for algae control, these should be submitted as a modification request to the Agency.
7. There will be no change to the language in Special Condition 20(B)3. This is to be consistent with 35 Ill. Adm. Code 304.106.
8. A statement was added to outfalls 001, B08 and 010 for grab samples to be allowed during maintenance and/or low-flow events in place of composite samples.

9. Cooling Water Intake Structure Warming Line was added as a contributory wastestream to outfall 007.

10. Molluscicides was added to outfalls 006 and 007.

The Agency received an email from USEPA – Region 5 dated May 20, 2015 regarding the draft NPDES permit. Based on the information provided, the Agency made the following changes to the permit.

1. A reference to the Endangered Species Act was added to Special Condition 20.
2. A statement was added to Special Condition 4 requiring the facility to report maximum BTU/hour heat rejection for the month.
3. Special Condition 4 was clarified by stating the “maximum power production (24-hour average)” shall be reported on the DMR.
4. Special Condition 19 was clarified by adding a statement that a molluscicide change may require a modification of this permit.

The Agency has begun a program allowing the submittal of electronic Discharge Monitoring Reports (NetDMRs) instead of paper Discharge Monitoring Reports (DMRs). If you are interested in NetDMRs, more information can be found on the Agency website, <http://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 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.

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

Sincerely,



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

SAK:LRL:14100901.docx

Attachment: Final Permit

cc: Records Unit  
Compliance Assurance Section  
Marion Region  
Billing  
USEPA

NPDES Permit No. IL0004171

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: July 31, 2020

Issue Date: July 30, 2015

Effective Date: August 1, 2015

Name and Address of Discharger:

Electric Energy, Inc.  
Water & Waste Permitting / Environmental Compliance  
1500 Eastport Plaza Drive  
Collinsville, Illinois 62234

Name and Address of Facility:

Electric Energy, Inc.  
Joppa Energy Center  
2100 Portland Road  
Joppa, Illinois 62953  
(Massac County)

Discharge Number and Name:

001 Ash Pond Discharge  
005 Intake Screen Backwash  
006 Condenser Cooling Water Units 1 - 4 and Auxiliary  
Equipment Cooling Water  
007 Condenser Cooling Water Units 5 - 6, Auxiliary Equipment  
Cooling Water, and Cooling Water Intake Structure  
Warming Line  
008 Flume Discharge  
B08 Boiler Blowdown  
010 Settling Lagoon Discharge  
A10 Metal Cleaning Waste (Non-Chemical Only)  
011 Stormwater Runoff from Former Ash Pond  
012 Stormwater Runoff from Railroad Car Unloading Facility  
013 Stormwater Runoff from Railroad Car Unloading Facility  
and Berm of an Ash Pond  
014 Lagoon Sewage Treatment Plant Effluent and MEPI  
Sanitary Waste

Receiving Waters

Unnamed Tributary to Ohio River  
Ohio River  
Ohio River  
Ohio River  
Ohio River  
Ohio River  
Ohio River  
Unnamed Tributary to Ohio River  
Unnamed Tributary to Ohio River  
Unnamed Tributary to Ohio River  
Unnamed Tributary to Ohio River

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

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



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

NPDES Permit No. IL0004171

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
<u>Outfall 001 - Ash Pond Discharge***</u> (Average Flow = 7.2 MGD)						
This discharge consists of:						
<ol style="list-style-type: none"> <li>1. Bottom Ash and Fly Ash Sluice Water</li> <li>2. Demineralizer Regenerant Waste</li> <li>3. Central Water Treatment Building Floor Drains</li> <li>4. Settling Lagoon and Intake Dredging Wastewater*</li> <li>5. Reverse Osmosis / Demineralizer System Backwash</li> <li>6. Wastewater from Gas Turbine Site**</li> <li>7. Ash Landfill Leachate</li> <li>8. Metal Cleaning Waste (Non-Chemical Only)</li> </ol>						
Flow (MGD)	See Special Condition 1.				1/Week	Calculation
pH	See Special Condition 2.				1/Week	Grab
Total Suspended Solids			15.0	30.0	1/Month	Composite****
Oil & Grease			15.0	20.0	1/Month	Grab
Molluscicide	See Special Condition 17.				1/Month	Grab
Mercury	See Special Condition 21.			Monitor Only	1/Quarter	Grab

\* - Discharge to the ash pond is an alternate routing.

\*\* - The incidental amounts of wastewater from the facility's gas turbine site includes collected rainwater, turbine water injection, inlet fogging water, and turbine wash water.

\*\*\* - See Special Conditions 16, 19, and 23.

\*\*\*\* - A grab sample can be used in place of a composite sample during periods of maintenance and/or low-flow events.

NPDES Permit No. IL0004171

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
<u>Outfall 005 - Intake Screen Backwash*</u> (Average Flow = 0.4 MGD)						
Flow (MGD)	See Special Condition 1.				1/Month	Calculation

\* - There shall be no discharge of collected debris from the outer bar racks other than trace amounts.

<u>Outfall 006 - Condenser Cooling Water Units 1 - 4 and Auxiliary Equipment Cooling Water*</u> (Average Flow = 410 MGD)						
Flow (MGD)	See Special Condition 1.				Continuous	Measure
pH	See Special Condition 2.				1/Month	Grab
Temperature	See Special Condition 4.				Continuous	Measure
Total Residual Chlorine / Total Residual Halogen	See Special Condition 7.			0.05	1/Month	Grab
Molluscicide	See Special Condition 17.				1/Month	Grab

\* - See Special Condition 19.

<u>Outfall 007 - Condenser Cooling Water Units 5 – 6, Auxiliary Equipment Cooling Water, and Cooling Water Intake Structure Warming Line*</u> (Average Flow = 182 MGD)						
Flow (MGD)	See Special Condition 1.				Continuous	Measure
pH	See Special Condition 2.				1/Month	Grab
Temperature	See Special Condition 4.				Continuous	Measure
Total Residual Chlorine / Total Residual Halogen	See Special Condition 7.			0.05	1/Month	Grab
Molluscicide	See Special Condition 17.				1/Month	Grab

\* - See Special Condition 19.

NPDES Permit No. IL0004171

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
<u>Outfall 008</u> - Flume Discharge* (Average Flow = 1.4 MGD)						
This discharge consists of:						
1. Boiler Blowdown (B08)						
2. Auxiliary Cooling Water Discharges						
3. Yard Storm Drains**						
4. Basement Floor Drains						
5. Metal Cleaning Waste (Non-Chemical Only)						
Flow (MGD)	See Special Condition 1.				1/Week	Measure
pH	See Special Condition 2.				1/Month	Grab
Temperature	See Special Condition 4.				1/Month	Single Reading
Total Suspended Solids	See Special Condition 22.		15.0	30.0	1/Month	Grab
Oil & Grease			15.0	20.0	1/Month	Grab
Copper (Total)			1.0	1.0	1/Month***	Grab
Iron (Total)			1.0	1.0	1/Month***	Grab
Molluscicide	See Special Condition 17.				1/Month	Grab

\* - See Special Condition 19.

\*\* - The limits do not apply to the yard storm drains, See Special Condition 15.

\*\*\* - Monitoring and limits only apply when discharging Metal Cleaning Waste (Non-Chemical Only).

Outfall B08 - Boiler Blowdown  
(Average Flow = 0.039 MGD)

Flow (MGD)	See Special Condition 1.				Continuous	Measure
Total Suspended Solids			15.0	30.0	1/Month	Composite*

\* - A grab sample can be used in place of a composite sample during periods of maintenance and/or low-flow events.

NPDES Permit No. IL0004171

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
<u>Outfall 010 - Settling Lagoon Discharge**</u> (Average Flow = 3.2 MGD)						
This discharge consists of:						
1. Coal Pile Runoff						
2. Coal Reclaim Pit Sump Pump Discharge						
3. Coal Car Dumper Drains						
4. Crusher House Floor Drains						
5. Main Plant Floor Drains						
6. Bottom Ash Hopper Overflow						
7. North Plant Area Storm Drainage						
8. Auxiliary Equipment Cooling Water						
9. Settling Lagoon and Intake Dredging Wastewater*						
10. Reverse Osmosis / Demineralizer System Blowdown						
11. Metal Cleaning Waste (Non-Chemical Only) (A10)						
Flow (MGD)	See Special Condition 1.				1/Week	Measure
pH	See Special Condition 2.				1/Week	Grab
Total Suspended Solids	See Special Condition 22.		15.0	30.0	1/Week	Composite***
Oil & Grease			15.0	20.0	1/Month	Grab
Molluscicide	See Special Condition 17.				1/Month	Grab
Mercury	See Special Condition 21.		Monitor Only		1/Quarter	Grab

\* - This wastestream may be directed to the ash pond.

\*\* - See Special Condition 16, 19, and 23.

\*\*\* - A grab sample can be used in place of a composite sample during periods of maintenance and/or low-flow events.

Outfall A10 - Metal Cleaning Waste (Non-Chemical Only)  
(Average Flow = Intermittent Discharge)

Flow (MGD)	See Special Condition 1.				1/Month	Measure
Total Suspended Solids			30.0	100.0	1/Month	Grab
Oil & Grease			15.0	20.0	1/Month	Grab
Copper (Total)			1.0	1.0	1/Month	Grab
Iron (Total)			1.0	1.0	1/Month	Grab



NPDES Permit No. IL0004171

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
<u>Outfall 011</u> - Stormwater Runoff from Former Ash Pond* (Intermittent Discharge)						
* - See Special Condition 15.						
<u>Outfall 012</u> - Stormwater Runoff from Railroad Car Unloading Facility* (Intermittent Discharge)						
Mercury	See Special Condition 21.		Monitor Only		1/Quarter	Grab
* - See Special Condition 15.						
<u>Outfall 013</u> - Stormwater Runoff from Railroad Car Unloading Facility and Berm of an Ash Pond* (Intermittent Discharge)						
* - See Special Condition 15.						
<u>Outfall 014</u> - Lagoon Sewage Treatment Plant Effluent and MEPI Sanitary Waste* (DMF = 0.075 MGD)						
Flow (MGD)	See Special Condition 1.				1/Week	Measure
pH	See Special Condition 2.				1/Month	Grab
BOD <sub>5</sub>	18	37	30	60	1/Month	Grab
Total Suspended Solids	23	46	37	74	1/Month	Grab
Dissolved Oxygen**					1/Month	Grab
Fecal Coliform***			Monitor Only		1/Month	Grab

\* - See Special Condition 10.

\*\* - The DO concentration shall not be less than 6 mg/l. DO shall be reported as a monthly minimum concentration.

\*\*\* - Sampling once a month May - October.

NPDES Permit No. IL0004171

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 on the Discharge Monitoring Report.

SPECIAL CONDITION 2. The pH shall be in the range of 6.0 to 9.0 and reported as a monthly minimum and monthly maximum.

SPECIAL CONDITION 3. 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 4. Electric Energy, Inc. demonstration for the Joppa Energy Center in accordance with Section 316(a) of the CWA was approved by the Illinois Pollution Control Board in Order 77-124 dated September 1, 1977, which resulted in the following thermal limitation.

Thermal Discharge: Electric Energy, Inc. may operate Joppa Energy Center with a once-through cooling water system as long as thermal discharges from this facility do not exceed those levels associated with maximum power production capacity existing on February 22, 1977 (1,100 megawatts gross based on a 24-hour average).

In accordance with the 316(a) approved by the Board in Order 77-124, the maximum power production capacity shall not exceed 1,100 megawatts gross (24-hour average). The permittee shall report the monthly average load factor, maximum BTU/hour heat rejection for the month, and the maximum power production (24-hour average) on the Discharge Monitoring Report.

SPECIAL CONDITION 5. If the permittee intends to request the continuation of the 316(a) alternative thermal limits in its next reissued NPDES permit, the permittee shall submit the information necessary to comply with 35 Ill. Adm. Code 106.1180 as part of the application for renewal of this permit.

SPECIAL CONDITION 6. If effluent monitoring cannot be completed for Outfall 008 during periods of continued flooding (Ohio River elevation 324.0 feet or greater) the Ohio River elevation shall be reported.

SPECIAL CONDITION 7. Total Residual Chlorine measured as Total Residual Halogen may not be discharged from each unit's main cooling condensers for more than two hours in any one day. Samples taken for chlorine/bromine monitoring purposes may be taken in the condenser cooling water discharge bay at a point representative of the discharge but prior to confluence with the rivers edge. Chlorine and bromine usage shall be subject to the following limitation.

All uses of the chlorine/bromine containing biocide approved by this Agency, such as for biofouling control, and regardless of duration, are subject to the discharge limit of 0.05 mg/l TRH (Total Residual Halogen) as an instantaneous maximum. Total Residual Halogen (TRH) shall be measured as the residuals from chlorine and/or bromine.

SPECIAL CONDITION 8. There shall be no discharge of chemical metal cleaning agents and associated rinses unless this permit has been modified to include the new discharge.

SPECIAL CONDITION 9. If effluent monitoring cannot be completed for Outfall 010 during periods of continued flooding (Ohio River elevation 326.0 feet or greater) the Ohio River elevation shall be reported.

SPECIAL CONDITION 10. Any use of chlorine to control slime growths odors or as an operational control, etc. shall not exceed the limit of 0.05 mg/l (daily maximum) total residual chlorine in the effluent. Sampling is required on a daily grab basis during the chlorination process. Reporting shall be submitted with the (DMR's) on a monthly basis.

SPECIAL CONDITION 11. There shall be no discharge of polychlorinated biphenyl compounds.

SPECIAL CONDITION 12. The applicant may use copper sulfate addition to the ash pond and lagoon to prevent algae growth in summer months.

SPECIAL CONDITION 13. In the event the permittee shall require the use of additives other than those previously approved by this Agency, or in the event the permittee increases the feed rate or quantity of the additives used beyond what has previously been approved by this Agency, the permittee shall notify this Agency in writing in accordance with the Standard Conditions, Attachment H.

SPECIAL CONDITION 14. 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.

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

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 28th 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 15.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR OUTFALLS 008, 011, 012 AND 013

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

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

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

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

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

B. The operator or owner of the facility shall make a copy of the plan available to the Agency at any reasonable time upon request.

Facilities which discharge to a municipal separate storm sewer system shall also make a copy available to the operator of the municipal system at any reasonable time upon request.

C. The permittee may be notified by the Agency at any time that the plan does not meet the requirements of this condition. After such notification, the permittee shall make changes to the plan and shall submit a written certification that the requested changes have been made. Unless otherwise provided, the permittee shall have 30 days after such notification to make the changes.

D. The discharger shall amend the plan whenever there is a change in construction, operation, or maintenance which may affect the discharge of significant quantities of pollutants to the waters of the State or if a facility inspection required by paragraph H of this condition indicates that an amendment is needed. The plan should also be amended if the discharger is in violation of any conditions of this permit, or has not achieved the general objective of controlling pollutants in storm water discharges. Amendments to the plan shall be made within 30 days of any proposed construction or operational changes at the facility, and shall be provided to the Agency for review upon request.

E. The plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from storm water outfalls at the facility. The plan shall include, at a minimum, the following items:

1. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm

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water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate. Any map or portion of map may be withheld for security reasons.

2. A site map showing:
    - i. The storm water conveyance and discharge structures;
    - ii. An outline of the storm water drainage areas for each storm water discharge point;
    - iii. Paved areas and buildings;
    - iv. Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.
    - v. Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);
    - vi. Surface water locations and/or municipal storm drain locations
    - vii. Areas of existing and potential soil erosion;
    - viii. Vehicle service areas;
    - ix. Material loading, unloading, and access areas.
    - x. Areas under items iv and ix above may be withheld from the site for security reasons.
  3. A narrative description of the following:
    - i. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
    - ii. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
    - iii. Existing structural and non-structural control measures to reduce pollutants in storm water discharges;
    - iv. Industrial storm water discharge treatment facilities;
    - v. Methods of onsite storage and disposal of significant materials.
  4. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities. Also provide a list of any pollutant that is listed as impaired in the most recent 303(d) report.
  5. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
  6. A summary of existing sampling data describing pollutants in storm water discharges.
- F. The plan shall describe the storm water management controls which will be implemented by the facility. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The description of the storm water management controls shall include:
1. Storm Water Pollution Prevention Personnel - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.
  2. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
  3. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.

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4. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill cleanup equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
5. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
  - i. Containment - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff. To the maximum extent practicable storm water discharged from any area where material handling equipment or activities, raw material, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water should not enter vegetated areas or surface waters or infiltrate into the soil unless adequate treatment is provided.
  - ii. Oil & Grease Separation - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges.
  - iii. Debris & Sediment Control - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges.
  - iv. Waste Chemical Disposal - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges.
  - v. Storm Water Diversion - Storm water diversion away from materials manufacturing, storage and other areas of potential storm water contamination. Minimize the quantity of storm water entering areas where material handling equipment of activities, raw material, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water using green infrastructure techniques where practicable in the areas outside the exposure area, and otherwise divert storm water away from exposure area.
  - vi. Covered Storage or Manufacturing Areas - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
  - vii. Storm Water Reduction - Install vegetation on roofs of buildings within adjacent to the exposure area to detain and evapotranspire runoff where precipitation falling on the roof is not exposed to contaminants, to minimize storm water runoff; capture storm water in devices that minimize the amount of storm water runoff and use this water as appropriate based on quality.
6. Sediment and Erosion Prevention - The plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion. The plan shall describe measures to limit erosion.
7. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
8. Inspection Procedures - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.
- G. Non-Storm Water Discharge - The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharge. The certification shall include a description of any test for the presence of non-storm water discharges, the methods used, the dates of the testing, and any onsite drainage points that were observed during the testing. Any facility that is unable to provide this certification must describe the procedure of any test conducted for the presence of non-storm water discharges, the test results, potential sources of non-storm water discharges to the storm sewer, and why adequate tests for such storm sewers were not feasible.
- H. Quarterly Visual Observation of Discharges - The requirements and procedures for quarterly visual observations are applicable to all outfalls covered by this condition. The quarterly visual observations shall commence 1 year from the effective date of this permit.

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1. You must perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation must be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, you are excused from the visual observations requirement for that quarter, provided you document in your records that no runoff occurred. You must sign and certify the document.
  2. Your visual observation must be made on samples collected as soon as practical, but not to exceed 1 hour or when the runoff or snow melt begins discharging from your facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measureable (greater than 0.1 inch rainfall) storm event. The observation must document: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. If visual observations indicate any unnatural color, odor, turbidity, floatable material, oil sheen or other indicators of storm water pollution, the permittee shall obtain a sample and monitor for the parameter or the list of pollutants in Part E.4.
  3. You must maintain your visual observation reports onsite with the SWPPP. The report must include the observation date and time, inspection personnel, nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
  4. You may exercise a waiver of the visual observation requirement at a facility that is inactive or unstaffed, as long as there are no industrial materials or activities exposed to storm water. If you exercise this waiver, you must maintain a certification with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water.
  5. Representative Outfalls - If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, you may conduct visual observations of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s).
  6. The visual observation documentation shall be made available to the Agency and general public upon written request.
- I. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.
  - J. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated there under, and Best Management Programs under 40 CFR 125.100.
  - K. The plan is considered a report that shall be available to the public at any reasonable time upon request.
  - L. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.
  - M. Facilities which discharge storm water associated with industrial activity to municipal separate storm sewers may also be subject to additional requirement imposed by the operator of the municipal system

Construction Authorization

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

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

- N. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee there upon waives all rights there under.
- O. The issuance of this authorization (a) does not release the permittee from any liability for damage to persons or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (b) does not take into consideration the structural stability of any units or part of this project; and (c) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or other applicable local law, regulations or ordinances.

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- P. Plans and specifications of all treatment equipment being included as part of the stormwater management practice shall be included in the SWPPP.
- Q. Construction activities which result from treatment equipment installation, including clearing, grading and excavation activities which result in the disturbance of one acre or more of land area, are not covered by this authorization. The permittee shall contact the IEPA regarding the required permit(s).

REPORTING

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

Annual inspection reports shall be mailed to the following address:

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

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

SPECIAL CONDITION 16. The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for stormwater which is treated in the existing treatment facilities (Outfalls 001 and 010) for purposes of this permit reissuance, and no pollution prevention plan will be required for such stormwater. 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 stormwater discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated stormwater discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

SPECIAL CONDITION 17. Application of Spectrus CT1300 and BULAB 6086 with detoxification for zebra mussel control:

- A. Application of Spectrus CT1300 and BULAB 6086 is authorized on an intermittent basis. The products shall not be used simultaneously or in consecutive twelve hour periods.
- B. Spectrus CT1300 and BULAB 6086 shall be injected at a rate sufficient to achieve up to a 15 mg/l concentration in the service water pump discharge header of the fire protection and service water systems. The application shall last twelve consecutive hours and not exceed three annual molluscicide applications.
- C. The discharge shall be completely detoxified as necessary using bentonite clay product. The detoxification chemical shall be injected at a ratio of 10 parts bentonite clay product to 1 part of detected Spectrus CT1300 and BULAB 6086. The detoxification chemical shall be injected as far up stream as possible to allow for optimum mixing.

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- D. The discharge for Spectrus CT1300 and BULAB 6086 shall be below detection (< 0.2 PPM). The discharge concentration shall be monitored at least twice (6-hours apart) during the twelve hour dosing period and twice (6-hours apart) during the twelve hour period following the application period.

SPECIAL CONDITION 18. The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

SPECIAL CONDITION 19. The use of any molluscicides, other than Spectrus CT1300 and BULAB 6086, require prior approval from the Agency and may require a modification of this permit. To obtain approval, the permittee shall submit a request for modification of this permit and prepare a preliminary plan for bio-monitoring, and submit the plan to IEPA for review and approval. Within ninety (90) days, unless specified otherwise in writing, after approval of the bio-monitoring plan and authorization for use of the new molluscicides either by letter or by modification of this permit, the permittee shall begin bio-monitoring of the effluent discharge, when molluscicides are in use.

Biomonitoring

1. Acute Toxicity - Standard definitive acute toxicity tests shall be run on at least two (2) trophic levels of aquatic species (fish, invertebrate) representative of the aquatic community of the receiving stream. Except as noted here and in the IEPA document "Effluent Biomonitoring and Toxicity Assessment", testing must be consistent with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (Fourth Ed.) EPA-600/4-90-027E. Results shall be reported in accordance with Section 12 of the USEPA document. Unless substitute tests are pre-approved, the following tests are required:
  - a. Fish - 96 hour static or static renewal LC<sub>50</sub> Bioassay using 1- to 14-day old fathead minnows (*Pimephales promelas*).
  - b. Invertebrate 48-hour static LC<sub>50</sub> Bioassay using *Ceriodaphnia*.
2. Testing Frequency - The above tests shall be conducted the first two times each molluscicide (other than Spectrus CT-1300 and BULAB 6086) is used when either molluscicide is in the discharge. Tests shall be performed using effluent grab samples unless otherwise authorized by the IEPA. Results shall be submitted to IEPA within one (1) week of becoming available to the Permittee.

Should the results of one sampling event for either molluscicide (other than Spectrus CT-1300 and BULAB 6086) indicate toxicity, the Permittee shall discontinue use of that molluscicide until the permittee demonstrates to the Agency that the molluscicide will be applied in a manner and at a quantity and feed rate that will not cause toxicity. The permittee shall submit the results of the above indicated tests to the IEPA Division of Water Pollution Control/Planning Section at the address indicated in Special Condition 14.

3. The IEPA may modify this Permit during its term to incorporate additional requirements or limitations based on the results of the biomonitoring. In addition, after review of the monitoring results, the IEPA may modify this Permit to include numerical limitations for specific toxic pollutants. Modifications under this condition shall follow public notice and opportunity for hearing.

SPECIAL CONDITION 20. Electric Energy, Inc. demonstration for the Joppa Energy Center in accordance with Section 316(b) of the CWA was approved by this Agency by letter dated April 12, 1979. Based on available information, the Agency has determined that the operation of the cooling water intake structure meets the equivalent of Best Technology Available (BTA) in accordance with the Best Professional Judgment provisions of 40 CFR 125.3 and 40 CFR 125.90(b), based on information available at the time of permit reissuance.

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

Nothing in this permit authorizes take for the purposes of a facility's compliance with the Endangered Species Act.

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

- A. The permittee shall submit the following information/studies within 4 years of the effective date of the permit:
  1. Source Water Physical Data to include:
    - a. A narrative description and scaled drawings showing the physical configuration of all source water bodies used by the facility including aerial dimensions, depths, salinity and temperature regimes;



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- b. Identification and characterization of the source waterbody's hydrological and geomorphological features, as well as the methods used to conduct any physical studies to determine the intake's area of influence and the results of such studies; and
- c. Location maps.

## 2. Source Waterbody Flow Information.

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

## 3. Impingement Mortality and Entrainment Characterization Study.

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

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

## B. The permittee shall comply with the following requirements:

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

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C. All required reports shall be submitted to the Industrial Unit, Permit Section and Compliance Assurance Section at the address in Special Condition 14.

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

SPECIAL CONDITION 21. Outfalls 001, 010, and 012 shall be monitored for mercury on a quarterly basis. Samples must be analyzed by EPA Method 1631E using the digestion procedure described in Section 11.1.1.2 of 1631E, which dictates that samples must be heated at 50°C for 6 hours in a bromine chloride (BrCl) solution in closed vessels.

SPECIAL CONDITION 22. Compliance with the numerical effluent concentration for total suspended solids is not required when effluent concentrations in excess of the standards result entirely from influent concentration, evaporation and/or incidental addition of traces of materials not utilized or produced in the activity that is the source of the waste. If credit for the background concentration is requested the following determinations shall be made and reported:

1. Determine the total suspended solids of the river water (sample to be taken after the duplex filter).
2. Determine the total flow of river water used for non-contact cooling at Outfall 008 and/or going to the settling lagoon and discharging via Outfall 010.
3. Determine the total flow from the settling lagoon (Outfall 010) and/or the flow discharging to the flume via the basement sump (Outfall 008).
4. Determine the total suspended solids of the settling lagoon effluent and/or the effluent to the flume via the basement sump.
5. Determine the adjusted effluent concentration limit.
6. The facility must provide justification for the background credit consistent with 40 CFR 122.45(g) and 35 Ill. Adm. Code 304.103. This justification must be submitted with the DMR at the time the credit is claimed.

SPECIAL CONDITION 23. The Permittee shall monitor Outfalls 001 and 010 for the following parameters on a semi-annual basis. The Permit may be modified with public notice to establish effluent limitations if appropriate, based on the 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 on the DMRs to IEPA. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

<u>STORET CODE</u>	<u>PARAMETER</u>	<u>MINIMUM REPORTING LIMIT</u>
01002	Arsenic	0.05 mg/l
01027	Cadmium	0.001 mg/l
01034	Chromium (Total)	0.05 mg/l
01042	Copper	0.005 mg/l
00718	Cyanide (grab) (weak acid dissociable)	5.0 ug/l
00720	Cyanide (grab not to exceed 24 hours) (Total)	5.0 ug/l
00951	Fluoride	0.1 mg/l
01045	Iron (Total)	0.5 mg/l
01046	Iron (Dissolved)	0.5 mg/l
01051	Lead	0.05 mg/l
01055	Manganese	0.5 mg/l
01067	Nickel	0.005 mg/l
32730	Phenols (grab)	0.005 mg/l
01147	Selenium	0.005 mg/l
01077	Silver (Total)	0.003 mg/l
01092	Zinc	0.025 mg/l

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

SPECIAL CONDITION 24. 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. Code 302.

**Attachment H**

**Standard Conditions**

**Definitions**

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

**Agency** means the Illinois Environmental Protection Agency.

**Board** means the Illinois Pollution Control Board.

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

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

**USEPA** means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:
- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) **Monitoring and records.**

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

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

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

person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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

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

(12) **Reporting requirements.**

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

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

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

**EXHIBIT B**



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829  
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

**PAT QUINN, GOVERNOR**

**DOUGLAS P. SCOTT, DIRECTOR**

217/782-0610

**AUG 07 2009**

Electric Energy, Inc.  
2100 Portland Road  
P.O. Box 165  
Joppa, Illinois 62953

**RECEIVED**

**AUG 10 2009**

**ELECTRIC ENERGY INC.**

Re: Electric Energy, Inc.  
Electric Energy, Inc. - Joppa Generating Station  
NPDES Permit No. IL0004171  
Final Permit

Gentlemen:

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

The Agency 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.

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

Sincerely,

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

SAK:DEL:LRL:00022901.dlk

Attachment: Final Permit

cc: Records  
Compliance Assurance Section  
Marion Region



NPDES Permit No. IL0004171

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: July 31, 2014

Issue Date: August 7, 2009

Effective Date: August 7, 2009

Name and Address of Permittee:

Electric Energy, Inc.  
2100 Portland Road  
P.O. Box 165  
Joppa, Illinois 62953

Facility Name and Address:

Electric Energy, Inc.  
Joppa Generating Station  
2100 Portland Road  
Joppa, Illinois 62953  
(Massac County)

Discharge Number and Name:

Receiving Waters

001 Ash Pond Discharge	Unnamed Tributary to the Ohio River
005 Intake Screen Backwash	Ohio River
006 Condenser Cooling Water Units 1 - 4 & Auxiliary Equipment Cooling Water	Ohio River
007 Condenser Cooling Water Units 5 - 6 & Auxiliary Equipment Cooling Water	Ohio River
008 Flume Discharge	Ohio River
B08 Boiler Blowdown	
010 Settling Lagoon Discharge	Ohio River
011 Stormwater Runoff from Former Ash Pond	Ohio River
012 Stormwater Runoff from Railroad Car Unloading Facility	Ohio River
013 Stormwater Runoff from Railroad Car Unloading Facility & Berm of an Ash Pond	Ohio River
014 Lagoon Sewage Treatment Plant Effluent	Unnamed Tributary to the Ohio 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:LRL:00022901.DLK

NPDES Permit No. IL0004171

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
<u>Outfall 001 - Ash Pond Discharge***</u> (Average Discharge = 7.6 MGD)						
This discharge consists of:						
Bottom Ash and Fly Ash Sluice Water Air Heater Wash Water Demineralizer Regenerant Waste Central Water Treatment Building Floor Drains Settling Lagoon and Intake Dredging Wastewater* Reverse Osmosis / Demineralizer System Blowdown Wastewater from Gas Turbine Site** Ash Landfill Leachate						
Flow (MGD)	See Special Condition 1.				1/Week	Calculation
pH	See Special Condition 13.				1/Week	Grab
Total Suspended Solids****			15	30	2/Month	24-Hour Composite
Oil and Grease			15	20	1/Month	Grab
Clam-Trol	See Special Condition 18.					
Mercury	See Special Condition 24.			Monitor Only	1/Month	Grab
Chloride (Total)				Monitor Only	1/Quarter	Grab
Total Dissolved Solids				Monitor Only	1/Quarter	Grab
Boron				Monitor Only	1/Month	Grab
Barium (Total)				Monitor Only	1/Month	Grab

\* - Discharge to the ash pond is an alternate routing.

\*\* - The incidental amounts of wastewater from the facility's gas turbine site includes collected rainwater, turbine water injection, inlet fogging water, and turbine wash water.

\*\*\* - See Special Conditions 16 and 20.

\*\*\*\* - See Special Condition 21.

NPDES Permit No. IL0004171

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
<u>Outfall 005 - Intake Screen Backwash*</u> (Average Discharge = 0.3 MGD)						
Flow (MGD)	See Special Condition 1.				1/Month	Calculation

\* - There shall be no discharge of collected debris from the outer bar racks other than trace amounts.

Outfall 006 - Condenser Cooling Water Units 1 - 4 & Auxiliary Equipment Cooling Water\*  
(Average Discharge = 363 MGD)

Flow (MGD)	See Special Condition 1.				Continuous	
pH	See Special Condition 2.				1/Week	Grab
Total Residual Chlorine / Total Residual Halogen	See Special Condition 7.			0.05	1/Month	**
Temperature	See Special Condition 4 & 5.				Continuous	

\* - See Special Condition 20.

\*\* - See Special Condition 26.

Outfall 007 - Condenser Cooling Water Units 5 - 6 & Auxiliary Equipment Cooling Water\*  
(Average Discharge = 174 MGD)

Flow (MGD)	See Special Condition 1.				Continuous	
pH	See Special Condition 2.				1/Week	Grab
Total Residual Chlorine / Total Residual Halogen	See Special Condition 7.			0.05	1/Month	**
Temperature	See Special Condition 4 & 5.				Continuous	

\* - See Special Condition 20.

\*\* - See Special Condition 26.

NPDES Permit No. IL0004171

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
<u>Outfall Q08 - Flume Discharge*</u> (Average Discharge = 1.283 MGD)						
This discharge consists of: Boiler Blowdown Auxiliary Cooling Water Discharges Yard Storm Drains** Basement Floor Drains						
Flow (MGD)	See Special Condition 1.				1/Week	Estimate
pH	See Special Condition 2.				1/Month	Grab
Temperature	See Special Condition 4 & 5.				1/Month	Grab
Oil and Grease			15	20	1/Month	Grab
Clam-Trol	See Special Condition 18.					

\* - See Special Condition 20.

\*\* - The limits for do not apply to the yard storm drains, See Special Condition 15.

Outfall B08 - Boiler Blowdown  
(Average Discharge = 0.029 MGD)

Flow (MGD)	See Special Condition 1.				Continuous	
Total Suspended Solids			15	30	1/Month	8-Hour Composite

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Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
<u>Outfall 010 - Settling Lagoon Discharge**</u> (Average Discharge = 3.43 MGD)						
This discharge consists of:						
Coal Pile Runoff						
Coal Reclaim Pit Sump Pump Discharge						
Coal Car Dumper Drains						
Crusher House Floor Frains						
Main Plant Floor Drains						
Bottom Ash Hopper Overflow						
North Plant Area Storm Drainage						
Auxiliary Equipment Cooling Water						
Settling Lagoon and Intake Dredging Wastewater*						
Reverse Osmosis / Demineralizer System Blowdown						
Flow (MGD)	See Special Condition 1.				1/Week	Calculated
pH	See Special Condition 2.				2/Week	Grab
Total Suspended Solids			15	30	1/Week	24-Hour Composite
Oil and Grease			15	20	1/Month	Grab
Clam-Trol	See Special Condition 18.					
Mercury	See Special Condition 24.				Monitor Only 1/Month	Grab

\* - This wastestream may be directed to the ash pond.

\*\* - See Special Condition 16 and 20.

\*\*\* - See Special Condition 25.

Outfall 011 - Stormwater Runoff from Former Ash Pond\*  
(Intermittent Discharge)

Mercury	See Special Condition 24.				Monitor Only 1/Quarter	Grab
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\* - See Special Condition 15.

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Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
<u>Outfall 012</u> - Stormwater Runoff from Railroad Car Unloading Facility* (Intermittent Discharge)						
Mercury	See Special Condition 24.				1/Quarter	Grab
* - See Special Condition 15.						
<u>Outfall 013</u> - Stormwater Runoff from Railroad Car Unloading Facility and Berm of an Ash Pond* (Intermittent Discharge)						
Mercury	See Special Condition 24.				1/Quarter	Grab
* - See Special Condition 15.						
<u>Outfall 014</u> - Lagoon Sewage Treatment Plant Effluent (DMF = 0.075 MGD)						
Flow (MGD)	See Special Condition 1.				1/Week When Discharging	
pH	See Special Condition 13.				1/Month	Grab
BOD <sub>5</sub>	18.77	37.53	30	60	1/Month	Grab
Total Suspended Solids	23.14	46.29	37	74	1/Month	Grab
Dissolved Oxygen***					1/Month	Grab
Fecal Coliform				Monitor Only	1/Month****	Grab

\* - See Special Condition 15.

\*\* - See Special Condition 10.

\*\*\* - The DO concentration shall not be less than 6 mg/l. DO shall be reported as a monthly minimum concentration.

\*\*\*\* - Sampling once a month May - October.

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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 on the monthly Discharge Monitoring Report.

SPECIAL CONDITION 2. The pH shall be in the range of 6.0 to 9.0 and reported as a monthly minimum and monthly maximum.

SPECIAL CONDITION 3. 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 4. Electric Energy Incorporated demonstration for the Joppa Generating Station in accordance with Section 316(a) of the CWA was approved by the Illinois Pollution Control Board in Order 77-124 dated September 1, 1977, which resulted in the following thermal limitation.

Thermal Discharge: Electric Energy Incorporated may operate Joppa Generating Station with a once-through cooling water system as long as thermal discharges from this facility do not exceed those levels associated with maximum power production capacity existing on February 22, 1977 (1,100 megawatts gross based on a 24-hour average).

A. The permittee shall report the monthly average load factor and the monthly maximum power production.

SPECIAL CONDITION 5. In the event that the maximum power production provision of Special Condition #4 is exceeded, Electric Energy, Inc. must provide continuous temperature monitoring data at two points in the Ohio River. The first will be at the cooling water intake and the second will be at the center of the thermal plume at the edge of a 26 acre mixing zone or a model may be used to predict the effluent temperature that will result in compliance at the edge of the 26 acre mixing zone.

A. Daily average temperature at the edge of the mixing zone must not exceed the maximum temperature in the following table.

B. The average temperature at the edge of the mixing zone must not exceed the period average temperature in the following table for the stated periods.

<u>Month/Date</u>	<u>Period Average</u>		<u>Maximum</u>	
	°F	°C	°F	°C
January 1 - 31	45	7.2	50	10.0
February 1 - 29	45	7.2	50	10.0
March 1 - 15	51	10.6	56	13.3
March 16 - 31	54	12.2	59	15.0
April 1 - 15	58	14.4	64	17.8
April 16 - 30	64	17.8	69	20.6
May 1 - 15	68	20.0	73	22.8
May 16 - 31	75	23.9	80	26.7
June 1 - 15	80	26.7	85	29.4
June 16 - 30	83	28.3	87	30.6
July 1 - 31	84	28.9	89	31.7
August 1 - 31	84	28.9	89	31.7
September 1 - 15	84	28.9	87	30.6
September 16 - 30	82	27.8	86	30.0
October 1 - 15	77	25.0	82	27.8
October 16 - 31	72	22.2	77	25.0
November 1 - 30	67	19.4	72	22.2
December 1 - 31	52	11.1	57	13.9

C. At not time shall the temperature at the edge of the mixing zone exceed the river temperature at the intake by five degrees F.

D. All daily average temperatures that exceed the provision of A above must be reported on the DMR form.

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

SPECIAL CONDITION 6. If effluent monitoring cannot be completed for Outfall 008 during periods of continued flooding (Ohio River elevation 324.0 feet or greater) the Ohio River elevation shall be reported.

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Special Conditions

SPECIAL CONDITION 7. Total Residual Chlorine measured as Total Residual Halogen may not be discharged from each unit's main cooling condensers for more than two hours in any one day. Samples taken for chlorine/bromine monitoring purposes may be taken in the condenser cooling water discharge bay at a point representative of the discharge but prior to confluence with the river's edge. Chlorine and bromine usage shall be subject to the following limitation.

All uses of the chlorine/bromine containing biocide approved by this Agency, such as for biofouling control, and regardless of duration, are subject to the discharge limit of 0.05 mg/l TRH (Total Residual Halogen) as an instantaneous maximum. Total Residual Halogen (TRH) shall be measured as the residuals from chlorine and/or bromine.

SPECIAL CONDITION 8. There shall be no discharge of chemical metal cleaning agents and associated rinses unless this permit has been modified to include the new discharge.

SPECIAL CONDITION 9. If effluent monitoring cannot be completed for Outfall 010 during periods of continued flooding (Ohio River elevation 326.0 feet or greater) the Ohio River elevation shall be reported.

SPECIAL CONDITION 10. Any use of chlorine to control slime growths odors or as an operational control, etc. shall not exceed the limit of 0.05 mg/l (daily maximum) total residual chlorine in the effluent. Sampling is required on a daily grab basis during the chlorination process. Reporting shall be submitted with the (DMR's) on a monthly basis.

SPECIAL CONDITION 11. There shall be no discharge of polychlorinated biphenyl compounds.

SPECIAL CONDITION 12. Electric Energy, Incorporated demonstration for the Joppa Generating Station in accordance with Section 316(b) of the CWA was approved by this Agency by letter dated April 12, 1979.

SPECIAL CONDITION 13. The pH shall be in the range of 6.5 to 9.0 and reported as a monthly minimum and monthly maximum.

SPECIAL CONDITION 14. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) Forms using one such form for each outfall each month.

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

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

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

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

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

Attention: Compliance Assurance Section, Mail Code # 19

SPECIAL CONDITION 15.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR OUTFALLS 008, 011, 012 AND 013

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



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

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

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

Construction Authorization

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

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

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

REPORTING

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

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N. Annual inspection reports shall be mailed to the following address:

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

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

SPECIAL CONDITION 16. The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for stormwater which is treated in the existing treatment facilities (Outfalls 001 and 010) for purposes of this permit reissuance, and no pollution prevention plan will be required for such stormwater. 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 stormwater discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated stormwater discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

SPECIAL CONDITION 17. In the event the permittee shall require the use of additives other than those previously approved by this Agency, or in the event the permittee increases the feed rate or quantity of the additives used beyond what has previously been approved by this Agency, the permittee shall notify this Agency in writing in accordance with the Standard Conditions, Attachment H.

SPECIAL CONDITION 18. Application of Spectrus CT1300 and BULAB 6086 with detoxification for zebra mussel control:

- A. Application of Spectrus CT1300 and BULAB 6086 is authorized on an intermittent basis. The products shall not be used simultaneously or in consecutive twelve hour periods.
- B. Spectrus CT1300 and BULAB 6086 shall be injected at a rate sufficient to achieve a 15 mg/l concentration in the service water pump discharge header of the fire protection system. The application shall last twelve consecutive hours and not exceed three annual molluscicide applications.
- C. The discharge shall be completely detoxified as necessary using bentonite clay product. The detoxification chemical shall be injected at a ratio of 10 parts bentonite clay product to 1 part of detected Spectrus CT1300 and BULAB 6086. The detoxification chemical shall be injected as far up stream as possible to allow for optimum mixing.
- D. The discharge for Spectrus CT1300 and BULAB 6086 shall be below detection (< 0.2 PPM). The discharge concentration shall be monitored at least twice during the twelve hour period following the application period.

SPECIAL CONDITION 19. The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

SPECIAL CONDITION 20. The Permittee shall prepare a preliminary plan for biomonitoring and submit the plan to IEPA for review and approval within ninety (90) days of the effective date of this Permit. The Permittee shall begin biomonitoring of the effluent discharge when molluscicides (other than Spectrus CT1300 and BULAB 6086) are in the discharge within ninety (90) days after approval of the biomonitoring plan or other such date as contained in the IEPA's notification letter.

Biomonitoring

- 1. Acute Toxicity - Standard definitive acute toxicity tests shall be run on at least two (2) trophic levels of aquatic species (fish, invertebrate) representative of the aquatic community of the receiving stream. Except as noted here and in the IEPA document "Effluent Biomonitoring and Toxicity Assessment", testing must be consistent with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (Fourth Ed.) EPA-600/4-90-027F. Results shall be reported in accordance with Section 12 of the USEPA document. Unless substitute tests are pre-approved; the following tests are required:

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- a. Fish - 96 hour static or static renewal LC<sub>50</sub> Bioassay using 1- to 14-day old fathead minnows (*Pimephales promelas*).
  - b. Invertebrate 48-hour static LC<sub>50</sub> Bioassay using *Ceriodaphnia*.
2. Testing Frequency - The above tests shall be conducted the first two times each molluscicide (other than Clam-Trol) is used when either molluscicide is in the discharge. Tests shall be performed using effluent grab samples unless otherwise authorized by the IEPA. Results shall be submitted to IEPA within one (1) week of becoming available to the Permittee.
- Should the results of one sampling event for either molluscicide (other than Clam-Trol) indicate toxicity, the Permittee shall discontinue use of that molluscicide until the permittee demonstrates to the Agency that the molluscicide will be applied in a manner and at a quantity and feed rate that will not cause toxicity. The permittee shall submit the results of the above indicated tests to the IEPA Division of Water Pollution Control/Planning Section at the address indicated in Special Condition 12.
3. The IEPA may modify this Permit during its term to incorporate additional requirements or limitations based on the results of the biomonitoring. In addition, after review of the monitoring results, the IEPA may modify this Permit to include numerical limitations for specific toxic pollutants. Modifications under this condition shall follow public notice and opportunity for hearing.

SPECIAL CONDITION 21. The Permittee has undergone a monitoring reduction review and the effluent sample frequency for total suspended solids at Outfall 001 has been reduced due to sustained compliance. The IEPA will require the effluent sample frequency for that parameter at Outfall 001 be increased to the frequency of 1/Week if effluent deterioration occurs due to increased wasteload, operational, maintenance, or other problems. The increased monitoring frequency will be required Without Public Notice when a permit modification is received by the permittee from the IEPA.

SPECIAL CONDITION 22. In order for the Agency to evaluate the potential impacts of cooling water intake structure operations pursuant to 40 CFR 125.90(b), the permittee shall prepare and submit information to the Agency outlining current intake structure conditions at this facility, including a detailed description of the current intake structure operation and design, description of any operational or structural modifications from original design parameters, source waterbody flow information, or other information as necessary. The information submitted should be in accordance with the previously submitted information collection proposal received by the Agency on May 23, 2005.

The information shall also include a summary of historical 316(b) related intake impingement and / or entrainment studies, if any, as well as current impingement mortality and / or entrainment characterization data; and shall be submitted to the Agency within six (6) months of the permit's effective date.

Upon the receipt and review of this information, the permit may be modified to require the submittal of additional information based on a Best Professional Judgement review by the Agency. This permit may also be revised or modified in accordance with any laws, regulations, or judicial orders pursuant to Section 316(b) of the Clean Water Act.

SPECIAL CONDITION 23. The applicant may use copper sulfate addition to the ash pond and lagoon to prevent algae growth in summer months.

SPECIAL CONDITION 24. Outfalls 001 and 010 shall be monitored for mercury on a monthly basis until twelve samples have been collected. Outfalls 011, 012, and 013 shall each be monitored for mercury on a quarterly basis until four samples have been collected at each outfall. After collection of all required samples, and upon written notification to the Agency the sampling may cease, unless the Agency modifies the permit to require continued sampling at some frequency. Samples must be analyzed by EPA Method 1631E using the digestion procedure described in Section 11.1.1.2 of 1631E, which dictates that samples must be heated at 50°C for 6 hours in a bromine chloride (BrCl) solution in closed vessels.

SPECIAL CONDITION 25. Compliance with the numerical effluent concentration for total suspended solids is not required when effluent concentrations in excess of the standards result entirely from influent concentration, evaporation and/or incidental addition of traces of materials not utilized or produced in the activity that is the source of the waste. If credit for the background concentration is requested the following determinations shall be made and reported:

1. Determine the total suspended solids of the river water (sample to be taken after the duplex filter).
2. Determine the total flow of river water used for non-contact cooling going to the settling lagoon.
3. Determine the total flow from the settling lagoon (Outfall 010).

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4. Determine the total suspended solids of the settling lagoon effluent.
5. Determine the adjusted effluent concentration limit.

SPECIAL CONDITION 26. Outfalls 006 and 007 shall be sampled on a monthly basis using grab samples. Due to the current sampling location and location of the dehalogenation chemical addition, a calculation method may be used to determine compliance with the effluent limitation for a period of 18 months. Following the 18 month period, either the sampling location or the chemical addition location must be adjusted to allow the collection of a grab sample to determine compliance with the Total Residual Chlorine limitation.

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.

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

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

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

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

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

(1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

(2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.

(3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

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

**(12) Reporting requirements.**

- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (d) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
  - (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
  - (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
  - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (e) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and 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 rescuse 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

**(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 quantity and quality of effluent introduced into the POTW, and (ii) the 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 screenings, sludges, 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)



**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on this 3<sup>rd</sup> day of September, 2015:

I have electronically served a true and correct copy of the attached **PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION AND MOTION FOR STAY**, on behalf of Electric Energy, Inc., upon the following Mr. John Therriault, Clerk of the Illinois Pollution Control Board at the email address of [John.therriault@illinois.gov](mailto:John.therriault@illinois.gov);

My e-mail address is [aantonioli@schiffhardin.com](mailto:aantonioli@schiffhardin.com);

The number of pages in the e-mail transmission is 49.

The e-mail transmission took place before 5:00 p.m.

I further certify that I have served a true and correct copy of the attached **PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION AND MOTION FOR STAY**, on behalf of Electric Energy, Inc., by first class mail, postage affixed, upon:

Division Chief of Environmental Enforcement  
Office of the Attorney General  
100 West Randolph St., Suite 1200  
Chicago, IL 60601

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

/s/ Amy Antonioli

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Amy Antonioli

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