

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS POWER GENERATING COMPANY)	
(COFFEEN POWER STATION),)	
)	
)	
Petitioner,)	
)	
v.)	PCB 17-15
)	(NPDES Permit Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY)	
)	
)	
Respondent.)	

NOTICE OF FILING

To: ALL PARTIES ON THE ATTACHED SERVICE LIST

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

Respectfully submitted,

/s/ Amy Antonioli

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

Dated: February 7, 2017

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS POWER GENERATING COMPANY)	
(COFFEEN POWER STATION),)	
)	
)	
Petitioner,)	
)	
v.)	
)	PCB 17-15
ILLINOIS ENVIRONMENTAL PROTECTION)	(NPDES Permit Appeal)
AGENCY)	
)	
)	
Respondent.)	

MOTION TO AMEND PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION

Pursuant to 35 Ill. Adm. Code 101.500, 101.502, and 105.114, Petitioner Illinois Power Generating Company (IPGC) hereby moves the Illinois Pollution Control Board (Board) for leave to amend its Petition for Review of IEPA NPDES Permit Decision (“Petition for Review”), filed with the Board on October 21, 2016, and to file instanter the Amended Petition for Review of IEPA NPDES Permit Decision (“Amended Petition”). In support of this motion, IPGC states as follows:

1. On October 21, 2016, IPGC filed a Petition for Review of IEPA NPDES Permit Decision and Motion for Stay. Specifically, IPGC contested fecal coliform monitoring requirements, TSS effluent limitations, and Special Conditions 4.E. and 4.F.
2. The Board accepted IPGC’s Petition on October 27, 2017 and on November 21, 2016, the Illinois Environmental Protection Agency (Agency) filed its record.

3. On January 19, 2017, the Board issued a final opinion and order in a third-party permit appeal proceeding clarifying the requirements for renewing an alternative thermal effluent limitation. Based on this decision, IPGC seeks to amend the Petition for Review.

4. IPGC conferred with the Agency and the Agency does not object to this Motion or the Amended Petition.

WHEREFORE, for the reasons set forth above, Petitioner IPGC moves for leave to file instanter the Amended Petition in this matter.

Illinois Power Generating Company,

Respectfully submitted,

/s/ Amy Antonioli

Amy Antonioli

Dated: February 7, 2017

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ILLINOIS POWER GENERATING COMPANY)	
(COFFEEN POWER STATION),)	
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Petitioner,)	
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v.)	
)	PCB 17-15
ILLINOIS ENVIRONMENTAL PROTECTION)	(NPDES Permit Appeal)
AGENCY)	
)	
)	
Respondent.)	

**AMENDED PETITION FOR REVIEW OF
IEPA NPDES PERMIT DECISION**

Petitioner Illinois Power Generating Company (“IPGC”) (“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 certain conditions of the National Pollutant Discharge Elimination System (“NPDES”) permit issued by the Illinois Environmental Protection Agency (“IEPA” or “Agency”) on September 16, 2016 for the Coffeen Power Station (“Coffeen”). A copy of the Coffeen NPDES Permit No. IL0000108 (the “2016 Permit”) is attached as Exhibit A.

The Petition for Review of IEPA NPDES Permit Decision (“Petition”) asserted that four conditions of the 2016 Permit are not necessary to accomplish the purpose of the Act and Board regulations, and otherwise are arbitrary and capricious. Petitioner also requested that the Board grant an automatic stay of the NPDES permit.

IPGC first filed its Petition for Review of IEPA NPDES Permit Decision and Motion for Stay on October 21, 2016. Subsequently, the Board issued a final opinion and order in *Sierra*

Club, Natural Resources Defense Council, Prairie Rivers Network, and Environmental Law & Policy Center v. Illinois Environmental Protection Agency and Midwest Generation, LLC (Sierra Club v. Midwest Generation), PCB 15-189 (Jan. 19, 2017). The Board's decision in *Sierra Club v. Midwest Generation* clarifies the requirements for renewing an alternative thermal effluent limitation. In response to the final opinion and order and in support of this Amended Petition, Petitioner states as follows:

I. BACKGROUND

1. Petitioner owns and operates Coffeen, a coal-fired steam electric generating plant located at 134 CIPS Lane, Coffeen, Illinois 62017 (Montgomery County), Illinois. Coffeen is an approximate 1000 MW power plant that is authorized to discharge wastewater to Coffeen Lake. The facility employs approximately 130 people.

2. Prior to the 2016 Permit, Coffeen operated under the NPDES permit effective as of February 1, 2008 and attached as Exhibit B (the "2008 Permit"). An application to renew the 2008 Permit was timely made on or about July 27, 2012. IEPA issued a draft permit on or about August 31, 2015, and did not hold a hearing on the draft permit. IEPA issued the 2016 Permit on September 16, 2016 and it became effective on October 1, 2016. Petitioner received a copy of the 2016 Permit on September 19, 2015.

II. CHALLENGED CONDITIONS

A. Outfall D01 – Sanitary; Fecal Coliform Monitoring Requirement

3. The Agency for the first time is imposing fecal coliform monitoring requirements at Outfall D01. Ex. A, p. 6. The 2008 Permit and all prior NPDES permits authorized IPGC to discharge from Outfall D01 a sanitary waste stream without imposing monitoring requirements for fecal coliform. Ex. B, p. 4.

4. No changes in law or facts of IPGC's discharge warrant the imposition of a fecal coliform monitoring requirement. The twice-monthly monitoring requirement is very burdensome because there is a six-hour maximum time period for delivering the collected samples to an offsite laboratory for analysis.

5. Petitioner asks the Board to remand the 2016 Permit to IEPA for a determination that the fecal coliform monitoring requirement be eliminated from the Permit. Alternatively, Petitioner asks the Board to revise the monitoring requirement from twice per month to once per month.

B. Outfall 002 – Coal Yard Settling Pond; TSS Effluent Limitations

6. The Agency for the first time is imposing more stringent TSS limits at Outfall 002 in the 2016 Permit. Ex. A, p. 9. The 2008 Permit and all prior NPDES permits imposed TSS effluent limits on Outfall 002 of 35 mg/L as a daily limit and 50 mg/L as a monthly limit. Ex. B, p. 7. The 2016 Permit imposes TSS limits on Outfall 002 of 15 mg/L as a daily limit and 30 mg/L as a monthly limit.

7. No changes in law or facts of IPGC's discharge warrant the imposition of more stringent TSS limits at Outfall 002. Accordingly, the inclusion of the more stringent TSS limits at Outfall 008 in the 2016 Permit is arbitrary and capricious.

8. 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 002 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 002 is inconsistent with applicable law and arbitrary and capricious.

9. IPGC respectfully petitions the Board for review of the 2016 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 002, or in the alternative, imposing a reasonable schedule for compliance with the TSS limits.

C. Special Condition 4; New Paragraphs E and F

10. IEPA added for the first time to Special Condition 4, Paragraphs E, F, and G. Ex. A, p. 13. Special Condition 4.E. requires IPGC to conduct annual fish studies in Coffeen Lake. Special Condition 4.F. requires IPGC to submit a Section 316(a) Demonstration study plan within 6 months of the effective date of the permit.¹ Special Condition 4.G. requires IPGC to comply with the IPCB's procedural rules for alternative thermal effluent limitations when submitting a renewal application.

11. Special Condition 4.E. is not necessary to accomplish the purposes of the Act or Board regulations and should be removed from the 2016 Permit. Nothing in the procedural rules adopted by the Board in 35 Ill. Adm. Code 106.1100 *et seq.* prescribes specific requirements for the frequency and types of studies or representative important species (RIS) necessary to support a renewed alternative thermal effluent standard nor do they require that such studies be performed during the term of the permit. Instead the regulations require the permittee "to include sufficient information" at the time of the renewal to allow the "Agency to compare" certain conditions at the time of renewal with those that occurred when the initial thermal demonstration was made. Special Condition 4.E. is not necessary to accomplish the purposes of

¹ Although the Agency's response to comments and Special Condition 4.E. refer to "316(a) Demonstration" requirements and study plan, IPGC understands Special Condition 4.E. to reference studies necessary to support a renewed alternative thermal effluent limitation. Both the response to comments and permit cite to Section 106.1180, which is the provision of Board regulations which allows for renewals of alternative thermal effluent limitations. Section 304.141(c) of the Board's regulations and Section 316(a) of the Clean Water Act (33 U.S.C. §1251) authorize the Board to grant alternative thermal effluent limitations.

the Act or Board regulations. Should the facility choose to renew the alternative effluent limit set forth in Special Condition 4.A, it will follow the procedural requirements set by regulation in 35 Ill. Adm. Code 106.1180 and the substantive requirements of Section 316(a). Accordingly, Special Condition 4.E. is arbitrary and capricious and should be eliminated in its entirety.

12. Special Condition 4.F. is also not necessary to accomplish the purposes of the Act or Board regulations and should be removed from the 2016 Permit. The Board granted an alternative thermal limit for the station's discharges to Coffeen Lake in 2010. *Ameren Energy Generating Company v. IEPA*, PCB 09-38 (Mar. 18, 2010). If IPGC decides to seek renewal of its alternative thermal limit, it will comply with the requirements of 35 Ill. Adm. Code 106.1180. Section 106.1180 does not require submittal of a study plan. The Board recently clarified the requirements for an alternative thermal effluent limitation renewal in *Sierra Club v. Midwest Generation*. According to the Board, "[r]eceiving a renewed alternative limitation from Illinois EPA is simpler than receiving a new alternative limitation from the Board. For instance, renewal does not require a 'detailed plan of study.'" *Sierra Club v. Midwest Generation*, PCB 15-189, p. 11 (Jan. 19, 2017). Therefore, Special Condition 4.F. is arbitrary and capricious and should be removed from the 2016 Permit.

13. Petitioner has no objection to Special Condition 4.G.

III. STAY OF 2016 PERMIT

14. Petitioner asks the Board to maintain the stay of the 2016 Permit granted on November 17, 2016 until the Board's final resolution of this Petition or, if granted, the Agency's issuance of a revised permit.

WHEREFORE, for the reasons set forth above, Petitioner respectfully moves the Board to maintain the automatic stay of effectiveness of the 2016 Permit from October 1, 2016 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. Petitioner continues to operate in accordance with the remaining and effective terms and conditions of the 2016 Permit. Moreover, Petitioner respectfully requests that the Board review the Agency's issuance of the 2016 Permit and remand the 2016 Permit to the Agency for reissuance consistent with law and Petitioner's request as set forth above in this Amended Petition.

Illinois Power Generating Company,

Respectfully submitted,

/s/ Amy Antonioli

Amy Antonioli

Dated: February 7, 2017

Amy Antonioli
Joshua R. More
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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 7th day of February, 2017:

I have electronically served a true and correct copy of the attached **MOTION TO AMEND PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION** and **AMENDED PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION**, on behalf of Illinois Power Generating Company, upon the Illinois Pollution Control Board at the email address of brad.halloran@illinois.gov;

My e-mail address is aantoniolli@schiffhardin.com;

The number of pages in the e-mail transmission is 63.

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 **MOTION TO AMEND PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION** and **AMENDED PETITION FOR REVIEW OF IEPA NPDES PERMIT DECISION**, on behalf of Illinois Power Generating Company, by first class mail, postage affixed, upon:

Scott Marsik
Matt Walker
Assistant Attorney General
500 South Second Street
Springfield, IL 62706
Smarsik@atg.state.il.us

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
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Dawn.hollis@illinois.gov

/s/ Amy Antonioli

Amy Antonioli

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SERVICE LIST

<p>Brad Halloran Hearing Officer Illinois Pollution Control Board Brad.Halloran@illinois.gov</p>	<p>Scott Marsik Matt Walker Assistant Attorney General 500 South Second Street Springfield, IL 62706 Smarsik@atg.state.il.us</p>
<p>Division of Legal Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794 Dawn.hollis@illinois.gov</p>	

EXHIBIT A



217/782-0610

September 16, 2016

Illinois Power Generating Company
Water and Waste Permitting / Environmental Compliance
1500 Eastport Plaza Drive
Collinsville, Illinois 62234

Re: Illinois Power Generating Company
Coffeen Power Station
NPDES Permit No. IL0000108
Final Permit

Gentlemen:

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

In response to your comments regarding the public notice permit:

1. The facility discharges to Coffeen Lake which has no allowable mixing capability thus the pH standards of 302.204 apply at the outfall.
2. The existing wastestream "Intake Structure (Cribhouse) Sumps", was added to Outfall 001 as requested.
3. Outfall 002 Contributory Flows
 - The flow rate of contributory flow #3, Coal Crusher House Sump Pit, has been corrected to intermittent.
 - Contributory flow #10, Fuel Unloading Oil/Water Separator, has been changed to Coal Unloading Sumps.
 - Contributory flow #13, Warehouse/Maintenance Shop Oil/Water Separator, has been changed to FGD Maintenance Building Floor Drains.
4. The wastes streams of Outfall 002 meet the definition of low volume waste per 40 CFR 423.11(b) and are subject to the 30/100 TSS standards of 40 CFR 423.12(b)(3). The State standard for TSS is 15/30 per 304.124. Since the discharge must meet the more stringent of the State or Federal standards the TSS limits of 15/30 are correct and will remain. The Agency cannot grant a compliance schedule since the limits are technology based effluent limits for Total Suspended Solids.
5. Non-chemical metal cleaning waste was not listed in the previous permit. However, non-chemical metal cleaning waste waters have always been a part of the contributory flows in the plant. Therefore, this permit has been revised as requested to specifically identify intermittent contributory flows #7, #9, #13, #14, and #18 at Outfall 001, intermittent contributory flows #3, #10, #12, #13, and #18 at Outfall 002, and intermittent contributory flows at Outfalls C01 and E01.
6. While it is evident that a healthy sportfish assemblage has existed in Coffeen Lake for over the last 50 years, continued and expanded 316(a) Demonstration requirements are necessary in order for the Applicant to demonstrate that the recent increase in thermal loadings (approved by IPCB in 2010) are not adversely impacting the aquatic community of Coffeen Lake, as required by 35 Ill. Adm. Code 106.1180. Since receiving IPCB approval in 2010, an assessment of the post-2010 sportfish assemblage has only been conducted over two subsequent years. Other than fish kills or other acute, clearly observable impacts due to increased thermal loads, adverse effects from the increased thermal limits are not expected to become evident in such a short period of time. Population level changes resulting from increased thermal loadings, such as a shift to thermally tolerant organisms, altered recruitment of sportfish or forage fish, or changes in age/growth and body condition, would take several years to manifest themselves. Thus, continued monitoring of the fishery using the methods and study designs from the 2010-2012 studies is required on an annual basis in order to verify that population level changes in age/growth, condition, density, and mortality of RIS species are not occurring. While the results of the annual studies suggest that the increased thermal loadings are not adversely affecting the aquatic community, and the frequency of monitoring may be reduced in the next permit cycle.

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In regards to the inclusion of additional RIS species, it should be noted that the white crappie has historically been a RIS and it is merely recommended that this species be categorized as a thermally sensitive RIS, rather than a recreationally important RIS, and studied accordingly. Gizzard shad were in fact not studied in the 2010-2012 Eastern Illinois University Studies. The purported health of the gizzard shad population was drawn from loosely based conclusions regarding the health of upper trophic levels, as summarized in the June 20, 2014 ASA Analysis and Communication, Inc. document entitled "Lower Trophic Level Impacts of a Modified May and October Thermal Standard for Coffeen Lake". Inclusion of gizzard shad as a RIS is necessary given its status as a base trophic level and its integral role in the health of sportfish populations in Coffeen Lake.

Given that the Agency is requiring increased biological monitoring and an additional RIS, lengthening of the submission deadline to 6 months is warranted and should therefore be changed in Special Condition 4.

7. While Outfalls 008 – 014, 016, and 018 are along the same rail the sampling results may be different based on housekeeping and drainage areas thus sampling is necessary at each outfall to ensure compliance with effluent and the water quality standards.
8. The mercury monitoring was reduced to annually for Outfalls 002 and 008 but mercury monitoring was not removed from Outfalls 002, 008, and 018 to allow for a future reasonable potential analysis.
9. Special Condition 17 has been added to address compliance with revisions to 40 CFR 423 - Effluent Limitation Guidelines and Standards for the Stream electric Point Source Category, which became effective January 4, 2016.
10. Special Condition 6 was revised pursuant to the Final NPDES Electronic Reporting Rule.
11. Revised the name of the contributory waste stream number 7 at Outfall 002 as requested.
12. The incidental take statement has been added as Item D. in Special Condition 10.

Pursuant to the Final NPDES Electronic Reporting Rule, all permittees must report DMRs electronically beginning no later than December 21, 2016. The Agency utilizes NetDMR, a web based application, which allows the submittal of electronic Discharge Monitoring Reports instead of paper Discharge Monitoring Reports (DMRs). More information regarding NetDMR can be found on the Agency website, <http://epa.state.il.us/water/net-dmr/index.html>. If your facility is not registered in the NetDMR program, a supply of preprinted paper DMR Forms will be sent to your facility during the interim period prior to your registration in the NetDMR program. Additional information and instructions will accompany the preprinted DMRs. Please see the attachment regarding the electronic reporting rule.

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

Should you have questions concerning the Permit, please contact Shu-Mei Tsai at 217/782-0610.

Sincerely,



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

SAK:DEL:SMT:15070201.smt

Attachment: Final Permit

cc: Records
Compliance Assurance Section
Springfield Region
Billing
US EPA

Electronic Filing: Received, Clerk's Office 02/7/2017

NPDES Permit No. IL0000108

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: September 30, 2021

Issue Date: September 16, 2016

Effective Date: October 1, 2016

Name and Address of Permittee:

Illinois Power Generating Company
Water and Waste Permitting / Environmental Compliance
1500 Eastport Plaza Drive
Collinsville, Illinois 62234

Facility Name and Address:

Coffeen Power Station
134 CIPS Lane
Coffeen, Illinois 62017
(Montgomery County)

Discharge Number and Name:

Receiving Waters:

001	Condenser Cooling Water Flume Discharge	Coffeen Lake
020	Condenser Cooling Water Diversion Channel Overflow	Coffeen Lake
021	Condenser Cooling Water Supplemental Cooling Pond Overflow	Coffeen Lake
022	Condenser Cooling Water Supplemental Cooling Tower Discharge	Coffeen Lake
A01	Boiler Draining Wastewater	
B01	Raw Water Treatment and Demineralizer Regenerant Wastes	
C01	Unit 1 Floor Drains and Sumps	
D01	Sewage Treatment Plant Discharge	
E01	Unit 2 Floor Drains and Sumps	
G01	Equalization Tank Bypass Line Discharge	
H01	Stormwater From Southwest Corner of Closed Ash Pond	
I01	Stormwater From Southeast Corner of Closed Ash Pond	
J01	Chemical Metal Cleaning Wastes	
002	Coal Yard Settling Pond and Emergency Overflow Discharge	Coffeen Lake
003	Intake Screen Backwash	Coffeen Lake
008, 009, 010, 011, 012, 013, 014, 016	Storm Water Runoff from Rail Spur	Coffeen Lake
018	Storm Water Runoff Associated with Ash Landfill	Coffeen Lake
023	WFGD Reclaim Pond Emergency Overflow	Unnamed Tributary to Coffeen Lake

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

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NPDES Permit No. IL0000108

Effluent Limitations and Monitoring

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

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		

- Outfalls: 001 Condenser Cooling Water Discharge Flume (DAF = 0.144 MGD)
 020 Condenser Cooling Water Diversion Channel Overflow (DAF = 527.69 MGD)
 021 Condenser Cooling Water Supplemental Cooling Pond Overflow (DAF = 37.97 MGD)
 022 Condenser Cooling Water Supplemental Cooling Tower Discharge (DAF = 85.35 MGD)

This discharge consists of:	Approximate Flow:
1. Condenser cooling water discharge flume	0.144 MGD
2. Condenser cooling water diversion channel overflow	527.69 MGD
3. Supplemental Cooling pond discharge	37.97 MGD
4. Supplemental Cooling tower discharge	85.35 MGD
5. Miscellaneous heat exchanger cooling water discharges	48.0 MGD
6. Boiler draining wastewater	0.075 MGD
7. Raw Water Treatment and Demineralizer Regenerant Waste	0.390 MGD
a. Non-Chemical Metal Cleaning Wastewater	
8. Sewage treatment plant effluent	0.0085 MGD
9. Maintenance shop oil/water separator discharge	Intermittent
a. Non-Chemical Metal Cleaning Wastewater	
10. Equalization tank bypass line discharge	Intermittent
11. Stormwater runoff	Intermittent
12. Chemical containment area drains	Intermittent
13. Unit 1 floor and equipment drains	Intermittent
a. Non-Chemical Metal Cleaning Wastewater	
14. Unit 2 floor and equipment drains	Intermittent
a. Non-Chemical Metal Cleaning Wastewater	
15. Emergency recycle pond overflow	Intermittent
16. Stormwater from Southwest Corner of Closed Ash Pond	Intermittent
17. Stormwater from Southeast Corner of Closed Ash Pond	Intermittent
18. Non-Chemical Metal Cleaning Wastes	Intermittent
19. Water Intake Structure (Cribhouse) Sumps	Intermittent

Flow (MGD)	See Special Condition 1	Daily	Continuous
pH	See Special Condition 2	2/Month	Grab
Total Residual Chlorine	See Special Condition 3	0.2	2/Month
Temperature	See Special Condition 4	Daily	Continuous Recording

Total residual chlorine shall be sampled 2/month when discharging.
 Sampling point for 001, 020, 021 and 022 shall be at a point within the cooling water discharge flume.
 Stormwater shall be managed in accordance with special condition 17.

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NPDES Permit No. IL0000108

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall A01: Boiler Draining Wastewater (Intermittent Discharge)						
Flow (MGD)	See Special Condition 1				When Discharging	
Total Suspended Solids			15.0	30.0	1/Year when discharging	Grab
Oil and Grease			15.0	20.0	1/Year when discharging	Grab

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NPDES Permit No. IL0000108

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall B01: Raw Water Treatment and Demineralizer Regenerant Wastes (DAF = 0.39 MGD)						
This discharge consists of			Approximate Flow:			
1. Raw Water Treatment and Demineralizer Regenerant Wastes			0.39 MGD			
2. Chemical Containment Area Drains			Intermittent			
3. Non - Chemical Metal Cleaning Wastes			Intermittent			
Flow (MGD)	See Special Condition 1				2/Month	
Total Suspended Solids			15.0	30.0	2/Month	8-Hour Composite
Oil and Grease			15.0	20.0	2/Month	Grab

Electronic Filing: Received, Clerk's Office 02/7/2017

NPDES Permit No. IL0000108

Effluent Limitations and Monitoring

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

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		
Outfalls:						
C01 Unit 1 Floor Drains/Sumps and Stormwater						
a. Non-chemical metal cleaning wastewater						
E01 Unit 2 Floor Drains/Sumps and Stormwater						
a. Non-chemical metal cleaning wastewater						
Flow (MGD)	See Special Condition 1				2/Month	24-Hour Total
Total Suspended Solids			15.0	30.0	2/Month	8-Hour Composite
Oil and Grease			15.0	20.0	2/Month	Grab

Stormwater shall be managed in accordance with special condition 16.

Electronic Filing: Received, Clerk's Office 02/7/2017

NPDES Permit No. IL0000108

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall D01: Sanitary (DAF = 0.0085 MGD)						
Flow (MGD)	See Special Condition 1				2/Month	
pH	See Special Condition 14				2/Month	Grab
BOD ₅			30	60	2/Month	8-Hour Composite
Total Suspended Solids			30	60	2/Month	8-Hour Composite
Total Residual Chlorine				0.05	Daily When Chlorinating	Grab
Fecal Coliform			Monitoring Only		2/Month	Grab

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

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NPDES Permit No. IL0000108

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall G01: Equalization Tank Bypass Line Discharge (Intermittent Discharge)						
Flow (MGD)	See Special Condition 1				Daily When Discharging	
Total Suspended Solids			15.0	30.0	Daily When Discharging	8-Hour Composite
Oil and Grease			15.0	20.0	Daily When Discharging	Grab

The Permittee shall restrict the use of the bypass of the equalization tank to required maintenance of the tank and once bypassing commences such maintenance shall be promptly undertaken to minimize the length of time of bypass of the equalization tank.

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Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall J01: Chemical Metal Cleaning Wastes (Intermittent Discharge)						
Flow (MGD)	See Special Condition 1				Daily When Discharging	
pH	See Special Condition 14				Daily When Discharging	Grab
Total Suspended Solids			15.0	30.0	Daily When Discharging	Grab
Oil and Grease			15.0	20.0	Daily When Discharging	Grab
Iron			1.0	1.0	Daily When Discharging	Grab
Copper			0.5	1.0	Daily When Discharging	Grab

Chemical metal cleaning wastes which meet the limits specified above may also be placed on an active area of the coal pile for evaporation in an operating boiler. See Special Condition 12.

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Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall 002: Coal Yard Settling Pond and Emergency Overflow Discharge (Intermittent Discharge)						
This discharge consists of:			Approximate Flow:			
1. Stormwater runoff from the coal yard and southwest plant yard area					Intermittent	
2. Raw water treatment plant wastes					0.06 MGD	
3. Coal crusher house sump pit discharge					Intermittent	
a. Non-chemical metal cleaning wastewater					Intermittent	
4. Ash dewatering bin overflows					Intermittent	
5. Tractor shed oil/water separator					0.005 MGD	
6. Coal recovery pond effluent					Intermittent	
7. Bottom Ash (Ash Pond 1) Recycle Pond level control*					Intermittent	
8. Ultrasonic resin cleaner backwash					0.01 MGD	
9. Coal unloading septic system					0.0002 MGD	
10. Coal Unloading Sumps					Intermittent	
a. Non-chemical metal cleaning wastewater					Intermittent	
11. Tripper room floor drains					0.003 MGD	
12. Limestone runoff pond emergency overflow					Intermittent	
a. Non-chemical metal cleaning wastewater					Intermittent	
13. FGD Maintenance Building Floor Drains					Intermittent	
a. Non-chemical metal cleaning wastewater					Intermittent	
Flow (MGD)	See Special Condition 1				1/Week	
pH	See Special Condition 2				1/Week	Grab
Total Suspended Solids			15.0	30.0	1/Week	24-Hour Composite
Oil and Grease			15.0	20.0	1/Week	Grab
Iron			2.0	4.0	1/Quarter	8-Hour Composite

*Emergency overflow from the recycle pond may be directed to outfall 001.

Effluent Limitations and Monitoring

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

Outfall 003: Intake Screen Backwash (Intermittent Discharge)

Debris collected on intake screens is prohibited from being discharged back to the Lake. Debris does not include living fish or other living aquatic organisms.

Effluent Limitations and Monitoring

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

Outfalls: 008, 009, 010, 011, 012, 013, 014, and 016 Stormwater Runoff from Rail Spur (Intermittent Discharge)
018 Stormwater Runoff Associated with the Ash Landfill (Intermittent Discharge)
H01 Stormwater from Southwest Corner of Closed Ash Pond (Intermittent Discharge)
I01 Stormwater from Southwest Corner of Closed Ash Pond (Intermittent Discharge)
023 WFGD Reclaim Pond Emergency Overflow (Intermittent Discharge)

See Special Condition 16.

Special Conditions

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

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

SPECIAL CONDITION 3. Total Residual Chlorine limit is an instantaneous maximum limit which shall not be exceeded at any time.

- a. Chlorine may not be discharged from each unit's main cooling condensers for more than two hours in any one day.
- b. A minimum of three grab samples shall be taken at approximately two minute intervals at a point in the discharge flume during the respective chlorination period of each unit allowing for lag time between the initiation of chlorination and the point of sampling before the first grab sample is taken. The individual values of total residual chlorine for each chlorination period sampled shall be reported. The highest individual TRC value for the month should be reported as the maximum value on the Discharge Monitoring Report (DMR). The time and duration of the chlorine dosing period plus the amount of chlorine applied shall be included with the monthly DMR.
- c. Continuous analyzers may be substituted for the above grab sampling method. When continuous analyzers are used, calculations submitted with the Discharge Monitoring Reports (DMRs) will be based on the data collected on the first and third Wednesday of the calendar month. In the event of an analyzer malfunction on the above days, data will be collected on the following Wednesday by either an analyzer or by use of the grab sampling method. Discharge Monitoring and Reporting requirements are specified above.

SPECIAL CONDITION 4. The limitations in this Special Condition are incorporated pursuant to Section 316(a) of the Clean Water Act, and relief granted by the Illinois Pollution Control Board. The following specific thermal limitations adopted through IPCB Order 09-38 pursuant to 35 Ill. Adm. Code 302.211(j) shall apply at the edge of the mixing zone for the condenser cooling water discharge. The edge of the mixing zone shall be a maximum area of 26 acres and compliance with the following thermal limitations determined by a fixed temperature recorder set at the edge of the mixing zone below the surface of the water.

- A. The thermal discharge to Coffeen Lake from Coffeen Power Station, located in Montgomery County, shall not result in a temperature, measured at the outside edge of the mixing zone in Coffeen Lake, which:
 1. Exceeds 105 degrees Fahrenheit as a monthly average, from June through September, and a 112 degrees Fahrenheit as a maximum for more than three percent of the hours during that same period.
 2. Exceeds 89 degrees Fahrenheit as a monthly average, from November through April, and 94 degrees Fahrenheit as a maximum for more than two percent of the hours during that same period.
 3. Exceed 96 degrees Fahrenheit as a monthly average, in each of the months of May and October, and 102 degrees Fahrenheit as a maximum for more than two percent of the hours in each of those same months.
- B. The permittee must monitor Coffeen Lake during the period May through October for fish mortality. In the event excessive fish mortality occurs during these months, Illinois Power Generating Company shall implement appropriate mitigation measures including the following:
 1. Notify the Illinois Department of Natural Resources (IDNR) immediately;
 2. Maximize operation of the cooling basin and existing cooling towers to reduce thermal temperatures;
 3. Make operation revisions to the station's typical dispatch order (e.g. "last on and first off");
 4. Reduce nighttime capacity factors;
 5. Monitor intake and discharge temperatures and visually inspect intake and discharge areas; and
 6. No later than November 15 of each year, document mitigation measures employed during periods of excessive fish mortality.
- C. Pursuant to 35 Ill. Adm. Code 302.211(j)(1), all discharges from Coffeen Lake to other waters of the State must comply with the applicable provisions of 35 Ill. Adm. Code 302.211(b) through (e).
- D. Pursuant to 35 Ill. Adm. Code 302.211(j)(2), the heated effluent discharges to Coffeen Lake must comply with all applicable provisions of 35 Ill. Adm. Code Subtitle C, Chapter I, except 35 Ill. Adm. Code 302.211 (b) through (e).

The maximum instantaneous temperature recorded during a day shall be reported as the daily maximum temperature on the DMR form. The monthly average temperature shall be reported as the monthly average on the DMR form. The number of hours the temperature exceeds the maximum temperature limitation shall be reported in the comment section of the DMR form.

Special Conditions

- E. Monitoring: The Permittee shall continue to study Coffeen Lake annually from May through October using the methods and study designs from the 2010-2012 Eastern Illinois University studies, to monitor the health of sportfish populations and potentially detect any population level changes in age/growth, condition, density, and mortality of the Representative Important Species (RIS) study organisms. In addition to the continuation of sportfish studies outlined above, the selection of study organisms shall be expanded or modified to include fish from additional RIS categories. Recommended RIS categories include a thermally sensitive species (white and black crappie are currently studied as sportfish, but would be suitable organisms for this RIS category), a species necessary in the food chain (e.g., gizzard shad or another important lower trophic level species), and a species potentially capable of becoming a localized nuisance (e.g., common carp or any invasive species of concern).
- F. The permittee shall submit a revised 316(a) Demonstration study plan six months from the effective date of the permit to submit this study plan and shall begin fulfillment of the study plan immediately following Agency approval.
- G. The permittee shall comply with 35 Ill. Adm. Code Part 106.1180 when filling the renewal application.

SPECIAL CONDITION 5. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

SPECIAL CONDITION 6. 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 will be required to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA beginning December 21, 2016. 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 25th day of the following month, unless otherwise specified by the permitting authority.

Permittees not using NetDMRs during the interim period before December 21, 2016 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
Attention: Compliance Assurance Section, Mail Code # 19
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

SPECIAL CONDITION 7. In the event that the permittee shall require the use of water treatment additives, the permittee must request a change in this permit in accordance with the Standard Conditions -- Attachment H.

SPECIAL CONDITION 8. If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

SPECIAL CONDITION 9. The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

SPECIAL CONDITION 10. Cooling Water Intake Structure. Based on available information, the Agency has determined that the operation of the cooling water intake structure meets the equivalent of Best Technology Available (BTA) in accordance with the Best Professional Judgment provisions of 40 CFR 125.3 and 40 CFR 125.90(b), based on information available at the time of permit reissuance.

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

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

Special Conditions

A. The permittee shall submit the following information/studies within 4 years of the effective date of the permit:

1. Source Water Physical Data to include:

- a. A narrative description and scaled drawings showing the physical configuration of all source water bodies used by the facility including aerial dimensions, depths, salinity and temperature regimes;
- b. Identification and characterization of the source waterbody's hydrological and geomorphological features, as well as the methods used to conduct any physical studies to determine the intake's area of influence and the results of such studies; and
- c. Location maps.

2. Source Waterbody Flow Information

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

3. Impingement Mortality and Entrainment Characterization Study

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

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

B. The permittee shall comply with the following requirements:

1. At all times properly operate and maintain the intake equipment as demonstrated in the application material supporting the BTA determination.
2. Inform IEPA of any proposed changes to the cooling water intake structure or proposed changes to operations at the facility that affect impingement mortality and/or entrainment.
3. Debris collected on intake screens is prohibited from being discharged back to the canal. Debris does not include living fish or other living aquatic organisms.
4. Compliance Alternatives. The permittee must evaluate each of the following alternatives for establishing best technology available 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.

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- b. Complete a fish impingement and entrainment mortality minimization alternatives evaluation. The evaluation may include an assessment of modification of the traveling screens, consideration of a separate fish and debris return system and include time frames and cost analysis to implement these measures. The evaluation report and implementation plan for any operational changes and/ or facility modifications shall be submitted to the Agency with the renewal application for this permit.
- C. All required reports shall be submitted to the Industrial Unit, Permit Section and Compliance Assurance Section at the address in special condition 6.
- D. Nothing in this permit authorizes take for the purposes of a facility's compliance with the Endangered Species Act.

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 11. There shall be not discharge of polychlorinated biphenyl compounds.

SPECIAL CONDITION 12. Chemical metal cleaning wastes may be placed on an active area of the coal pile for evaporation in an operating boiler provided a demonstration showing BAT equivalency is submitted to the IEPA within 90 days following completion of treatment. The Permittee shall monitor coal pile runoff for concentrations of copper (total) and iron (total) a minimum of 4 times prior to placing chemical metal cleaning wastes on the coal pile. The Permittee shall monitor the coal pile for coal pile runoff following the placement of chemical metal cleaning wastes on the coal pile. Upon placement of the wastes on the coal pile, for each placement which causes an effluent from the coal pile and each rainfall event which produces coal pile runoff during 30 days following placement on the coal pile, a representative grab sample shall be taken daily of the discharge and analyzed for iron (total) and copper (total). The analysis report shall include the frequency, duration and amounts of the month's precipitation events.

SPECIAL CONDITION 13. The Agency has determined that the effluent limitations for outfall 002 constitute BAT/BCT for storm water which is treated in the existing treatment facilities for purposes of this permit reissuance, and no pollution prevention plan will be required for such storm water. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated storm water discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

SPECIAL CONDITION 14. The pH shall be in the range 6.0 to 9.0. The monthly minimum and monthly maximum values shall be reported on the DMR form.

SPECIAL CONDITION 15. The Permittee shall monitor the effluent from outfalls 001, 009, 010, 011, 012, 013, 014, 016, 018, 020, 021, 022 on a semi-annual basis and outfalls 002 and 008 on an annual basis for the following parameters. This Permit may be modified with public notice to establish effluent limitations if appropriate, based on information obtained through sampling. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted to the address in special condition 6 in June and December. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

<u>STORET _CODE</u>	<u>PARAMETER</u>	<u>Minimum reporting limit</u>
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01027	Cadmium	0.001 mg/L
00940	Chloride	1.0 mg/l
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (grab) (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
71900	Mercury (grab)**	1.0 ng/L*
01067	Nickel	0.005 mg/L
00556	Oil (hexane soluble or equivalent) (Grab Sample only)	5.0 mg/L
32730	Phenols (grab)	0.005 mg/L

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01147	Selenium	0.005 mg/L
00945	Sulfate	1.0 mg/l
01077	Silver (total)	0.003 mg/L
01092	Zinc	0.025 mg/L

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

*1.0 ng/L = 1 part per trillion.

**Utilize USEPA Method 1631E and the digestion procedure described in Section 11.1.1.2 of 1631E.

Outfalls 001, 020, 021, and 022 are the same water and only one sample is required from any of these outfalls.

Outfalls 008 -018 may be grab sampled instead of a 24-hour effluent composite.

SPECIAL CONDITION 16.STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

- A. A storm water pollution prevention plan shall be maintained by the permittee for the storm water associated with industrial activity at this facility except that which is discharged from outfall 002. 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 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:

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- 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.
 4. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
 5. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to

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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 or 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 of quarterly visual observations are applicable to all outfalls covered by this condition.
1. You must perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation must be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, you are excused from the visual observations requirement for that quarter, provided you document in your records that no runoff occurred. You must sign and certify the document.
 2. Your visual observation must be made on samples collected as soon as practical, but not to exceed 1 hour or when the runoff or snow melt begins discharging from your facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measureable (greater than 0.1 inch rainfall) storm event. The observation must document: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. If visual observations

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

REPORTING

- R. The facility shall submit an electronic copy of the annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part I of this condition. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized

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facility employee(s) who conducted the inspection(s). The annual inspection report is considered a public document that shall be available at any reasonable time upon request.

- S. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.
- T. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.
- U. The permittee shall retain the annual inspection report on file at least 3 years. This period may be extended by request of the Illinois Environmental Protection Agency at any time.

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

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

Springfield, Illinois 62794-9276

- 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 17. USEPA finalized revisions to the Effluent Limitation Guidelines (ELG's) found at 40 CFR 423 – Steam Electric Power Generating Point Source Category, which were published in the Federal Register on November 3, 2015. These revised ELG's became effective January 4, 2016. Bottom ash transport waters, Flue Gas Desulfurization (FGD) wastewaters, and leachate from the onsite coal combustion residual landfill are currently generated onsite and recycled, and are not discharged.

The permittee anticipates that 40 CFR Part 257, Subpart D, will require the closure of the Station's active bottom ash impoundment (Ash Pond No. 1) and inactive ash impoundment (Ash Pond No. 2). The permittee currently directs bottom ash transport waters to Ash Pond No. 1, with those waters then recycled and not discharged. Ash Pond No. 1 is anticipated to be taken out of service by no later than April 1, 2019. Bottom ash transport waters in Ash Pond No. 1 that are generated before the April 1, 2019 removal from service date are legacy wastewaters as identified in the ELG rule and, subject to a permit modification authorizing the discharge of such wastewaters, may be discharged in accordance with 40 CFR 423.13(k)(1)(ii). Pursuant to 40 CFR 423.13(k)(1)(i), there shall be no discharge of pollutants in bottom ash transport water generated on or after April 1, 2019.

40 CFR Part 257, Subpart D, also may require the closure of the Station's gypsum management facility (GMF) gypsum stack pond and/or GMF recycle pond. The permittee currently directs FGD wastewater to the GMF gypsum stack pond and GMF recycle pond, with those waters then recycled and not discharged. In the event closure of the GMF gypsum stack pond and/or GMF recycle pond is required by 40 CFR Part 257, Subpart D, the pond(s) is (are) anticipated to be taken out of service by no later than April 1, 2020. FGD wastewater in the GMF pond and GMF recycle pond that is generated before the April 1, 2020 removal from service date are legacy wastewaters as identified in the ELG rule and, subject to a permit modification authorizing the discharge of such wastewater, may be discharged in accordance with 40 CFR 423.13(g)(1)(ii). Discharges of FGD wastewater generated on or after April 1, 2020 must meet the effluent limitations in the table following 40 CFR 423.13(g)(1)(i).

The closure of Ash Pond No. 1, inactive Ash Pond No. 2, the GMF gypsum stack pond and/or GMF recycle pond may require dewatering as part of the closure process. The permittee shall submit a modification request (if applicable) related to any potential discharge of dewatering wastewaters contained in these impoundments a minimum of six months prior to April 1, 2019.

Leachate from the coal combustion residual landfill will continue to be recycled and not discharged.

Attachment H

Standard Conditions

Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:
- Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) **Monitoring and records.**
- Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
 - Records of monitoring information shall include:
 - The date, exact place, and time of sampling or measurements;
 - The individual(s) who performed the sampling or measurements;
 - The date(s) analyses were performed;
 - The individual(s) who performed the analyses;
 - The analytical techniques or methods used; and
 - The results of such analyses.
 - Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
- Application.** All permit applications shall be signed as follows:
 - For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a

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

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

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

(12) **Reporting requirements.**

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

- (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

NPDES Permit No. IL0000108

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

Modified (NPDES) Permit

Expiration Date: **January 31, 2013**

Issue Date: **January 29, 2008**

Effective Date: **February 1, 2008**

Modification Date: **April 14, 2011**

Modification Date: **February 9, 2012**

Name and Address of Permittee:

Ameren Energy Generating Company
One Ameren Plaza
1901 Chouteau Avenue, MC - 602
Post Office Box 66149
St. Louis, Missouri 63166-6149

Facility Name and Address:

Coffeen Power Station
134 CIPS Lane
Coffeen, Illinois 62017
(Montgomery County)

Discharge Number and Name:


No. 001 Condenser Cooling Water Flume Discharge
No. 020 Condenser Cooling Water Diversion Channel Overflow
No. 021 Condenser Cooling Water Supplemental Cooling Pond Overflow
No. 022 Condenser Cooling Water Supplemental Cooling Tower Discharge
No. A01 Boiler Draining Wastewater
No. B01 Raw Water Treatment and Demineralizer Regenerant Wastes
No. C01 Unit 1 Floor Drains and Sumps
No. D01 Sewage Treatment Plant Discharge
No. E01 Unit 2 Floor Drains and Sumps
No. F01 Maintenance Shop Oil/Water Separator
No. G01 Equalization Tank Bypass Line Discharge
No. H01 Stormwater From Southwest Corner of Closed Ash Pond
No. I01 Stormwater From Southeast Corner of Closed Ash Pond
No. 002 Coal Yard Settling Pond Discharge
No. 003 Intake Screen Backwash
No. 008, 009, 010, 011, 012, 013, 014, 015, 016
Storm Water Runoff from Rail Spur
No. 018 Storm Water Runoff Associated with Ash Landfill

Receiving Waters:

Coffeen Lake
Coffeen Lake
Coffeen Lake
Coffeen Lake
Coffeen Lake
Coffeen Lake
Coffeen Lake
Coffeen Lake
Coffeen Lake
Coffeen Lake
Coffeen Lake
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Coffeen Lake
Coffeen Lake
Coffeen Lake
Coffeen Lake
Coffeen Lake
Coffeen Lake

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

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


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

SAK:SMT:05012102.daa

NPDES Permit No. IL0000108

Effluent Limitations and Monitoring

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

Outfall(s): 001*, 020, 021 and 022

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
This discharge consists of:			Approximate Flow:			
1. Condenser cooling water discharge flume				0.144 MGD		
2. Condenser cooling water diversion channel overflow				527.69 MGD		
3. Supplemental Cooling pond discharge				37.97 MGD		
4. Supplemental Cooling tower discharge				85.35 MGD		
5. Miscellaneous heat exchanger cooling water discharges				48.0 MGD		
6. Boiler draining wastewater				0.075 MGD		
7. Raw water treatment and demineralizer regenerant waste				0.390 MGD		
8. Sewage treatment plant effluent				0.0085 MGD		
9. Maintenance shop oil/water separator discharge				Intermittent		
10. Equalization tank bypass line discharge				Intermittent		
11. Stormwater runoff**				Intermittent		
12. Chemical containment area drains				Intermittent		
13. Unit 1 floor and equipment drains ***				Intermittent		
14. Unit 2 floor and equipment drains***				Intermittent		
15. Emergency recycle pond overflow				Intermittent		
16. Stormwater from Southwest Corner of Closed Ash Pond				Intermittent		
17. Stormwater from Southeast Corner of Closed Ash Pond				Intermittent		
Flow					Daily	Continuous Recording
pH	See Special Condition No. 2				2/Month	Grab
Total Residual Chlorine	See Special Condition No. 4			0.2	2/Month	Grab
Temperature	See Special Condition No. 5				Daily	Continuous Recording
Manganese****				Monitoring	2/Year	Grab
Chloride****				Monitoring	2/Year	Grab

*Outfall 001 is the discharge of leakage through a stoplog structure. Flow shall be estimated twice per month and reported accordingly.

** See Special Condition 14.

*** These contributory waste streams are routed through an oil/water separator prior to discharge.

****Manganese and Chloride monitoring requirement for Outfall 001

Sampling point for 001, 020 and 022 shall be at a point within the cooling water discharge flume. Sampling point for 021 shall be at the supplemental cooling pond overflow, prior to discharge to Coffeen Lake.

Sampling point for 001, 020, 021 and 022 shall be at a point within the cooling water discharge flume.

Temperature shall be sampled daily by continuous recording at the edge of the mixing zone in Coffeen Lake.

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Effluent Limitations and Monitoring

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

Outfall(s): A01 Boiler Draining Wastewater

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
Approximate Flow: Intermittent						
Flow					When discharging	Measure when monitoring
Total Suspended Solids			15.0	30.0	1/Year when discharging	Grab
Oil and Grease			15.0	20.0	1/Year when discharging	Grab

Outfall(s): B01 Raw Water Treatment and Demineralizer***
Regenerant Wastes

This discharge consists of			Approximate Flow:			
1. Raw Water Treatment and Demineralizer Regenerant Wastes			0.39 MGD			
2. Chemical Containment Area Drains			Intermittent			
Flow					2/Month	Measure when monitoring
Total Suspended Solids			15.0	30.0	2/Month	8-Hr. Composite
Total Dissolved Solids	See Special Condition No. 6				2/Month	Grab
Oil and Grease			15.0	20.0	1/Quarter	Grab

*** These waste streams are routed to an 80,000 gallon capacity equalization tank prior to discharge to the cooling water discharge flume.

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Effluent Limitations and Monitoring

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

Outfall(s): C01 Unit 1 Floor Drains and Sumps****

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

This discharge consists of:

Approximate Flow:

- 1. Floor drains and sump discharges
- 2. Storm water runoff

Intermittent
Intermittent

Flow					2/Month	24-Hr. Total
Total Suspended Solids			15.0	30.0	2/Month	8-Hr. Composite
Oil and Grease			15.0	20.0	2/Month	Grab

**** Outfall C01 includes storm water associated with industrial activity which comes into contact with the floor drain and sump discharges prior to discharge into the receiving stream. The above limitations and monitoring requirements apply only to the floor drain and sump discharges. For requirements concerning the storm water portion of the discharge, see Special Condition No. 14.

Outfall(s): D01 Sewage Treatment Plant Discharge (DAF = 0.0085 MGD) (DMF 0.03 MGD)

Flow					2/Month	Measure When monitoring
pH	See Special Condition No. 2				2/Month	Grab
Total Suspended Solids	4.5	15.0	30.0	60.0	2/Month	8-Hr. Composite
BOD ₅	4.5	15.0	30.0	60.0	2/Month	8-Hr. Composite
Total Residual Chlorine	See Special Condition No. 7				Daily	Grab

Outfall(s): E01 Unit 2 Floor Drains and Sumps*****

This discharge consists of:

Approximate Flow:

- 1. Floor drains and sump discharges
- 2. Storm water runoff

Intermittent
Intermittent

Flow					2/Month	24-Hr.Total
Total Suspended Solids			15.0	30.0	2/Month	8-Hr. Composite
Oil and Grease			15.0	20.0	2/Month	Grab

*****Outfall E01 includes storm water associated with industrial activity which comes into contact with the floor drain and sump discharges prior to discharge into the receiving stream. The above limitations and monitoring requirements apply only to the floor drain and sump discharges. For requirements concerning the storm water portion of the discharge, see Special Condition No. 14. See Special Condition No. 16.

NPDES Permit No. IL0000108

Effluent Limitations and Monitoring

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

Outfall(s): F01 Maintenance Shop Oil/Water Separator Discharge* (Intermittent Discharge)

* Special Condition 23

Outfall(s): G01 Equalization Tank Bypass Line Discharge*****

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
This discharge consists of			Approximate Flow:			
1. Raw Water Treatment and Demineralizer Regenerant Wastes			0.224 MGD			
2. Chemical Containment Area Drains			Intermittent			
Flow					Daily when discharging	Estimate
Total Suspended Solids			15.0	30.0	Daily when discharging	8-Hr. Composite
Oil and Grease			15.0	20.0	1/Week when discharging	Grab

***** The Permittee shall restrict the use of the bypass of the equalization tank to required maintenance of the tank and once bypassing commences such maintenance shall be promptly undertaken to minimize the length of time of bypass of the equalization tank.

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Effluent Limitations and Monitoring

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

Outfall(s): H01 Stormwater from Southwest Corner of Closed Ash Pond (Intermittent Discharge)*

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
Flow (MGD)	See Special Condition 1				2/Month	
pH	See Special Condition 2				2/Month	Grab
Boron			Monitoring Only		2/Month	Grab
Chloride			Monitoring Only		2/Month	Grab
Mercury	See Special Condition 20					
Sulfate			Monitoring Only		2/Month	Grab
Total Suspended Solids			Monitoring Only		2/Month	Grab

* See Special Condition 24

Outfall(s): I01 Stormwater from Southeast Corner of Closed Ash Pond (Intermittent Discharge)*

Flow (MGD)	See Special Condition 1				2/Month	
pH	See Special Condition 2				2/Month	Grab
Boron			Monitoring Only		2/Month	Grab
Chloride			Monitoring Only		2/Month	Grab
Mercury	See Special Condition 20					
Sulfate			Monitoring Only		2/Month	Grab
Total Suspended Solids			Monitoring Only		2/Month	Grab

*See Special Condition 24

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Effluent Limitations and Monitoring

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

Outfall(s): 002 Coal Yard Settling Pond Discharge

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
This discharge consists of:			Approximate Flow:			
1. Stormwater runoff from the coal yard and southwest plant yard area*****				Intermittent		
2. Raw water treatment plant wastes				0.06 MGD		
3. Coal crusher house sump pit discharge				0.42 MGD		
4. Ash dewatering bin overflows				Intermittent		
5. Tractor shed oil/water separator				0.005 MGD		
6. Coal recovery pond effluent				Intermittent		
7. Recycled pond level control*				Intermittent		
8. Ultrasonic resin cleaner backwash				0.01 MGD		
9. Coal unloading septic system				0.0002 MGD		
10. Fuel unloading oil/water separator				Intermittent		
11. Tripper room floor drains				0.003 MGD		
12. Limestone runoff pond emergency overflow				Intermittent		
13. Warehouse/maintenance shop oil/water separator				Intermittent		
Flow					1/Week	Measure when monitoring
pH	See Special Condition No. 2				1/Week	Grab Sample when discharging
Total Suspended Solids			35.0	50.0	1/Week	24-Hr. Composite when discharging
Oil and Grease			15.0	20.0	1/Month	Grab Sample when discharging
Boron	See Special Condition No. 8			1.8	1/Month	8-Hr. Composite when discharging
Total Dissolved Solids	See Special Condition No. 8			1300.0	1/Month	8-Hr. Composite when discharging
Manganese	See Special Condition No. 8		1.0	1.3	1/Month	8-Hr. Composite when discharging
Iron (total)			2.0	4.0	1/Quarter	8-Hr. Composite when discharging
Mercury	See Special Condition No. 20				1/Quarter	Grab

***** See Special Condition No. 13

*Emergency overflow from the Recycle Pond is diverted to Outfall 001.

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Effluent Limitations and Monitoring

Outfall(s): 003 Intake Screen Backwash

Approximate Flow: 0.07 MGD

Adequate maintenance of the trash basket is required to prevent the discharge of debris collected on intake screens back to Coffeen Lake.

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

Outfall(s): 008, 009, 010, 011, 012, 013, 014, 015, and 016
Storm Water Runoff from Rail Spur

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/L		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
Mercury					1/Quarter	Grab

See Special Condition No. 14, 17, and 18

Outfall(s): 018 Storm Water Runoff Associated with the Ash Landfill

Flow (MGD)	See Special Condition 1				1/Month	
pH	See Special Condition 2				1/Month	Grab
Boron			Monitoring Only		2/Month	Grab
Chloride			Monitoring Only		2/Month	Grab
Mercury	See Special Condition 20					
Sulfate			Monitoring Only		2/Month	Grab
Total Suspended Solids			Monitoring Only		2/Month	Grab

* See Special Condition 24

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Special Conditions

SPECIAL CONDITION 1. Flow shall be reported as monthly average and daily maximum on the DMR form.

SPECIAL CONDITION 2. The pH shall be in the range 6.0 to 9.0. The monthly minimum and monthly maximum values shall be reported on the DMR form.

SPECIAL CONDITION 3. 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. For internal outfalls A01, B01, C01, D01, E01, and G01, samples taken in compliance with effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the cooling water discharge flume.

SPECIAL CONDITION 4. Total Residual Chlorine limit is an instantaneous maximum limit which shall not be exceeded at any time.

- a. Chlorine may not be discharged from each unit's main cooling condensers for more than two hours in any one day.
- b. A minimum of three grab samples shall be taken at approximately two minute intervals at a point in the discharge flume during the respective chlorination period of each unit allowing for lag time between the initiation of chlorination and the point of sampling before the first grab sample is taken. The individual values of total residual chlorine for each chlorination period sampled shall be reported. The highest individual TRC value for the month should be reported as the maximum value on the Discharge Monitoring Report (DMR). The time and duration of the chlorine dosing period plus the amount of chlorine applied shall be included with the monthly DMR.
- c. Continuous analyzers may be substituted for the above grab sampling method. When continuous analyzers are used, calculations submitted with the Discharge Monitoring Reports (DMRs) will be based on the data collected on the first and third Wednesday of the calendar month. In the event of an analyzer malfunction on the above days, data will be collected on the following Wednesday by either an analyzer or by use of the grab sampling method. Discharge Monitoring and Reporting requirements are specified above.

SPECIAL CONDITION 5. The limitations in this Special Condition are incorporated pursuant to Section 316(a) of the Clean Water Act, and relief granted by the Illinois Pollution Control Board. The following specific thermal limitations adopted through IPCB Order 09-38 pursuant to 35 Ill. Adm. Code 302.211(j) shall apply at the edge of the mixing zone for the condenser cooling water discharge. The edge of the mixing zone shall be a maximum area of 26 acres and compliance with the following thermal limitations determined by a fixed temperature recorder set at the edge of the mixing zone below the surface of the water.

- 1) The thermal discharge to Coffeen Lake from Ameren Energy Generating Company's Coffeen Power Station, located in Montgomery County, shall not result in a temperature, measured at the outside edge of the mixing zone in Coffeen Lake, which:
 - a. Exceeds 105 degrees Fahrenheit as a monthly average, from June through September, and a 112 degrees Fahrenheit as a maximum for more than three percent of the hours during that same period.
 - b. Exceeds 89 degrees Fahrenheit as a monthly average, from November through April, and 94 degrees Fahrenheit as a maximum for more than two percent of the hours during that same period.
 - c. Exceed 96 degrees Fahrenheit as a monthly average, in each of the months of May and October, and 102 degrees Fahrenheit as a maximum for more than two percent of the hours in each of those same months.
- 2) Ameren must monitor Coffeen Lake during the period May through October for fish mortality. In the event excessive fish mortality occurs during these months, Ameren shall implement appropriate mitigation measures including the following:
 - a. Notify the Illinois Department of Natural Resources (IDNR) immediately;
 - b. Maximize operation of the cooling basin and existing cooling towers to reduce thermal temperatures;
 - c. Make operation revisions to the station's typical dispatch order (e.g. "last on and first off");
 - d. Reduce nighttime capacity factors;
 - e. Monitor intake and discharge temperatures and visually inspect intake and discharge areas; and
 - f. No later than November 15 of each year, document mitigation measures employed during periods of excessive fish mortality.

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- 3) Pursuant to 35 Ill. Adm. Code 302.211(j)(1), all discharges from Coffeen Lake to other waters of the State must comply with the applicable provisions of 35 Ill. Adm. Code 302.211(b) through (e).
- 4) Pursuant to 35 Ill. Adm. Code 302.211(j)(2), the heated effluent discharges to Coffeen Lake must comply with all applicable provisions of 35 Ill. Adm. Code Subtitle C, Chapter I, except 35 Ill. Adm. Code 302.211 (b) through (e).

The maximum instantaneous temperature recorded during a day shall be reported as the daily maximum temperature on the DMR form. The monthly average temperature shall be reported as the monthly average on the DMR form. The number of hours the temperature exceeds the maximum temperature limitation shall be reported in the comment section of the DMR form.

Outfall Bat

SPECIAL CONDITION 6. This waste stream shall not alone or in combination with other sources cause a violation of the applicable total dissolved solids water quality standard of 1000 mg/l in Coffeen Lake. Monitoring shall be of a representative lake water sample collected at the Station intake.

SPECIAL CONDITION 7. 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 8. As part of the review process for this permit, the Agency concluded that adequate mixing exists in compliance with 35 Ill. Adm. Code 302.102 for boron, manganese and total dissolved solids at outfall 002. The extent of the mixing zone for these parameters is a radius of 100 feet from the end of the outfall 002 discharge pipe into Coffeen Lake. The daily maximum limits given for these parameters were established to result in compliance with the water quality standards of 35 Ill. Adm. Code 302 outside of these maximum zones. All parameters known to be present in the effluents at levels above water quality standards are listed above. Other such parameters may be discovered in the future and will be evaluated for mixing according to the Illinois Permitting Guidance for Mixing Zones.

SPECIAL CONDITION 9. In order for the Agency to evaluate the potential impacts of cooling water intake structure operation 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 January 17, 2006.

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 Judgment review by the Agency. This permit may also be revised or modified in accordance with any laws, regulations, or judicial orders issued pursuant to Section 316(b) of the Clean Water Act.

Ameren Energy Generating Company's (formerly Central Illinois Public Service Company) original demonstration for the Coffeen Power Station in accordance with Section 316(b) of the Clean Water Act, was approved by this Agency by letter dated April 27, 1982.

SPECIAL CONDITION 10. There shall be no discharge of polychlorinated biphenyl compounds (PCBs) such as those commonly used for transformer fluid.

SPECIAL CONDITION 11.

A. Chemical metal cleaning wastewater may be stored in an on-site tank until placement on an active area of the coal pile. Chemical metal cleaning wastewater may be placed on an active area of the coal pile for evaporation in an operating boiler provided a demonstration showing BAT equivalency is submitted to the IEPA within 90 days following completion of treatment. This demonstration will consist of a sampling program approved by the IEPA which will provide for the monitoring of iron and copper levels in coal pile runoff prior to, during, and after placement of rinses onto the coal pile. This monitoring must show that the naturally occurring iron and copper levels in coal pile runoff are not altered through this disposal practice (Attachment A).

B. Chemical metal cleaning wastewater may be discharged to the recycle pond following treatment. The following discharge limits and sampling requirements shall apply prior to discharge to the recycle pond:

<u>Parameter</u>	<u>Daily Maximum Limits</u>	<u>Sample Frequency</u>	<u>Sample Type</u>
Iron	1.0 mg/l	1/Day *	Grab
Copper	1.0 mg/l	1/Day *	Grab

*When discharging. Sample results shall be included on the monthly Discharge Monitoring Report.

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Special Conditions

SPECIAL CONDITION 12. 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 28th 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 13. (Outfall 002) The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities for purposes of this permit reissuance, and no pollution prevention plan will be required for such storm water. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated storm water discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

SPECIAL CONDITION 14.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

A. A storm water pollution prevention plan shall be maintained by the permittee for the storm water associated with industrial activity at this facility. The plan shall identify potential sources of pollution which may be expected to affect the quality of storm water discharges associated with the industrial activity at the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The permittee shall modify the plan if substantive changes are made or occur affecting compliance with this condition. Portions of the Storm Water Pollution Prevention Plan or annual inspection report may be withheld from the public for security concerns or may be declared as Confidential Business Information by the permittee.

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.

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

Please contact Environmental Services (Mike Smallwood) for any questions regarding this permit.

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Special Conditions

5. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
 6. A summary of existing sampling data describing pollutants in storm water discharges.
- F. The plan shall describe the storm water management controls which will be implemented by the facility. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The description of the storm water management controls shall include:
1. **Storm Water Pollution Prevention Personnel** - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.
 2. **Preventive Maintenance** - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
 3. **Good Housekeeping** - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
 4. **Spill Prevention and Response** - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
 5. **Storm Water Management Practices** - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
 - i. **Containment** - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff. 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 or 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.

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- 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.
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).

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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 thereunder, 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. See Section A of this condition concerning the withholding of information.
- L. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.
- M. Facilities which discharge storm water associated with industrial activity to municipal separate storm sewers may also be subject to additional requirement imposed by the operator of the municipal system

Construction Authorization

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

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

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

REPORTING

- R. The facility shall submit an electronic copy of the annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part I of this condition. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s). The annual inspection report is considered a public document that shall be available at any reasonable time upon request. See Section A of this condition concerning the withholding of information.
- 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

Agmt 1

Please contact Environmental Services (Mike Smallwood) for any questions regarding this permit.

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

SPECIAL CONDITION 16. The permittee shall monitor the discharge from outfall E01 for zinc once per month by eight hour composite sample. Monitoring results shall be reported on the DMR form. The IEPA may modify this permit during its term to incorporate additional limitations or requirements based on the results of this monitoring. Modifications under this condition shall follow public notice and opportunity for hearing.

SPECIAL CONDITION 17. The discharge from outfalls 008, 009, 010 and 012 shall be monitored for boron, manganese, total dissolved solids and sulfate during qualifying storm events. The outfalls shall be monitored semiannually, in the spring and fall quarters, and at additional times as necessary to ensure that two qualifying storm events are sampled per year at each outfall. A qualifying storm event is defined as an event that is greater than 0.1 inches and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

A grab sample shall be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable), and a flow weighted composite shall be taken for the entire event or for the first three hours of the event.

Grab and composite samples are defined as follows:

Grab sample: An individual sample of at least 100 milliliters collected during the first thirty minutes (or as soon thereafter as practicable) of the discharge. This sample is to be analyzed separately from the composite sample.

Flow-Weighted Composite sample: A flow-weighted composite sample may be taken with a continuous sampler that proportions the amount of sample collected with the flow rate or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire event or for the first three hours of the event, with each aliquot being at least 100 milliliters and collected with a minimum period of fifteen minutes between aliquot collections. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

Pollutants shall be analyzed using test methods promulgated in 40 CFR 136. For each qualifying event, permittee shall record flow measurements or estimates of flow rate, the total amount of discharge for the storm event sampled, and the method of flow measurement or estimation. Permittee shall also record the duration of storm event sampled, rainfall measurements, or estimates of the storm event which generated the sampled runoff and the duration between the storm event sampled and the end of the previously measurable (greater than 0.1 inch rainfall) storm event.

Monitoring results and all other information required by this condition shall be submitted upon your receipt as an attachment to the DMR form.

The IEPA may modify this permit during its term to incorporate additional limitations or requirements based on the results of this monitoring. Modifications under this condition shall follow public notice and opportunity for hearing.

SPECIAL CONDITION 18. Based on monitoring results submitted to the IEPA for outfalls 008-010 and 012 the permittee shall modify its existing Storm Water Pollution Prevention Plan to reduce the amount of pollutants discharged to Coffeen Lake. At a minimum, the permittee shall increase the frequency of coal removal activities along the rail spur.

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Amendments to the Storm Water Pollution Prevention Plan shall be made within the shortest reasonable period of time, and shall be provided to the IEPA for review upon request.

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

SPECIAL CONDITION 20. Outfall 002, 018, H01, and I01 shall be monitored for mercury on a quarterly basis until twelve samples have been collected. After collection of all required samples, and upon written notification to the Agency the sampling may cease, unless the Agency modifies the permit to require continued sampling at some frequency. 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 21. The usage of GE Spectrus CT1300 shall be conducted in accordance with US EPA recommendations. Products equivalent to Spectrus CT1300 may be substituted upon notification of the Agency. The methyl orange analytical method for surfactant shall be used to document that no detectable residual n-alkyl dimethyl benzyl ammonia chloride (ADBAC) exists after detoxification. Measurement shall be required at 8-hour intervals and analysis conducted immediately after collection of a grab sample.

SPECIAL CONDITION 22.

*****CONSTRUCTION AUTHORIZATION*****

Authorization is hereby granted to construct temporary supplemental cooling towers and related equipment on an as needed basis to ensure compliance with temperature limitations at Outfall, 001, 020, 021, and 022. These supplemental cooling towers would draw a portion of the flow pass it through the supplemental towers, and return it. This Authorization is issued subject to the following conditions.

1. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee thereupon 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. The permittee shall notify the Agency in writing prior to placing the temporary supplemental cooling towers in service. Notification shall also be given upon taking the towers out of service.
4. The discharge of stormwater runoff associated with construction activities related to cooling tower installation, including clearing, grading and excavation activities which result in the disturbance of one acre or more of total land acre, are not covered by this permit or authorization. Prior to commencing construction, the permittee shall apply for and obtain coverage under the General NPDES Stormwater Permit for Construction Site Activities.

SPECIAL CONDITION 23. Permitted discharges that will not have any monitoring requirements include No. F01 maintenance shop oil/water separator discharge which will require best management practice (BMP) maintenance schedule.

SPECIAL CONDITION 24. The Permittee shall monitor the effluent from Outfalls 018, H01 and I01 for the following parameters twice a month for a period of five (5) consecutive months, beginning three (3) months from the modification date of this Permit. This Permit may be modified with public notice to establish effluent limitations if appropriate, based on information obtained through sampling. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted on the DMR's 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
01007	Barium	0.5 mg/L
01027	Cadmium	0.001 mg/L
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (weak acid dissociable) (grab)	5.0 ug/L

Please contact Environmental Services (Mike Smallwood) for any questions regarding this permit.

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00720	Cyanide (total) (grab not to exceed 24 hours)	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
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 solid, suspended or dissolved, elemental or combined, including all oxidation states.

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Attachment A

The Permittee shall monitor coal pile runoff for concentrations of copper (total) and iron (total) a minimum of 4 times prior to placing chemical metal cleaning wastewater rinses on the coal pile. The Permittee shall monitor the coal pile for coal pile runoff following the placement of chemical metal cleaning wastewater rinses on the coal pile. Upon placement of the wastewater rinses on the coal pile, for each placement which causes an effluent from the coal pile and each rainfall event which produces coal pile runoff during 30 days following placement on the coal pile, a representative grab sample shall be taken daily of the discharge and analyzed for iron (total) and copper (total). The analysis report shall include the frequency, duration and amounts of the month's precipitation events.

If the Permittee after monitoring twice the above practice for incineration of chemical metal cleaning wastewater rinses can demonstrate to the satisfaction of the permitting authority that there is no significant discharge of the designated parameters caused by this practice, upon written request by the Permittee, the permitting authority shall review the monitoring requirements and may, at their discretion revise or waive these monitoring requirements following Public Notice and opportunity for hearing.

Standard Conditions

Definitions

It 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.

Flow Proportional 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 all 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 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).

(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 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.

(Rev. 7-9-2010 bah)