

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

March 14, 2007

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MAR 18 2007

STATE OF ILLINOIS  
Pollution Control Board

Midwest Generation EME, LLC )  
Will County Generating Station )  
)  
)  
)  
)  
Petitioner, )  
)  
v. )  
)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

IEPA - 07-09  
(Provisional Variance-Water)

Re: Provisional Variance From Limits for Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), from NPDES Permit IL0002208

Dear Ms. Maria Race:

The Illinois Environmental Protection Agency (Agency) has completed its technical review of the attached provisional variance request (Attachment A) submitted by Midwest Generation EME, LLC (Midwest), on March 12, 2007, for its Will County Generating Station. Midwest has had an upset in its sanitary wastewater treatment system that will require the cleaning of the media in the trickling filter. Cleaning the media and re-establishing biological growth will take approximately thirty days. Based on its review, the Agency GRANTS a provisional variance, subject to the specific conditions set forth below.

*Background*

Midwest owns and operates a coal-fired steam electric generating facility near Romeoville, Illinois. Midwest has an on-site wastewater treatment system consisting of an Imhoff tank followed by a trickling filter. Discharge from this treatment system is to the Chicago and Sanitary Ship Canal via Outfall 003 of NPDES permit IL0002208. The quantity of water discharged through Outfall 003 is approximately 0.015 million gallons per day (MGD). No industrial wastewater is discharges through Outfall 003. Prior to being discharged to the Chicago and Sanitary Ship Canal, Outfall 003 is combined with

Outfall 002. Outfall 002 is designated in NPDES permit IL0002208 as Recycle Wastewater Treatment System Blowdown, with an approximate flow of 0.88 MGD.

*Relief Requested*

Midwest seeks a provisional variance from the BOD and TSS limits of Outfall 003 while it cleans and re-establishes biological growth on the media in the trickling filter. NPDES permit limits for Outfall 003 are:

Parameter	Monthly Avg. (mg/l)	Daily Max. (mg/l)
BOD	20	40
TSS	25	50

Midwest is requesting that during the term of the provisional variance it be allowed to discharge up to 50 mg/l BOD and 70 mg/l TSS.

*Agency Determinations*

The Agency has reviewed the requested provisional variance and has concluded the following:

1. The environmental impact from the requested relief is predicted to be minimal;
2. No reasonable alternatives appear available;
3. No public water supplies should be affected;
4. No federal regulations will preclude the granting of this request; and
5. Midwest will face an arbitrary and unreasonable hardship if the request is not granted.

*Conditions*

The Agency hereby GRANTS Midwest Generation EME, LLC a provisional variance from the BOD and TSS limits for Outfall 003 of NPDES Permit IL0002208, subject to the following conditions:

- A. The provisional variance shall begin on March 14, 2007, and end no later than April 27, 2007.

- B. Midwest shall operate its system to produce the best effluent possible, and at no time shall the effluent from Outfall 003 exceed the limits of 50 mg/l for BOD and 70 mg/l for TSS. All other requirements of NPDES permit IL0002208 will be maintained during the variance period.
- C. The City shall notify Roger Callaway of the Agency by telephone at 217/782-9720 when the trickling filter is taken out of service and again when it is returned to service. Written confirmation of each notice shall be sent within five days to the following address:

Illinois Environmental Protection Agency  
Bureau of Water - Water Pollution Control  
Attention: Roger Callaway  
1021 North Grand Avenue East, MC #19  
Springfield, Illinois 62794-9276

- G. Midwest shall sign a certificate of acceptance of this provisional variance and forward that certificate to Roger Callaway at the address indicated above within one day of the date of this order. The certification should take the following form:

I (We) \_\_\_\_\_, hereby accept and agree to be bound by all terms and conditions of the provisional variance granted by the Agency in \_\_\_\_\_ dated \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Title

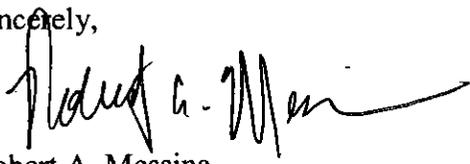
\_\_\_\_\_  
Date

The City shall continue to monitor and maintain compliance with all other parameters and conditions specified in its NPDES Permit No. IL0002208.

*Conclusion*

The Agency grants this provisional variance in accordance with its authority contained in Sections 35(b), 36 (c), and 37(b) of the Illinois Environmental Protection Act (415 ILCS 5/35(b), 36(c), and 37(b) (2004). The decision to grant this provisional variance is not intended to address compliance with any other applicable laws or regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Messina". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert A. Messina  
Chief Legal Counsel

cc: Marcia Willhite  
Roger Callaway  
Vera Herst  
Connie Tonsor

Maria L. Race  
Senior Environmental Engineer



March 12, 2007

Mr. Roger Callaway  
Manager  
Wastewater Compliance Unit  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield, IL 62794-9274

Subject: Request for Provisional Variance  
BOD and TSS permit requirements  
Will County Generating Station  
NPDES Permit No. IL 0002208

Dear Mr. Callaway:

Per Section 35(b) of the Illinois Environmental Protection Act, Midwest Generation Will County Generating Station respectfully submits this application for a provisional variance. The following information is being supplied in support of the provisional variance application per requirements of Title 35, Subtitle A, Chapter II, Part 180.202:

1. *A statement identifying the regulations, Board Order, or permit requirements from which the variance is requested;*

Midwest Generation is requesting a provisional variance from the NPDES permit IL0002208 requirements of meeting the following limits at Outfall 003, Sewage Treatment Plant Effluent:

- Biological Oxygen Demand (BOD<sub>5</sub>) limits of 20 mg/l (30 day average) and 40 mg/l (daily maximum)
- Total Suspended Solids (TSS) limits of 25 mg/l (30 day average) and 50 mg/l (daily maximum)

2. *A description of the business or activity for which the variance is requested, including pertinent data on location, size, and the population and geographic area affected by the applicant's operations;*

Midwest Generation owns and operates a coal-fired steam electric generating facility located in Romeoville, Illinois. Process wastewater, impacted stormwater and flows from other sources are collected, treated at Midwest Generation's on-site wastewater treatment facility, and then

Midwest Generation EME, LLC  
One Financial Place  
440 South LaSalle Street  
Suite 3500  
Chicago, IL 60605  
Tel: 312 583 6062  
Fax: 312 788 5526  
Email: mrace@mwgen.com

discharged to the Chicago Sanitary and Ship Canal under Midwest Generation's NPDES permit.

Midwest Generation is requesting a provisional variance from its NPDES permit requirements to meet BOD<sub>5</sub> and TSS limits at Outfall 003.

The on-site wastewater treatment facility consists of an Imhoff Tank followed by a trickling filter. Analytical samples in February 2007 exceeded the limit for BOD. As we investigated the reasons for this, we discovered an upset in our sewage treatment system that will require cleaning of the rocks in the trickling filter. During the time it takes to clean the rocks and for the biological sludge to reestablish itself on the cleaned rocks, we will have noncompliances with both the BOD and TSS limits. We expect that the time necessary to both clean the rocks and to re-establish the biological sludge will require approximately thirty days.

- 3. The quantity and types of materials used in the process or activity for which the variance is requested, as appropriate;*

The quantity of water released through Outfall 003 per day is .015 MGD of treated sanitary wastewater. Industrial process wastewater is not discharged through Outfall 003. During the time for which the variance is requested, we will still be treating the waste, however, the system will not be as effective as usual as the biological system in the trickling filter reestablishes itself.

- 4. The quantity, types and nature of materials or emissions to be discharged, deposited or emitted under the variance, and the identification of the receiving waterway or land, or the closest receiving Class A and Class B land use, as appropriate;*

Although it is difficult to estimate what the actual BOD and TSS values would be during the time period for which this variance is requested, our estimates are that the TSS will not exceed 70 mg/l and the BOD will not exceed 50 mg/l. The average Outfall 003 daily discharge is approximately .015 MGD. Please note that a highly conservative assumption has been made regarding the concentrations in Outfall 003 during the proposed cleaning work and re-establishment of the biological sludge.

- 5. The quantity and types of materials in drinking water exceeding the allowable content, or other pertinent facts concerning variances from the Board's public water supply regulations;*

No discharge to drinking water sources from activities conducted under this provisional variance application would be expected. The receiving water, the Chicago Sanitary and Ship Canal, is a Secondary Contact Use stream. We do not believe there are any public water supply intakes located in the vicinity of the discharge.

- 6. An assessment of any adverse environmental impacts which the variance may produce;*

All wastewater produced by the proposed activity will still be captured and directed to Midwest Generation's sewage treatment plant for primary treatment prior to discharge under NPDES

Permit IL0002208. Outfalls 002 and 003 are combined before discharge which should help minimize the impact upon the receiving stream. Minimal adverse environmental impacts related to slightly higher BOD or TSS are expected relating to activities proposed under this provisional variance application.

7. *A statement explaining why compliance with the Act, regulations or Board Order imposes arbitrary and unreasonable hardship;*

Approval of this provisional variance application will allow Midwest Generation to properly reestablish the biological sludge in the trickling water system. Alternatives such as capturing the water for disposal imposes an arbitrary and unreasonable expense to Midwest Generation. Operating the sewage treatment system as the biological sludge reestablishes itself will cause little additional loading to the Chicago Ship and Sanitary Canal, a Secondary Contact waterway.

8. *A description of the proposed methods to achieve compliance with the Act, regulations or Board Order, and a timetable for achieving such compliance;*

Midwest Generation's waiver application covers a 45-day period that would allow the biological sludge to reestablish itself and BOD and TSS levels to return to normal.

9. *A discussion of alternate methods of compliance and of the factors influencing the choice of applying for a provisional variance;*

Midwest Generation evaluated the possibility of bringing a tank on site to collect the wastewater until the system reestablishes itself. However, the tank volume required is very large and it would be difficult to obtain such a tank and secondary containment on short notice. In order to reestablish the sludge in the Wastewater Treatment System, the system would need to be used, so the tank would need to be added onto the existing trickling filter. The time that it would take to perform this engineering work would create undue hardship for the station and during that time, waste would continue to flow through the outfall. Providing temporary showers and toilets for use at Will County Station also places undue hardship on the station and will not be easily possible in the time necessary to have the work performed.

10. *A statement of the period, not to exceed 45 days, for which the variance is requested;*

The requested period of the provisional variance is 45 days. The exact starting date would be March 14, 2007.

11. *A statement of whether the applicant has been granted any provisional variances within the calendar year, and the terms and duration of such variances;*

Midwest Generation has not been granted any provisional variances within the calendar year.

12. *A statement regarding the applicant's current permit status as related to the subject matter of the variance request;*

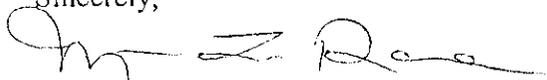
Midwest Generation Will County Station has an NPDES permit and has had one noncompliance in the month of February related to the BOD issue, but has had no other exceedences.

13. *Any Board orders in effect regarding the applicant's activities and any matters currently before the Board in which the applicant is a party.*

NA.

Midwest Generation looks forward to your response. Please contact Maria Race (312) 925 3608 or via Email at [mrace@mwgen.com](mailto:mrace@mwgen.com) if you have any questions or desire additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maria Race', written in a cursive style.

Maria Race

Attachments

CC: Maria Race  
Fredrick Veenbaas

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397  
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

217/782-0610

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

May 31, 2005

Midwest Generation, LLC  
 Environmental, Health & Safety Department  
 One Financial Place  
 440 South LaSalle Street, Suite 3500  
 Chicago, Illinois 60605

**MAJOR  
 RECEIVED**  
 JUN 02 2005  
**IEPA**

Re: Midwest Generation, LLC  
 Will County Generating Station  
 NPDES Permit No. IL0002208  
 Final Permit

Gentlemen:

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

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

The Permit as issued is effective as of the date indicated on the first page of the Permit. You have the right to appeal any condition of the Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

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

Sincerely,



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

SAK:BAK:BAU\99120101.BAH

Attachment: Final Permit

cc: Records  
 Compliance Assurance Section  
 Des Plaines Region  
 Facility  
 USEPA  
 NIPC

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
 ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
 BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
 SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
 MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

NPDES Permit No. IL0002208

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

MAJOR

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: May 31, 2010

Issue Date: May 31, 2005

Effective Date: June 1, 2005

Name and Address of Permittee:

Midwest Generation, LLC  
Environmental, Health & Safety Department  
One Financial Place  
440 South LaSalle Street, Suite 3500  
Chicago, Illinois 60605

Facility Name and Address:

Midwest Generation, LLC  
Will County Generating Station  
529 East Romeo Road  
Romeoville, Illinois 60441  
(Will County)

Discharge Number and Name:

001 Condenser Cooling Water and House Service Water  
A01 Reverse Osmosis Wastes  
B01 Boiler Blowdown, Boiler Drain and Turbine Drain  
C01 Cooling Water Intake Screen Backwash  
002 Recycle Wastewater Treatment System Blowdown  
003 Sewage Treatment Plant Effluent

Receiving Waters:

Chicago Sanitary and Ship Canal

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:BAK:BAU:99120101.bah

NPDES Permit No. IL0002208

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		

Outfall(s): 001 Condenser Cooling Water and House Service Water

This discharge consists of:

Approximate Flow

- |                            |              |
|----------------------------|--------------|
| 1. Condenser Cooling Water | 587.0 MGD    |
| 2. House Service Water     | 78.9 MGD     |
| 3. Reverse Osmosis Wastes  | 0.1 MGD      |
| 4. Boiler Blowdown         | 0.023 MGD    |
| 5. Boiler Drain            | Intermittent |
| 6. Turbine Drain           | Intermittent |
| 7. Intake Screen Backwash  | 0.433 MGD    |

Flow (MGD)	See Special Condition 1	Daily	Continuous
Total Residual Chlorine/ Total Residual Oxidant*		0.2*	1/Week *Concentration Curve
Temperature	See Special Condition 5, 6 and 7	Daily	Continuous

\*See Special Conditions 3 and 4.

NPDES Permit No. IL0002208

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		

Outfall(s): A01 Reverse Osmosis Waste

This discharge consists of:

Approximate Flow

- 1. Reverse Osmosis Waste

0.1 MGD

Flow	See Special Condition 1				1/Week	24-Hour Total
Total Suspended Solids			15	30	1/Week	8-hour Composite
Oil and Grease			15	20	1/Year	Grab

Outfall(s): B01 Boiler Blowdown, Boiler Drain and Turbine Drain

This discharge consists of:

Approximate Flow

- 1. Boiler Blowdown
- 2. Boiler Drain
- 3. Turbine Drain

0.023 MGD  
Intermittent  
Intermittent

Flow	See Special Condition 1				1/Week	24-Hour Total
Total Suspended Solids			15	30	1/Week	8-hour Composite
Oil and Grease			15	20	1/Year	Grab

Outfall(s): C01 Cooling Water Intake Screen Backwash\*

\*See Special Condition 8

NPDES Permit No. IL0002208

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		

Outfall(s): 002 Recycle Wastewater Treatment System Blowdown\*\*

This discharge consists of:

Approximate Flow

- |   |              |
|---|--------------|
| 1. Ash Sluice System Blowdown                   | 0.88 MGD     |
| a. Bottom ash sluice water                      | Intermittent |
| b. Units #1,2 3 and 4 slag tank overflow sumps  | Intermittent |
| c. Non-chemical metal cleaning wastes           | Intermittent |
| d. South area runoff collection basin effluent  | Intermittent |
| 2. North area runoff collection basin effluent  | Intermittent |
| 3. Chemical and control building floor drainage | Intermittent |

Flow	See Special Condition 1		Daily	Continuous	
pH	See Special Condition 2		1/Week	Grab	
Total Suspended Solids		15	30	1/Week	24-Hour Composite
Oil and Grease		15	20	1/Week	Grab
Iron		1.0	1.0	2/Month*	24-Hour Composite
Copper		0.5	1.0	2/Month*	24-Hour Composite

\*The sampling frequency for total iron and total copper shall be daily during discharge of non-chemical metal cleaning wastes. At all other times the sampling frequency shall be twice per month.

\*\*See Special Condition 9.

NPDES Permit No. IL0002208

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		

Outfall(s): 003 Sewage Treatment Plant Effluent

This discharge consists of:

Approximate Flow

1. Treated Sanitary Wastewater

0.015 MGD  
(DMF 0.03125 MGD)

Flow	See Special Condition 1				Daily	Continuous
pH	See Special Condition 2				1/Week	Grab
Total Suspended Solids	6.5	13.0	25	50	1/Week	24-Hour Composite
BOD <sub>5</sub>	5.2	10.4	20	40	1/Week	24-Hour Composite
Total Residual Chlorine				0.05	Daily*	Grab

\*See Special Condition 10.

Special Conditions

SPECIAL CONDITION 1. Flow shall be reported, in "million gallons per day" (MGD), as a daily maximum and monthly average. In the event that no discharge occurs during a given month, a statement of "No discharge" shall be reported on the DMR submitted for that month.

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. Total residual chlorine/total residual oxidant (TRC/TRO) shall not be discharged from any single generating unit for more than two hours per day. The daily mean concentration of total residual oxidant shall be based on a concentration curve. The concentration curve shall be generated using grab samples with a sampling frequency of five minutes or less over the exposure time. The exposure time is defined to be from the point of first detectable measurement to the point of the last detectable measurement of total residual oxidant. Concentration curves shall be submitted with Discharge Monitoring Reports. The frequency and duration of the oxidant dosing period plus the amount of chlorine or bromine applied shall be reported on the Discharge Monitoring Reports. For reporting purposes, the daily discharge shall be the average of all non-zero values measured in a day and the monthly average shall be the average of all daily discharges. Discharge Monitoring Reports shall indicate whether chlorine or bromine compounds were used during the month.

For the purposes of determining compliance, the highest single instantaneous TRC/TRO concentration measured during compliance curve sampling on any day will be regarded as the daily maximum concentration. Total residual oxidant concentration shall be measured and reported in terms of total residual chlorine.

SPECIAL CONDITION 4. A discharge limit of 0.05 mg/l (instantaneous maximum) shall be achieved for total residual oxidant (total residual chlorine/total residual halogen) when bromine biocides are used for condenser biofouling control, in accordance with Special Condition 3.

SPECIAL CONDITION 5. The receiving waters for Outfall 001 are designated as Secondary Contact and Indigenous Aquatic Life Waters by Section 302.408, Illinois Administration Code, Title 35, Chapter 1, Subtitle C, as amended. These waters shall meet the following standard:

Temperatures shall not exceed 93°F (34°C) more than 5% of the time, or 100°F (37.8°C) at any time at the edge of the mixing zone which is defined by Rule 302.102 of the above regulations.

SPECIAL CONDITION 6. In lieu of the requirements of section 302.211(d) and (e), Illinois Administrative Code, Title 35, Subtitle C, as amended, effluent shall not alone or in combination with other sources cause temperatures in the main channel of the Lower Des Plaines River at the I-55 Bridge to exceed the temperatures set forth in the following table, except in accordance with the allowable monthly excursions detailed below:

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u> <u>1-15</u>	<u>Apr</u> <u>16-30</u>	<u>May</u> <u>1-15</u>	<u>May</u> <u>16-30</u>	<u>June</u> <u>1-15</u>	<u>June</u> <u>16-30</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
°F	60	60	65	73	80	85	90	90	91	91	91	90	85	75	65

These standards may be exceeded by no more than 3°F during 2% of the hours in the 12-month period ending December 31, except that at no time shall Midwest Generation's plants cause the water temperature at the I-55 Bridge to exceed 93°F. (Midwest Generation's plants continue to be subject to the Secondary Contact Standards at the point of discharge).

SPECIAL CONDITION 7. Permittee shall comply with all temperature limitations as imposed by the Pollution Control Board's order in AS 96-10, dated October 3, 1996.

SPECIAL CONDITION 8. The discharge from Outfall C01 is limited to Chicago Sanitary and Ship Canal make-up water intake screen backwash, free from other discharges. Adequate maintenance of the intake screen system is required to prevent the discharge of floating debris collected on intake screens back to the canal.

SPECIAL CONDITION 9. The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities 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 Conditions

SPECIAL CONDITION 10. For Outfall 003: Any use of chlorine to achieve disinfection or for operation and maintenance purposes is subject to 0.05 mg/l daily maximum total residual chlorine limit. Sampling for total residual chlorine shall be performed on a daily basis during the chlorination process. Sampling for total residual chlorine is not required when chlorine is not used. If chlorine is not used during any monthly period, the permittee shall report "no chlorine used" on the Discharge Monitoring Reports.

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

SPECIAL CONDITION 12. There shall be no discharge of complexed metal bearing wastestreams and associated rinses from chemical metal cleaning unless this permit has been modified to include the new discharge.

SPECIAL CONDITION 13. The bypass provisions of 40 CFR 122.41(m) and upset provisions of 40 CFR 122.41(n) are hereby incorporated by reference.

SPECIAL CONDITION 14. The Agency may modify this permit during its term to incorporate biomonitoring requirements and additional limitations or requirements based on the biomonitoring results. The Agency may also modify this permit to incorporate additional requirements and/or limitations based on the effluent monitoring results. Modifications under this condition shall follow public notice and opportunity for hearing.

SPECIAL CONDITION 15. 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 16. 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 17. The Permittee's facility has been deemed to meet the criteria as a Phase II existing facility (under section 316(b) of the Clean Water Act) pursuant to 40 CFR 125.91. Therefore, the permittee must fulfill the applicable requirements of 40 CFR 125 subpart J, and 40 CFR 122(r)(2), (3) and (5). The regulation at 40 CFR 125.95 requires submittal of a Proposal for Information Collection (PIC) to support the development of a Comprehensive Demonstration Study (CDS) for the herein permitted facility. The PIC will be reviewed by the Agency and a response will be provided. An extension of time to submit the CDS has been granted. Therefore, you must submit your CDS on or before January 7, 2008. Once the CDS has been reviewed by the Agency and a compliance strategy has been approved, this permit will be modified to include implementation, monitoring, and reporting requirements pursuant to 40 CFR 125.98.

## ATTACHMENT H

## Standard Conditions

## Definitions

**Act** means the Illinois Environmental Protection Act, Ch. 111 1/2 Ill. Rev. Stat., Sec. 1001-1052 as Amended.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
  - (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
  - (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
  - (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
  - (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
  - (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
  - (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.
  - (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to:
    - (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
    - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
    - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
    - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
  - (10) **Monitoring and records.**
    - (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
    - (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. This period may be extended by request of the Agency at any time.
    - (c) Records of monitoring information shall include:
      - (1) The date, exact place, and time of sampling or measurements;
      - (2) The individual(s) who performed the sampling or measurements;
      - (3) The date(s) analyses were performed;
      - (4) The individual(s) who performed the analyses;
      - (5) The analytical techniques or methods used; and
      - (6) The results of such analyses.
    - (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
  - (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
    - (a) **Application.** All permit applications shall be signed as follows:
      - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
      - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
      - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
    - (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
      - (1) The authorization is made in writing by a person described in paragraph (a); and
      - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
      - (3) The written authorization is submitted to the Agency.