

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

August 11, 2010

RECEIVED
CLERK'S OFFICE
AUG 13 2010
STATE OF ILLINOIS
Pollution Control Board

Midwest Generation)
Crawford Generating Station)
)
)
)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

IEPA - 11-03
(Provisional Variance-Water)

Re: Extension of Provisional Variance From Effluent Limits Contained in NPDES
Permit IL0002186 For Outfall CO1

Dear Ms. Brock:

On July 28, 2010, the Illinois Environmental Protection Agency (Agency) granted a provisional variance to Midwest Generation for its Crawford Generating Station (Exhibit A). The provisional variance is to end on August 10, 2010. On August 6, 2010, Midwest Generation submitted a request for an extension to this provisional variance (Exhibit B).

Midwest Generation requested a provisional variance to enable it to remove water from the basements of its turbine room and crusher house. Water entered the basements as the result of a severe storm that occurred on July 23 and July 24 in the Chicago area. Midwest Generation is requesting this extension because additional heavy rains on August 3 and 4, 2010 have caused delays in getting the storm water flooding in the turbine basement pumped out by August 10, 2010.

Based on its review, the Agency GRANTS the Midwest Generation a provisional variance extension for its Crawford Generating Station, subject to the specific conditions set forth below.

Background

Midwest Generation owns and operates a coal-fired steam electric generating facility (Crawford Generating Station) located in Chicago, Illinois. On July 23 and July 24, 2010, the Chicago area was hit by a very severe thunderstorm that resulted in some areas receiving over 7 inches of rain. This storm caused the basements of the turbine building and the crusher house at the Crawford Generating Station to flood, which in turn caused both units of the generating plant to trip off. Midwest Generation estimated that approximately 3.5 million gallons of water were in the basements, and determined that the existing treatment plant lacked the capacity to provide full treatment to the flood waters in the basements, and all storage capacity at the plant had been utilized. Midwest Generation therefore requested a provisional variance on July 26, 2010, to allow it to discharge this water back to the Chicago and Sanitary Canal without the water receiving full treatment. The provisional variance requested was only for Outfall C01 (Recirculating Wastewater Treatment System Blowdown) and only for the parameters of Total Suspended Solids (TSS) and Oil and Grease.

The provisional variance was scheduled to end on August 10, 2010, but additional heavy rains on August 3 and 4, 2010 have caused delays in getting the storm water flooding in the turbine basement pumped out by August 10, 2010.

Relief Requested

The Midwest Generation Crawford Generating Station seeks a 15-day extension to its provisional variance from the effluent limits for TSS and Oil and Grease required in NPDES permit IL0002186 for Outfall C01. Based on the very poor canal water quality associated with the storm, Midwest Generation anticipates that the TSS will be in the 50-100 mg/L range, and that the oil and grease concentration will be in the 30-50 mg/L range. Current permit limits for the parameters requested in this variance for Outfall C01 require:

Parameter	Monthly Avg. (mg/l)	Daily Max. (mg/l)
TSS	15	30
Oil and Grease	15	20

Midwest Generation will continue to meet all other effluent parameters of NPDES permit IL0002186 (Attachment B).

Agency Determinations

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

1. Any environmental impact from the requested relief shall be closely monitored, and the Agency shall be immediately notified of any adverse impacts.

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 Generation will face an arbitrary and unreasonable hardship if the request is not granted.

Conditions

The Agency hereby GRANTS Midwest Generation Crawford Generating Station a provisional variance from the effluent limits of TSS and Oil and Grease required in NPDES Permit IL0002186 for Outfall C01, subject to the following conditions:

- A. The extension to the provisional variance extension shall begin on August 10, 2010, and shall end no later than August 25, 2010.
- B. Midwest Generation shall provide the best operation of its treatment plant to produce the best effluent possible at all times. At no times shall the effluent exceed TSS of 100 mg/l and Oil and Grease of 50 mg/l.
- C. Midwest Generation shall closely monitor the Chicago Sanitary and Ship Canal and immediately notify the Agency of any adverse environmental impacts as a result of this discharge.
- D. Midwest Generation shall notify Roger Callaway of the Agency by telephone at 217/782-9720 when the discharge specified in this provisional variance is completed and the facility returns to normal operation. Written confirmation 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

- E. Midwest Generation 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

Midwest Generation shall continue to monitor all parameters and all comply with all other conditions specified in its NPDES Permit No. IL0002186.

Conclusion

The Agency grants a provisional variance extension 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 extension to the provisional variance is not intended to address compliance with any other applicable laws or regulations.

Sincerely,



John J. Kim
Chief Legal Counsel

cc: Marcia Willhite
Roger Callaway
Vera Herst



**MIDWEST
GENERATIONSM**

An EDISON INTERNATIONAL[®] Company

Midwest Generation
Crawford Generating Station
3501 S. Pulaski Road
Chicago, IL 60623
Phone: (773) 650-5489
Fax: (773) 650-5136

August 6, 2010

Mr. Roger Callaway
Wastewater Compliance Unit Manager
Illinois Environmental Protection Agency
Bureau of Water
Compliance Assurance Section #19
1021 North Grand Avenue East
Springfield, IL 62702

SUBJECT: Request for Variance Extension NPDES Permit No. IL0002186

Dear Mr. Callaway:

Pursuant to Section 35(b) of the Illinois Environmental Protection Act, Midwest Generation Crawford Generating Station respectfully submits this application for an extension of our Provisional Variance granted on July 28, 2010 for relief from total suspended solids (TSS), and oil and grease permit requirements for outfall C01 Recirculating Wastewater Treatment System Blowdown. 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 requirement from which the variance is requested;*

Midwest Generation is requesting a provisional variance from the NPDES permit IL0002186 requirements of meeting the following limits at Outfall C01, Recirculating Wastewater Treatment System Blowdown:

- Total Suspended Solids (TSS) limits of 15 mg/L (30 day average) and 30 mg/L (daily maximum)
- Oil and Grease limits of 15 mg/L (30 day average) and 20 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 Chicago, Illinois. Process wastewater, impacted stormwater and flows from other sources are collected and treated at Midwest Generation's on-site wastewater treatment facility, and then discharged to the Chicago Sanitary and Ship Canal (CSSC) under Midwest Generation's NPDES permit.

Midwest Generation is requesting an extension of our provisional variance for 15 additional days for the TSS and Oil & Grease at Outfall C01. As detailed in our original request dated July 27, 2010, a rain event on July 23 through July 24 resulted in a rainfall of in excess of 7 inches which caused flooding of the turbine basement at the station. The provisional variance was granted on July 28, 2010 and remains in effect until August 10, 2010. Since then, there were additional heavy rains received on August 3 and 4, 2010. These events have caused delays in getting the stormwater flooding in the turbine basement pumped out by August 10, 2010.

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

The quantity of water that is batch discharged from Outfall C01 is approximately 1.0 MGD. We plan to sample each discharge from the outfall for pH, TSS, and oil and grease so that we can provide the Agency with the results during our follow-up reports and month DMRs.

- 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;*

Based on the very poor canal water quality associated with the storm events we anticipate that the TSS will be in the 50 -100 mg/L range; however, we may see some results above this concentration. The oil and grease concentrations may also be elevated in the 30 - 50 mg/L range. Again we do plan on sampling each discharge so that we can provide the Agency with the results for each discharge.

- 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.

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

We will continue to pump all of the water in the turbine basement through the wastewater treatment plant for settling and chemical treatment prior to discharge. Minimal adverse environmental impacts related to the elevated TSS and oil and grease are expected relating to the activities proposed under this provisional variance application.

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

Approval of this provisional variance application will allow Midwest Generation to remove the enormous quantity of water generated from a severe storm event in the City of Chicago on July 24 and July 25 and the heavy rains received on August 3 and August 4. Alternatives such as capturing the water for disposal impose an arbitrary and unreasonable expense to Midwest Generation. The source of the water that has flooded into the buildings at Crawford Station is from the Chicago Sanitary and Ship Canal and our plan to transfer the water back to the canal will cause little additional loading to the 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 original waiver application covered a 15-day period. We are requesting an additional 15 days (30 days total) with this request. Within that time frame we should have the water completely pumped down and will be able to restore the wastewater treatment plant back to normal operations, barring any additional excessive storm and rainfall events.

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

The options evaluated include bringing in tanker trucks or a temporary tank to collect the water until we can restore the plant to normal operation. However, the tank volume required is too large and it would be difficult to obtain such a tank and containment on short notice. It would also be impossible to bring in a fleet of tanker trucks to handle the volume of water generated from this act of God.

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

We are requesting an extension of our provisional variance of 15 days (30 days total). The exact starting date would be July 27, 2010.

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 was granted a provision variance on July 28, 2010. This letter requests an additional 15 days.

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

Midwest Generation Crawford Station has an NPDES permit. The station has not had any noncompliances under this permit for over 5 years.

13. *Any Board orders in effect regarding the applicants 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 Luke Ford at (630) 771-7881 or via email at lford@mwgen.com if have any questions or require additional information.

Sincerely:



Brenda Brock
Station Director
Crawford Station

cc: Luke Ford
Maria Race
Robert Chmielecki
Elizabeth Alvarez

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

July 28, 2010

Midwest Generation)	
Crawford Generating Station)	
)	
)	
Petitioner,)	
)	
v.)	IEPA – 11-01
)	(Provisional Variance-Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

Re: Provisional Variance From Effluent Limits Contained in NPDES Permit IL0002186 For Outfall CO1

Dear Ms. Brock:

The Illinois Environmental Protection Agency (Agency) has completed its technical review of the attached provisional variance request, dated July 26, 2010 (Attachment A) submitted by the Midwest Generation for its Crawford Generating Station. Midwest Generation has requested a variance so that it will be able to remove water from the basements of its turbine room and crusher house. Water entered the basements as the result of a severe storm that occurred on July 23 and July 24 in the Chicago area.

Based on its review, the Agency GRANTS the Midwest Generation a provisional variance for its Crawford Generating Station, subject to the specific conditions set forth below.

Background

Midwest Generation owns and operates a coal-fired steam electric generating facility (Crawford Generating Station) located in Chicago, Illinois. On July 23 and July 24, 2010, the Chicago area was hit by a very severe thunderstorm that resulted in some areas receiving over 7 inches of rain. This storm caused the basements of the turbine building and the crusher house at the Crawford Generating Station to flood, which in turn caused both units of the generating plant to trip off. Midwest Generation estimates that

approximately 3.5 million gallons of water are in the basements. The existing treatment plant lacks the capacity to provide full treatment to the flood waters in the basements, and all storage capacity at the plant has been utilized. Midwest Generation is therefore seeking a variance to allow it to discharge this water back to the Chicago and Sanitary Canal without the water receiving full treatment. The provisional variance requested is only for Outfall C01 (Recirculating Wastewater Treatment System Blowdown) and only for the parameters of Total Suspended Solids (TSS) and Oil and Grease. Midwest Generation will continue to meet all other effluent parameters of NPDES permit IL0002186 (Attachment B).

Relief Requested

The Midwest Generation Crawford Generating Station seeks a provisional variance from the effluent limits for TSS and Oil and Grease required in NPDES permit IL0002186 for Outfall C01. Based on the very poor canal water quality associated with the storm, Midwest Generation anticipates that the TSS will be in the 50-100 mg/L range, and that the oil and grease concentration will be in the 30-50 mg/L range. Current permit limits for the parameters requested in this variance for Outfall C01 require:

Parameter	Monthly Avg. (mg/l)	Daily Max. (mg/l)
TSS	15	30
Oil and Grease	15	20

Agency Determinations

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

1. Any environmental impact from the requested relief shall be closely monitored, and the Agency shall be immediately notified of any adverse impacts.
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 Generation will face an arbitrary and unreasonable hardship if the request is not granted.

Conditions

The Agency hereby GRANTS Midwest Generation Crawford Generating Station a provisional variance from the effluent limits of TSS and Oil and Grease required in NPDES Permit IL0002186 for Outfall C01, subject to the following conditions:

- A. The provisional variance shall begin on July 27, 2010, and shall end no later than August 10, 2010.
- B. Midwest Generation shall provide the best operation of its treatment plant to produce the best effluent possible at all times. At no times shall the effluent exceed TSS of 100 mg/l and Oil and Grease of 50 mg/l.
- C. Midwest Generation shall closely monitor the Chicago Sanitary and Ship Canal and immediately notify the Agency of any adverse environmental impacts as a result of this discharge.
- D. Midwest Generation shall notify Roger Callaway of the Agency by telephone at 217/782-9720 when the discharge specified in this provisional variance is completed and the facility returns to normal operation. Written confirmation 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

- E. Midwest Generation 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

Midwest Generation shall continue to monitor all parameters and all comply with all other conditions specified in its NPDES Permit No. IL0002186.

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 'John J. Kim', written over a horizontal line.

John J. Kim
Chief Legal Counsel

cc: Marcia Willhite
Roger Callaway
Vera Herst



Brenda Brock
Station Director

July 27, 2010

Mr. Roger Callaway
Wastewater Compliance Unit Manager
Illinois Environmental Protection Agency
Bureau of Water
Compliance Assurance Section #19
1021 North Grand Avenue East
Springfield, IL 62702

RECEIVED
JUL 27 2010
IEPA/CAS

SUBJECT: REVISED - Request for Variance NPDES Permit No. IL0002186

Dear Mr. Callaway:

Pursuant to Section 35(b) of the Illinois Environmental Protection Act, Midwest Generation Crawford Generating Station respectfully submits this application for a Provisional Variance for relief from total suspended solids (TSS), and oil and grease permit requirements for outfall C01 Recirculating Wastewater Treatment System Blowdown. 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 requirement from which the variance is requested;*

Midwest Generation is requesting a provisional variance from the NPDES permit IL0002186 requirements of meeting the limits at Outfall C01, Recirculating Wastewater Treatment System Blowdown:

- Total Suspended Solids (TSS) limits of 15 mg/L (30 day average) and 30 mg/L (daily maximum)
- Oil and Grease limits of 15 mg/L (30 day average) and 20 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
Crawford Generating Station
3501 S. Pulaski Road
Chicago, IL 60623
Phone: (773) 650-5412
Fax: (773) 650-5136

Midwest Generation owns and operates a coal-fired steam electric generating facility located in Chicago, Illinois. Process wastewater, impacted stormwater and flows from other sources are collected and treated at Midwest Generation's on-site wastewater treatment facility, and then discharged to the Chicago Sanitary and Ship Canal (CSSC) under Midwest Generation's NPDES permit.

Midwest Generation is requesting a provisional variance for 10 days for the TSS and Oil & Grease at Outfall C01. On July 23 through July 24 the Chicago area surrounding Crawford Generating Station received in excess of 7 inches of rainfall during the storms. We have already provided the IEPA regional office in Des Plaines with verbal notification on July 24 that both generating units at Crawford Station had tripped off due to flooding in the turbine room basement. Pursuant to NPDES Permit IL0002186 Standard Conditions (Attachment H), Condition 12 (e), we notified Mr. Ricardo Ng of the IEPA Des Plaines Field Office by telephone message at approximately 3 PM on July 25 that we were experiencing a discharge of untreated stormwater from the Pit 5 collection area due to the loss of power to the pumps installed in that bilge area to transfer stormwater runoff to the wastewater treatment plant.

Due to the large volume of canal water that has flooded into the turbine room and crusher house basement; estimated in excess of 3.5 million gallons, we are unable to adequately treat the water prior to discharge back to the canal. We have also exhausted our on-site storage of waste and stormwater. Due to the volume of water that we need to discharge we do not believe that our treatment plant will provide adequate settling or chemical precipitation prior to the discharge.

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

The quantity of water that is batch discharged from Outfall C01 is approximately 1.0 MGD. We plan to sample each discharge from the outfall for pH, TSS, and oil and grease so that we can provide the Agency with the results during our follow-up reports and month DMRs.

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;*

Based on the very poor canal water quality associated with the storm events we anticipate that the TSS will be in the 50 -100 mg/L range; however, we may see some results above this concentration. The oil and grease concentrations may also be elevated in the 30 - 50 mg/L range. Again we do plan on sampling each discharge so that we can provide the Agency with the results for each discharge.

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.

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

We will continue to pump all of the water in the turbine basement through the wastewater treatment plant for settling and chemical treatment prior to discharge. Minimal adverse environmental impacts related to the elevated TSS and oil and grease are expected relating to the activities proposed under this provisional variance application.

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

Approval of this provisional variance application will allow Midwest Generation to remove the enormous quantity of water generated from a severe storm event in the City of Chicago on July 24 and July 25. Alternatives such as capturing the water for disposal impose an arbitrary and unreasonable expense to Midwest Generation. The source of the water that has flooded into the buildings at Crawford Station is from the Chicago Sanitary and Ship Canal and our plan to transfer the water back to the canal will cause little additional loading to the 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 15-day period. Within that time frame we should have the water completely pumped down and will be able to restore the wastewater treatment plant back to normal operations.

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

The options evaluated include bringing in tanker trucks or a temporary tank to collect the water until we can restore the plant to normal operation. However, the tank volume required is too large and it would be difficult to obtain such a tank and containment on short notice. It would also be impossible to bring in a fleet of tanker trucks to handle the volume of water generated from this act of God.

Mr. Roger Callaway
July 27, 2010
Page 4

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 15 days. The exact starting date would be July 27, 2010.

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 related to the subject matter of the variance request;

Midwest Generation Crawford Station has an NPDES permit. The station has not had any noncompliances under this permit for over 5 years.

13. Any Board orders in effect regarding the applicants 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 Luke Ford at (630) 771-7881 or via email at lford@mwgen.com if have any questions or require additional information.

Sincerely:



Brenda Brock
Station Director
Crawford Station

cc: Luke Ford
Maria Race
Robert Chmielewski
Elizabeth Alvarez



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/782-0610

August 15, 2001

Midwest Generation, LLC
 Environmental, Health and Safety Dept.
 One Financial Place
 440 South LaSalle Street, Suite 3500
 Chicago, Illinois 60605

Re: Midwest Generation, LLC
 Crawford Generating Station
 NPDES Permit No. IL0002186
 Modification of NPDES Permit (After Public Notice)

RELEASABLE

Gentlemen:

The Illinois Environmental Protection Agency has reviewed the request for modification of the above-referenced NPDES Permit and issued a public notice based on that request. The final decision of the Agency is to modify the Permit as follows:

Include the intermittent discharge of impounded stormwater from the on-site dredged material disposal facility in the description of wastestreams that comprise the discharge from Outfall C01.

Enclosed is a copy of the modified Permit. You have the right to appeal this modification to the Illinois Pollution Control Board within a 35 day period following the modification date shown on the first page of the permit.

Should you have any question or comments regarding the above, please contact Beth Unser of my staff.

Very truly yours,

Thomas G. McSwiggin, P.E.
 Manager, Permit Section
 Division of Water Pollution Control

TGM:BAU:99101901.daa

Attachment: Modified Permit

cc: Records
 Compliance Assurance Section
 Des Plaines Region
 US EPA
 NIPC

GEORGE H. RYAN, GOVERNOR

NPDES Permit No. IL0002186

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: April 30, 2005

Issue Date: April 24, 2000

Effective Date: May 1, 2000

Modification Date: August 15, 2001

Name and Address of Permittee:

Midwest Generation, LLC
Environmental, Health and Safety Dept.
One Financial Place
440 South LaSalle Street, Suite 3500
Chicago, Illinois 60605

Facility Name and Address:

Midwest Generation, LLC
Crawford Generating Station
3501 South Pulaski
Chicago, Illinois 60603

Discharge Number and Name:

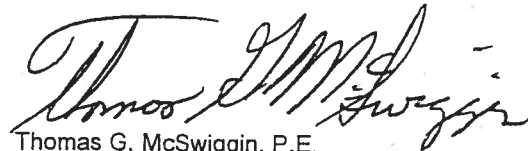
001 Condenser Cooling Water and House Service Water
A01 Demineralizer Regenerant Wastes
B01 Unit #7 and #8 Boiler Blowdown and Boiler Drain
C01 Recirculating Wastewater Treatment System Blowdown
D01 Intake Screen Backwash
002 Area 14 Runoff (Boiler Room Area)

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.



Thomas G. McSwiggin, P.E.
Manager, Permit Section
Division of Water Pollution Control

TGM:BAU:99101901.daa

NPDES Permit No. IL0002186

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
1. From the 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 Condenser Cooling Water and House Service Water**						
This discharge consists of:					Approximate Flow	
1. Condenser Cooling Water					355.71 MGD	
2. House Service Water					9.0 MGD	
3. Demineralizer Regenerant Wastes					0.035 MGD	
4. Boiler Blowdown					0.055 MGD	
5. Boiler Drain					Intermittent	
6. Recirculating Wastewater Treatment System Blowdown					1.05 MGD	
7. Intake Screen Backwash					Intermittent	
Flow (MGD)	See Special Condition 1				Daily	Continuous
Temperature	See Special Conditions 3, 4 and 5				Daily	Continuous
Total Residual Chlorine/Total Residual Oxidant*			0.2		1/Week	*Concentration Curve

*See Special Conditions 6 and 17.

**See Special Condition 18.

NPDES Permit No. IL0002186

Effluent Limitations and Monitoring

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

1. From the 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 Demineralizer Regenerant Wastes

This discharge consists of:

Approximate Flow

1. Demineralizer Regenerant Wastes

0.024 MGD

Flow (MGD)	See Special Condition 1			Daily	Continuous
Total Suspended Solids		15	30	1/Month	Grab*
Oil and Grease		15	20	1/Year	Grab

*Sample type shall be 8-hour composite if the equalization tank is bypassed for maintenance purposes.

NPDES Permit No. IL0002186

Effluent Limitations and Monitoring

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

1. From the 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): B01 Unit #7 and #8 Boiler Blowdown and Boiler Drain

This Discharge Consists of:

Approximate Flow

- 1. Boiler Blowdown
- 2. Boiler Drain

0.036 MGD
Intermittent

Flow (MGD)	See Special Condition 1			Daily	Continuous
Total Suspended Solids		15	30	1/Month	8-hour Composite
Oil and Grease		15	20	1/Year	Grab

NPDES Permit No. IL0002186

Effluent Limitations and Monitoring

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

1. From the 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 Recirculating Wastewater Treatment System Blowdown**

This discharge consists of:

Approximate Flow

1. Ash sluice water		0.5 MGD
2. Ash hopper overflow		0.25 MGD
3. Coal pile runoff		Intermittent
4. Non-Chemical metal cleaning wastes		Intermittent
5. Demineralizer filter backwash		0.01 MGD
6. Boiler and turbine building floor drains		0.03 MGD
7. Fuel oil handling area runoff		Intermittent
8. Unit #7 air compressor cooling water		0.14 MGD
9. Coal storage area #2 runoff		Intermittent
10. Settling basin area #3 runoff		Intermittent
11. Ash pile area #18 runoff		Intermittent
12. Yard drainage area #15		Intermittent
13. Ash hopper area #16		Intermittent
14. South detention basin consisting of area runoff from:		Intermittent
a. Transmission terminal areas #5, 6 and 12		
b. Transformer area #7		
c. Oil storage areas #8 and 9		
d. Power block area #11		
e. Dock conveyor area #22		
15. Impounded stormwater from the dredged material disposal facility		Intermittent

Flow (MGD)	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	1/Month*	24 Hour Composite
Copper		0.5	1.0	1/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 once per month.

**See Special Condition 18.

Outfall(s): D01 Intake Screen Backwash

See Special Condition 11

Outfall: 002 Area 14 Runoff (Boiler Room Area)

See Special Condition 21.

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SPECIAL CONDITION 1. Flow shall be reported as a daily maximum and monthly average. In the event no discharge occurs during a given month, a statement of "No discharge" shall be reported on the DMR 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. The receiving waters 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 4. 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 5. 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 6. Total residual oxidant 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 purpose 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 7. This facility has the following discharges of storm water associated with industrial activity:

The east oil water separator and switch house building roof drains, which discharge to the Chicago municipal combined sewer system.

SPECIAL CONDITION 8. There shall be no discharge of polychlorinated biphenyl compounds.

SPECIAL CONDITION 9. 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 10. Intake monitoring at Crawford Generating Station pursuant to Section 316(b) of the CWA was not required by USEPA in letters to Commonwealth Edison Company (former owner & permittee) dated February 19, 1975 and June 1, 1976. It is determined that no intake monitoring or modification is being required by IEPA for reissuance of this NPDES Permit.

SPECIAL CONDITION 11. The discharge from Outfall D01 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.

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SPECIAL CONDITION 12. 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 13. The permittee shall record monitoring results on Discharge Monitoring Report Forms using one such form for each discharge each month.

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.

Discharge Monitoring Reports shall be mailed to the IEPA at the following address:

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

SPECIAL CONDITION 14. The upset provisions of 40 CFR 122.41(n) are hereby incorporated by reference.

SPECIAL CONDITION 15. The Agency may modify this permit during its term to incorporate biomonitoring requirements and additional limitations or requirements based on the biomonitoring results. Modifications under this condition shall follow public notice and opportunity for hearing.

SPECIAL CONDITION 16. 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 17. A discharge limit of 0.05 mg/l (instantaneous maximum) shall be achieved for total residual oxidant when bromine biocides are used for condenser biofouling control, in accordance with Special Condition 6. Total residual oxidant shall be measured and reported in terms of total residual chlorine. Construction of treatment facilities which may be necessary to meet the limit for total residual oxidant may not be started until a construction permit has been issued by the Agency.

SPECIAL CONDITION 18. 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 19. In the event the permittee shall require the use of water treatment additives not previously used in the station's main condensers, the permittee shall request a modification in the permit in accordance with the standard conditions, Attachment H.

SPECIAL CONDITION 20. The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

SPECIAL CONDITION 21. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

- A. A storm water pollution prevention plan shall be developed 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.
- B. The plan shall be completed within 180 days of the effective date of this permit. Plans shall provide for compliance with the terms of the plan within 365 days of the effective date of this permit. The owner or operator of the facility shall make a copy of the plan available to the Agency 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 G of this condition indicates that an amendment is needed. The plan should also be amended if the discharger is in violation of any conditions of this permit, or has not achieved the general objective of controlling pollutants in storm water discharges. Amendments to the plan shall be made within the shortest reasonable period of time, and shall be provided to the Agency for review upon request.
- E. The plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from storm water outfalls at the facility. The plan shall include, at a minimum, the following items:
1. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate.
 2. A site map showing:
 - i. The 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.
 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.
 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.

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- 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;
 - 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;
 - vi. Covered Storage or Manufacturing Areas - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
 6. Sediment and Erosion Prevention - The plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion and describe measures to limit erosion.
 7. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the 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. 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.

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- H. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.
- I. The plan is considered a report that shall be available to the public under Section 308(b) of the CWA. The permittee may claim portions of the plan as confidential business information, including any portion describing facility security measures.
- J. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.

REPORTING

- K. The facility shall submit an annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part G of the Storm Water Pollution Prevention Plan of this permit. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s).
- L. 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.
- M. Annual inspection reports shall be mailed to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
Annual Inspection Report
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
- N. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.

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

- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or person 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.
- (12) **Reporting requirements.**
- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (d) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (e) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; 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 recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours.
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (f) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).
- (g) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Transfer of permits.** A permit may be automatically transferred to a new permittee if:
- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
- (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees; and
- (c) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit, if this notice is not received, the transfer is effective on the date specified in the agreement.
- (14) **All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:**
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
- (1) One hundred micrograms per liter (100 ug/l);
- (2) Two hundred micrograms per liter (200 ug/l) for acetone 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.
- (15) **All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:**
- (a) Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to Sections 301 or 308 of the Clean Water Act if it were directly discharging those pollutants; and
- (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (16) **If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:**
- (1) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
- (2) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
- (3) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (17) **If an applicable standard or limitation is promulgated under Section 301 (b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reassued to conform to that effluent standard or limitation.**
- (18) **Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.**
- (19) **The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.**
- (20) **The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500, nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.**
- (21) **The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.**
- (22) **The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit shall, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.**
- (23) **Collected screening, slimes, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes or runoff from the wastes into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.**
- (24) **In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.**
- (25) **The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle O, Subtitle E, and all applicable orders of the Board.**
- (26) **The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.**