BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DYNEGY MIDWEST GENERATION, INC. (WOOD RIVER POWER STATION),	)	
Petitioner,	)	
v.	)	**PCB 10-_____**
	)	**(NPDES Permit Appeal – Water)**
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
Respondent.	)	

NOTICE OF FILING

To:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

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

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board **APPEAL OF THE NPDES PERMIT ISSUED FOR THE WOOD RIVER POWER STATION AND REQUEST FOR PARTIAL STAY OF THE PERMIT and the APPEARANCES OF KATHLEEN C. BASSI and DANIEL J. DEEB**, copies of which are herewith served upon you.

Kathleen C. Bassi

Dated: January 12, 2010

Kathleen C. Bassi
Daniel J. Deeb
SCHIFF HARDIN LLP
Attorneys for Dynegy Midwest Generation, Inc.
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
312-258-5567
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Petitioner,	)	
v.	)	**PCB 10-_____**
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
Respondent.	)	

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of Dynegy Midwest Generation, Inc., (Wood River Power Station).

Kathleen C. Bassi
Schiff Hardin LLP
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
(312) 258-5500

Dated: January 12, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DYNEGY MIDWEST GENERATION, INC. (WOOD RIVER POWER STATION),	)	
Petitioner,	)	
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
Respondent.	)	

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of Dynegy Midwest Generation, Inc., (Wood River Power Station).

Daniel J. Deeb
Schiff Hardin LLP
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
(312) 258-5500

Dated: January 12, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DYNEGY MIDWEST GENERATION, INC. (WOOD RIVER POWER STATION),	)	
Petitioner,	)	
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	)	**(NPDES Permit Appeal – Water)**
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
Respondent.	)	

APPEAL OF NPDES PERMIT ISSUED FOR THE WOOD RIVER POWER STATION AND REQUEST FOR PARTIAL STAY OF THE PERMIT

NOW COMES Petitioner, DYNEGY MIDWEST GENERATION, INC. (WOOD RIVER POWER STATION) ("Petitioner" or "Dynegy"), pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40(a)(1)) and 35 Ill.Adm.Code § 105.200 *et seq.*, and requests a hearing before the Board to contest decisions contained in the National Pollutant Discharge Elimination System ("NPDES") permit[1] issued by the Illinois Environmental Protection Agency ("Agency") to Petitioner on December 9, 2009, pursuant to Section 39(a) of the Act (415 ILCS 5/39(a)) and attached hereto as Exhibit 1. 35 Ill.Adm.Code §§ 105.210(a) and (b). Pursuant to Sections 39(a) and 40(a)(1) of the Act, 35 Ill.Adm.Code §§ 105.206(a) and 105.208(a), this Petition is timely filed with the Board.[2]

[1] No. IL0000701.

[2] Petitioner notes that the Agency, in its cover letter, attached hereto as Exhibit 2, notified that Dynegy has the right to appeal this permit "within a 35 day period following the issuance date." *See*, Ex. 2, p. 2. (Emphasis added.) This timeframe for appeal is consistent with the language of Section 40(e)(1) of the Act, 415 ILCS 5/40(e)(1), which provides the timeframe for third parties to appeal an NPDES permit. However, the permittee has 35 days from the date it is served with the permit to appeal. *See* 415 ILCS 5/40(a)(1) ("If the Agency refuses to

In support of its Petition to appeal the effluent limitation for boron for Outfalls 002 and 005 at the Wood River Power Station, Petitioner states as follows:

I. BACKGROUND
(35 Ill.Adm.Code § 105.304(a))

1. The Wood River Power Station ("Wood River") is an electric generating station owned and operated by Dynegy Midwest Generation, Inc. The Wood River electrical generating units ("EGUs") went online between roughly 1954 and 1964. The Wood River Power Station is located at # 1 Chessen Lane, Alton, Madison County, Illinois 62002. Dynegy employs 89 people at Wood River.

2. Dynegy operates two coal-fired boilers at Wood River. In support of the operation of these coal-fired boilers, Dynegy operates two surface impoundment systems at Wood River. The West Ash Pond System consists of two active cells that discharge to Wood River Creek through Outfall 002. The East Ash Pond System also has two active cells and discharges through Outfall 005 into Wood River Creek. Both ash pond systems are intended to contain a number of materials associated with operation of coal-fired boilers, including fly ash, bottom ash, coal pyrites sluice water, ash hopper overflow, boiler blowdown, demineralizer regenerant wastes, water treatment clarifier sludge, water treatment filter backwash, turbine room and boiler room drains, coal pile runoff, coal conveyor drain line, non-chemical metal cleaning wastes, area runoff, dredge spoils, and demineralizer brine. The active cells in the West Ash Pond System have a total surface area of 19 acres and a total design volume of 210 acre feet. The East Ash Pond System has a total surface area of 38 acres, with an estimated total design storage capacity of 435 acre feet. To Dynegy's knowledge, there have been no spills or

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grant or grants with conditions a permit under Section 39 of this Act, the applicant may, within 35 days after the date on which the Agency served its decision on the applicant, petition for a hearing before the Board to contest the decision of the Agency." (Emphasis added.)) Nevertheless, Dynegy is complying here with the date indicated in the Agency's cover letter.

unpermitted releases of coal combustion residues or byproducts to surface water or the land from either ash pond system in the last 10 years. All discharges from Outfalls 002 and 005 have been in compliance with the limitations contained in the NPDES permit issued to the Wood River Station in 2006.

II. REQUEST FOR PARTIAL STAY OF THE PERMIT

3. The Board has granted partial stays of permits during the pendency of appeals based on a consideration of the following standards: "(1) a certain and clearly ascertainable right needs protection; (2) irreparable injury will occur without the injunction; (3) no adequate remedy at law exists; and (4) there is a probability of success on the merits." *Citgo Petroleum Corporation v. Illinois Environmental Protection Agency*, Order, PCB 07-10 (September 21, 2006), p. 1. (Internal citations omitted.) *See, e.g., Dynegy Midwest Generation, Inc. (Baldwin Energy Complex) v. Illinois Environmental Protection Agency*, PCB 08-066 (May 15, 2008) (granted stay of the portions of the permit contested by Dynegy); *Dynegy Midwest Generation, Inc. (Havana Power Station) v. Illinois Environmental Protection Agency*, PCB 07-115 (October 4, 2007) (same); *Community Landfill Company and City of Morris v. Illinois Environmental Protection Agency*, PCB 01-48 and 01-49 (Consolidated) (October 19, 2000) (granted stay of effectiveness of challenged conditions for two permits of two parcels of the landfill); *Allied Tube & Conduit Corp. v. Illinois Environmental Protection Agency*, PCB 96-108 (December 7, 1995) (granted stay of the effectiveness of Conditions 4(a), 5(a), and 7(a) of an air permit); *Citgo Petroleum*, PCB 07-10 (NPDES permit appeal); *Exxonmobil Oil Corporation v. Illinois Environmental Protection Agency*, PCB 10-30 (December 17, 2008) (NPDES permit appeal). Moreover, it is not necessary for the Board to determine that all four factors exist in order for it to grant a discretionary, partial stay. *Citgo Petroleum*, PCB 07-10, p. 2.

4. Dynegy requests that the Board stay the boron effluent limitations of 1 mg/l applicable to Outfalls 002 and 005, as set forth in Exhibit 3, during the pendency of this appeal.

5. Dynegy will suffer irreparable harm if the Board does not grant this stay. Dynegy is unable to comply with these limitations by the effective date of the permit. The previous permit did not contain any boron limitation at all for Outfall 002 or 005. Consequently, if a stay is not granted, Dynegy would have to somehow immediately study, develop, and implement pollution control equipment and/or significant operational changes in order to comply. Further, Dynegy would be exposed to an unnecessary and inappropriate enforcement risk during the period it developed and implemented the compliance measures, if there are any even available.

6. The Agency appears to have mistakenly used the General Use Water Quality Standard for boron of 1 mg/l rather than the 15 mg/l water quality standard actually applicable to the receiving stream for Outfalls 002 and 005 in developing the boron effluent limitations set forth in the permit. *See* 35 Ill.Adm.Code 303.352. Therefore, it is likely that Dynegy will prevail in this appeal of the conditions applicable to boron included in the permit, thus rendering the time and expense to comply with an inappropriate standard unnecessary, causing irreparable harm.

7. Dynegy has no adequate remedy at law other than this appeal to address the conditions addressing boron contained in the NPDES permit issued in December 2009. The grant of the requested partial stay will not harm the environment, as any current discharges from Outfalls 002 and 005 are protective of the applicable boron water quality standard.

8. Dynegy requests in this instance that the Board exercise its inherent discretionary authority to grant a partial stay of the NPDES permit, staying only the boron effluent limitations

of 1 mg/l for Outfalls 002 and 005 and associated sampling, recordkeeping, and reporting requirements, as set forth in Exhibit 3.

III. ISSUE ON APPEAL
(35 Ill.Adm.Code §§ 105.210(c))

9. The condition Dynegy appeals here is the effluent limitations for boron for Outfalls 002 and 005. *See* Ex. 1, pp. 2 and 3.

10. The Board adopted a site-specific water quality standard for boron for the unnamed tributary to Wood River Creek to its confluence with Wood River Creek and for Wood River Creek from the confluence with the unnamed tributary to its confluence with the Mississippi River in R76-18. *See* 35 Ill.Adm.Code § 303.352. This site-specific water quality standard applies specifically in lieu of the general use water quality standard for boron in Section 302.208(g). The site-specific water quality standard for boron in the unnamed tributary to Wood River Creek and in Wood River Creek is 15 mg/l.

11. The permit imposes an effluent limitation for boron of 1 mg/l that appears to reflect the Agency's inappropriate use of the general use water quality standard for that constituent. The Agency has provided no analysis that indicates that an effluent limitation of 1 mg/l is necessary for the discharges from Outfalls 002 and 005 to meet the applicable boron water quality standard of 15 mg/l. Indeed, the Agency acted arbitrarily and capriciously and without substantial evidence in issuing the boron conditions for Outfalls 002 and 005.

12. In fact, an effluent limitation of 15 mg/l, if not higher, would be a more appropriate value considering the water quality standard applicable for the receiving stream.

13. The effluent limitations for boron at Outfalls 002 and 005 should be revised to reflect the level necessary to protect the water quality standard of 15 mg/l applicable in the receive stream.

WHEREFORE, for the reasons set forth above, Dynegy appeals the effluent limitations for boron of 1 mg/l and the associated sampling, recordkeeping, and reporting requirements applicable for Outfalls 002 and 005 at the Wood River Power Station. Additionally, Dynegy requests that the Board stay the effluent limitation for boron and the associated sampling, recordkeeping, and reporting requirements applicable to Outfalls 002 and 005, as set forth in Exhibit 3, from the effective date of the permit, January 1, 2010, through the pendency of this appeal.

Respectfully submitted,

DYNEGY MIDWEST GENERATION, INC.
(WOOD RIVER POWER STATION)

by: _____
One of Its Attorneys

Dated: January 12, 2010

SCHIFF HARDIN, LLP
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kbassi@schiffhardin.com

EXHIBIT 1

NPDES Permit No. IL0000701

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: December 31, 2014

Issue Date: December 9, 2009
Effective Date: January 1, 2010

Name and Address of Permittee:

Dynegy Midwest Generation, Inc.
1 Chessen Lane
Alton, Illinois 62002

Facility Name and Address:

Dynegy Midwest Generation, Inc.
Wood River Power Station
1 Chessen Lane
Alton, Illinois 62002

Discharge Number and Name:		Receiving Waters:
001 -	Condenser Cooling Water	Mississippi River
A01 -	Intake Screen Backwash	Mississippi River
002 -	West Ash Pond Discharge	Unnamed Tributary to Wood River Creek
003 -	Roof Drains	Mississippi River
004 -	Area Runoff	Unnamed Tributary to Wood River Creek
005 -	East Ash Pond Discharge	Unnamed Tributary to Wood River Creek

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

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

SAK:CLS:07080701.daa

NPDES Permit No. IL0000701

Effluent Limitations and Monitoring

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

Outfall(s): 001 - Condenser Cooling Water
DAF = 567 MGD

	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l			
PARAMETER	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
Flow	See Special Condition 1				Daily	Measure While Monitoring
Temperature	See Special Condition 3				Daily	Continuous
Total Residual Chlorine				0.2	1/Week	Grab
Total Residual Oxidant				0.05	1/Week	Grab

Outfall: A01 - Intake Screen Backwash
DAF = 0.96 MGD

Flow	See Special Condition 1				1/Week	Calculation

Outfall: 002 - West Ash Pond Discharge*
DAF = 2.7 MGD

Flow	See Special Condition 1				1/Week	Measure While Monitoring
pH	See Special Condition 2				1/Week	Grab
Total Suspended Solids			30	50	1/Week	24-Hour Composite
Oil and Grease			15	20	2/Month	Grab
Boron				1.0	2/Month	Grab
Mercury	See Special Condition 15			Monitor Only	1/Month	Grab

*See Special Condition 19

Outfall: 003 - Roof Drains
DAF = Intermittent

See Special Condition 16

Outfall: 004 - Area Runoff
DAF = Intermittent

See Special Condition 16

NPDES Permit No. IL0000701

Effluent Limitations and Monitoring

Outfall: 005 - East Ash Pond Discharge*
DAF = 2.7 MGD

Flow	See Special Condition 1			1/Week	Measure While Monitoring
pH	See Special Condition 2			1/Week	Grab
Total Suspended Solids		30	50	1/Week	24-Hour composite
Oil and Grease		15	20	2/Month	Grab
Boron			1.0	2/Month	Grab
Mercury	See Special Condition 15		Monitor Only	1/Month	Grab

*See Special Condition 19

NPDES Permit No. IL0000701

Effluent Limitations and Monitoring

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

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

SPECIAL CONDITION 3. This facility meets the allowed mixing criteria for thermal discharges pursuant to 35 IAC 302.102. No reasonable potential exists for the discharge to exceed thermal water quality standards. This determination is based on a design average flow of 567 MGD. The permittee shall monitor the flow and temperature of the discharge prior to entry into the receiving water body. Monitoring results shall be reported on the monthly Discharge Monitoring Report. This permit may be modified to include formal temperature limitations should the results of the monitoring show that there is reasonable potential to exceed a thermal water quality standard. Modification of this permit shall follow public notice and opportunity for comment.

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

SPECIAL CONDITION 4. 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 5. 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 15th 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 6. If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

SPECIAL CONDITION 7. Standard Condition 11(a) of Attachment H is rewritten as follows:

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

NPDES Permit No. IL0000701

Effluent Limitations and Monitoring

SPECIAL CONDITION 8. Standard Condition 11(b) of Attachment H is rewritten as follows:

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

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and

(3) The written authorization is submitted to the Director.

SPECIAL CONDITION 9. Dynegy Midwest Generation, Inc. has complied with Section 302.211(f) of Title 35, Chapter 1, Subtitle C: Water Pollution Regulations and Section 316(a) of the CWA by demonstrating that thermal discharge from Wood River Power Plant has not caused and cannot reasonably be expected to cause significant ecological damage to the Mississippi River as approved by this Agency by letter dated February 9, 1978. Pursuant to 35 Ill. Adm. Code 302.211(g) no additional monitoring or modification is being required for reissuance of this NPDES permit. Allowed mixing is recognized for attenuation of the thermal discharge resulting in water quality standards for temperature being met in the Mississippi River.

SPECIAL CONDITION 10. In order for the Agency to evaluate the potential impacts of cooling water intake structure operation pursuant to 40 CFR 125.90(b), the permittee shall prepare and submit information to the Agency outlining current intake structure conditions at this facility, including a detailed description of the current intake structure operation and design, description of any operational or structural modifications from original design parameters, source water body flow information, or other information as necessary. The information submitted should be in accordance with the previously submitted information collection proposal received by the Agency on July 22, 2005.

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

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

Dynegy Midwest Generation, Inc's demonstration for the Wood River Power Plant in accordance with Section 316(b) of the CWA was approved by this Agency in the NPDES Permit issued May 20, 1985. It is determined that no additional intake monitoring or modification is being required for reissuance of this NPDES permit.

SPECIAL CONDITION 11. Chlorine and chlorine dioxide usage shall be subjected to the following limitations:

A. The discharge limit of 0.2 mg/l for TRC measured as an instantaneous maximum shall be valid only as long as total residual chlorine (TRC) is not discharged from any single generating unit for more than two hours per day, and

B. During times when the Condenser Cooling Water is chlorinated continuously, that is when TRC is discharged from any single generating unit for more than two hours per day, the discharge limit is 0.05 mg/l from the condenser cooling water discharge (Outfall 001), measured as an instantaneous maximum. Chlorination of house service water is also authorized by this permit, provided that the effluent limit for total residual chlorine is not exceeded.

C. All uses of chlorine dioxide, such as for macro or micro invertebrate control, and regardless of duration, are subject to the discharge limit of 0.05 mg/l TRO (Total Residual Oxidant) as an instantaneous maximum. TRO is defined as the sum total of TRC, chlorite, and chlorine dioxide.

D. Analysis for chlorite and chlorine dioxide shall be performed according to 4500 ClO_2 C. Amperometric Method I, as referenced in Standard Methods for the Examination of Water and Wastewater, 17th Edition.

Effluent Limitations and Monitoring

E. During times when treatment with an oxidizing biocide is a continuous basis (more than two hours per day per unit), monitoring frequency shall be daily.

SPECIAL CONDITION 12. The usage of BETZ Clam-Trol CT-2 shall be conducted in accordance with USEPA recommendations, and IEPA's July 21, 1995 letter to Illinois Power.

The methyl orange analytical method for surfactants shall be used to document that no detectable residual n-alkyl dimethyl benzyl ammonium chloride (ADBAC) exists after detoxification. Measurement shall be required at 8 hour intervals and analysis be conducted immediately after collection of a grab sample.

SPECIAL CONDITION 13. If equipment maintenance or malfunction prohibits the continuous sampling for temperature and/or flow, or inclement weather or low-flow conditions in the discharge prohibit the collection of a 24-hour composite sample, then sampling shall consist of a grab sample.

SPECIAL CONDITION 14. There shall be no discharge of polychlorinated biphenyl compounds.

SPECIAL CONDITION 15. The facility will monitor the discharge from Outfalls 002 and 005 for mercury once a month starting with the effective date of this permit. After one year of sampling, the Agency will evaluate the results and determine if mercury monitoring should be discontinued and if a mercury limit should be applied to either or both of these outfalls.

Mercury shall be monitored using USEPA Method 1631. Prior to analysis, digest the sample using the option in 1631E of heating samples at 50° C for 6 hours in a bromine chloride (BrCl) solution in closed vessels.

SPECIAL CONDITION 16.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

A. A storm water pollution prevention plan shall be maintained by the permittee for the storm water associated with industrial activity at this facility. 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 owner or operator of the facility shall make a copy of the plan available to the Agency at any reasonable time upon request.

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

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

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

1. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate.

2. A site map showing:

   i. The 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.

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:

Effluent Limitations and Monitoring

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.

H. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.

I. The plan is considered a report that shall be available to the public under Section 308(b) of the CWA. The permittee may claim portions of the plan as confidential business information, including any portion describing facility security measures.

J. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.

Construction Authorization

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

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

1. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee there upon waives all rights thereunder.

2. The issuance of this authorization (a) does not release the permittee from any liability for damage to persons or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (b) does not take into consideration the structural stability of any units or part of this project; and (c) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or other applicable local law, regulations or ordinances.

Effluent Limitations and Monitoring

3. Plans and specifications of all treatment equipment being included as part of the stormwater management practice shall be included in the SWPPP.

4. Construction activities which result from treatment equipment installation, including clearing, grading and excavation activities which result in the disturbance of one acre or more of land area, are not covered by this authorization. The permittee shall contact the IEPA regarding the required permit(s).

REPORTING

L. The facility shall submit an annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part G of the 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).

M. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.

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

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

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

SPECIAL CONDITION 17. For the purpose of this permit, Outfall 002 consists of discharge from the West Ash Pond which has the following contributory streams: Flyash/Bottom Ash/ Coal Pyrites Sluice Water, Ash Hopper Overflow, Boiler Blowdown, Demineralizer Regenerant Wastes, Water Treatment Clarifier Sludge, Water Treatment Filter Backwash, Units 1-5 Turbine Rooms and Boiler Room Drains, Coal Pile Runoff, Coal Conveyer Drain Line, Non-chemical Metal Cleaning Wastes, Area Runoff, Dredge Spoils, Demineralizer Brine, and Mercury Sorbent Residues.

SPECIAL CONDITION 18. For the purpose of this permit, Outfall 005 consists of discharge from the East Ash Pond which has the following contributory streams: Flyash/Bottom Ash/ Coal Pyrites Sluice Water, Ash Hopper Overflow, Boiler Blowdown, Demineralizer Regenerant Wastes, Water Treatment Clarifier Sludge, Water Treatment Filter Backwash, Units 1-5 Turbine Rooms and Boiler Room Drains, Coal Pile Runoff, Coal Conveyer Drain Line, Non-chemical Metal Cleaning Wastes, Area Runoff, Demineralizer Brine, and Mercury Sorbent Residues.

SPECIAL CONDITION 19. The Permittee shall monitor the effluent from outfalls 002 and 005 for the following parameters on an annual basis. This Permit may be modified with public notice to establish effluent limitations if appropriate, based on information obtained through sampling. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted on the DMRs to IEPA. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

STORET CODE	PARAMETER	MINIMUM REPORTING LIMIT
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01027	Cadmium	0.001 mg/L
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (grab) (weak acid dissociable)	5.0 ug/L
00720	Cyanide (grab not to exceed 24 hours) (total)	5.0 ug/L

NPDES Permit No. IL0000701

Effluent Limitations and Monitoring

00951	Fluoride	0.1 mg/L
01045	Iron (total)	0.5 mg/L
01046	Iron (Dissolved)	0.5 mg/L
01051	Lead	0.05 mg/L
01055	Manganese	0.5 mg/L
01067	Nickel	0.005 mg/L
00556	Oil (hexane soluble or equivalent) (Grab Sample only)	5.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
01077	Silver (total)	0.003 mg/L
01092	Zinc	0.025 mg/L

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

*1.0 ng/L = 1 part per trillion.

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.

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

(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 reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours;

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

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

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

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

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

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

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

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

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

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

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

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

(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 306 of the Clean Water Act if it were directly discharging those pollutants; and

(b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

(c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

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

(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 reissued to conform to that effluent standard or limitation.

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

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

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

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

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

(23) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.

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

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

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

(Rev. 12-1-88)

EXHIBIT 2

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

217/782-0610

December 9, 2009

Dynegy Midwest Generation, Inc.
1 Chessen Lane
Alton, Illinois 62002

Re: Dynegy Midwest Generation, Inc.
Wood River Power Station
NPDES Permit No. IL0000701
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 received your letter dated January 3, 2008 and provides the following responses to your similarly number questions:

1. The requirement to use Method 1631 will remain in the permit because it is the only USEPA approved sampling method which can detect mercury at a low enough level to ensure compliance with the 12 ng/L water quality standard found in 35 Ill. Adm. Code 302.208(f).

2. The Agency has analyzed boron data from the facility including the most recent data from your October 28, 2008 letter and because there exists a reasonable potential for boron discharges from the facility to violate water quality standards the boron limits at outfalls 002 and 005 will remain in the permit.

3. The second paragraph of Special Condition 3 does not require the permittee to conduct any monitoring. However, the condition must be met to ensure compliance with 35 Ill. Adm. Code 302.211.

Special Condition 18 of the final permit has been added to address concerns raised by Prairie Rivers Network on January 10, 2008. The condition requires that the effluent from outfalls 002 and 005 be sampled annually for metals and other selected pollutants. The Agency has also recently revised the requirements for analyzing mercury samples and an additional step has been added to Special Condition 15. A reference to Special Condition 19 was added to pages 2 and 3 of the permit for outfalls 002 and 005 respectively. A reference to Special Condition 16 was added to page 2 of the permit for outfalls 003 and 004.

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

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

Sincerely,

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

SAK:CLS:07080701.daa

Attachment: Final Permit

cc: Records
USEPA
Compliance Assurance Section
Collinsville Region
SWIMRPC
Billing

NPDES Permit No. IL0000701

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: December 31 , 2014

Issue Date: December 9, 2009
Effective Date: January 1, 2010

Name and Address of Permittee:

Dynegy Midwest Generation, Inc.
1 Chessen Lane
Alton, Illinois 62002

Facility Name and Address:

Dynegy Midwest Generation, Inc.
Wood River Power Station
1 Chessen Lane
Alton, Illinois 62002

Discharge Number and Name:		Receiving Waters:
001 -	Condenser Cooling Water	Mississippi River
A01 -	Intake Screen Backwash	Mississippi River
002 -	West Ash Pond Discharge	Unnamed Tributary to Wood River Creek
003 -	Roof Drains	Mississippi River
004 -	Area Runoff	Unnamed Tributary to Wood River Creek
005 -	East Ash Pond Discharge	Unnamed Tributary to Wood River Creek

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

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

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

NPDES Permit No. IL0000701

Effluent Limitations and Monitoring

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

Outfall(s): 001 - Condenser Cooling Water
DAF = 567 MGD

	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l			
PARAMETER	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
Flow	See Special Condition 1				Daily	Measure While Monitoring
Temperature	See Special Condition 3				Daily	Continuous
Total Residual Chlorine				0.2	1/Week	Grab
Total Residual Oxidant				0.05	1/Week	Grab
Outfall: A01 - Intake Screen Backwash DAF = 0.96 MGD						
Flow	See Special Condition 1				1/Week	Calculation
Outfall: 002 - West Ash Pond Discharge* DAF = 2.7 MGD						
Flow	See Special Condition 1				1/Week	Measure While Monitoring
pH	See Special Condition 2				1/Week	Grab
Total Suspended Solids			30	50	1/Week	24-Hour Composite
Oil and Grease			15	20	2/Month	Grab
~~Boron~~				~~1.0~~	~~2/Month~~	~~Grab~~
Mercury	See Special Condition 15			Monitor Only	1/Month	Grab
*See Special Condition 19						
Outfall: 003 - Roof Drains DAF = Intermittent						
See Special Condition 16						
Outfall: 004 - Area Runoff DAF = Intermittent						
See Special Condition 16						
Outfall: 005 - East Ash Pond Discharge* DAF = 2.7 MGD						
Flow	See Special Condition 1				1/Week	Measure While Monitoring
pH	See Special Condition 2				1/Week	Grab
Total Suspended Solids			30	50	1/Week	24-Hour composite
Oil and Grease			15	20	2/Month	Grab
~~Boron~~				~~1.0~~	~~2/Month~~	~~Grab~~
Mercury	See Special Condition 15			Monitor Only	1/Month	Grab
*See Special Condition 19						

NPDES Permit No. IL0000701

Effluent Limitations and Monitoring

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

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

SPECIAL CONDITION 3. This facility meets the allowed mixing criteria for thermal discharges pursuant to 35 IAC 302.102. No reasonable potential exists for the discharge to exceed thermal water quality standards. This determination is based on a design average flow of 567 MGD. The permittee shall monitor the flow and temperature of the discharge prior to entry into the receiving water body. Monitoring results shall be reported on the monthly Discharge Monitoring Report. This permit may be modified to include formal temperature limitations should the results of the monitoring show that there is reasonable potential to exceed a thermal water quality standard. Modification of this permit shall follow public notice and opportunity for comment.

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

SPECIAL CONDITION 4. 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 5. 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 15th 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 6. If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

SPECIAL CONDITION 7. Standard Condition 11(a) of Attachment H is rewritten as follows:

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

SPECIAL CONDITION 8. Standard Condition 11(b) of Attachment H is rewritten as follows:

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

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and

(3) The written authorization is submitted to the Director.

SPECIAL CONDITION 9. Dynegy Midwest Generation, Inc. has complied with Section 302.211(f) of Title 35, Chapter 1, Subtitle C: Water Pollution Regulations and Section 316(a) of the CWA by demonstrating that thermal discharge from Wood River Power Plant has not caused and cannot reasonably be expected to cause significant ecological damage to the Mississippi River as approved by this Agency by letter dated February 9, 1978. Pursuant to 35 Ill. Adm. Code 302.211(g) no additional monitoring or modification is being required for reissuance of this NPDES permit. Allowed mixing is recognized for attenuation of the thermal discharge resulting in water quality standards for temperature being met In the Mississippi River.

SPECIAL CONDITION 10. In order for the Agency to evaluate the potential impacts of cooling water intake structure operation pursuant to 40 CFR 125.90(b), the permittee shall prepare and submit information to the Agency outlining current intake structure conditions at this facility, including a detailed description of the current intake structure operation and design, description of any operational or structural modifications from original design parameters, source water body flow information, or other information as necessary. The information submitted should be in accordance with the previously submitted information collection proposal received by the Agency on July 22, 2005.

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

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

Dynegy Midwest Generation, Inc's demonstration for the Wood River Power Plant in accordance with Section 316(b) of the CWA was approved by this Agency in the NPDES Permit issued May 20, 1985. It is determined that no additional intake monitoring or modification is being required for reissuance of this NPDES permit.

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SPECIAL CONDITION 11. Chlorine and chlorine dioxide usage shall be subjected to the following limitations:

A. The discharge limit of 0.2 mg/l for TRC measured as an instantaneous maximum shall be valid only as long as total residual chlorine (TRC) is not discharged from any single generating unit for more than two hours per day, and

B. During times when the Condenser Cooling Water is chlorinated continuously, that is when TRC is discharged from any single generating unit for more than two hours per day, the discharge limit is 0.05 mg/l from the condenser cooling water discharge (Outfall 001), measured as an instantaneous maximum. Chlorination of house service water is also authorized by this permit, provided that the effluent limit for total residual chlorine is not exceeded.

C. All uses of chlorine dioxide, such as for macro or micro invertebrate control, and regardless of duration, are subject to the discharge limit of 0.05 mg/l TRO (Total Residual Oxidant) as an instantaneous maximum. TRO is defined as the sum total of TRC, chlorite, and chlorine dioxide.

D. Analysis for chlorite and chlorine dioxide shall be performed according to 4500 ClO_2C. Amperometric Method I, as referenced in Standard Methods for the Examination of Water and Wastewater, 17th Edition.

E. During times when treatment with an oxidizing blocide is a continuous basis (more than two hours per day per unit), monitoring frequency shall be daily.

SPECIAL CONDITION 12. The usage of BETZ Clam-Trol CT-2 shall be conducted in accordance with USEPA recommendations, and IEPA's July 21, 1995 letter to Illinois Power.

The methyl orange analytical method for surfactants shall be used to document that no detectable residual n-alkyl dimethyl benzyl ammonium chloride (ADBAC) exists after detoxification. Measurement shall be required at 8 hour intervals and analysis be conducted immediately after collection of a grab sample.

SPECIAL CONDITION 13. If equipment maintenance or malfunction prohibits the continuous sampling for temperature and/or flow, or inclement weather or low-flow conditions in the discharge prohibit the collection of a 24-hour composite sample, then sampling shall consist of a grab sample.

SPECIAL CONDITION 14. There shall be no discharge of polychlorinated biphenyl compounds.

SPECIAL CONDITION 15. The facility will monitor the discharge from Outfalls 002 and 005 for mercury once a month starting with the effective date of this permit. After one year of sampling, the Agency will evaluate the results and determine if mercury monitoring should be discontinued and if a mercury limit should be applied to either or both of these outfalls.

Mercury shall be monitored using USEPA Method 1631. Prior to analysis, digest the sample using the option in 1631 E of heating samples at 50° C for 6 hours in a bromine chloride (BrCl) solution in closed vessels.

SPECIAL CONDITION 16.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

A. A storm water pollution prevention plan shall be maintained by the permittee for the storm water associated with industrial activity at this facility. 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 owner or operator of the facility shall make a copy of the plan available to the Agency at any reasonable time upon request.

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

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

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

1. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate.

2. A site map showing:

   i. The 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.

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;

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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.

H. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.

I. The plan is considered a report that shall be available to the public under Section 308(b) of the CWA. The permittee may claim portions of the plan as confidential business information, including any portion describing facility security measures.

J. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.

Construction Authorization

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

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

1. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee there upon waives all rights thereunder.

2. The issuance of this authorization (a) does not release the permittee from any liability for damage to persons or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (b) does not take into consideration the structural stability of any units or part of this project; and (c) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or other applicable local law, regulations or ordinances.

3. Plans and specifications of all treatment equipment being included as part of the stormwater management practice shall be included in the SWPPP.

4. Construction activities which result from treatment equipment installation, including clearing, grading and excavation activities which result in the disturbance of one acre or more of land area, are not covered by this authorization. The permittee shall contact the IEPA regarding the required permit(s).

REPORTING

L. The facility shall submit an annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part G of the 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).

M. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.

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

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

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

SPECIAL CONDITION 17. For the purpose of this permit, Outfall 002 consists of discharge from the West Ash Pond which has the following contributory streams: Flyash/Bottom Ash/ Coal Pyrites Sluice Water, Ash Hopper Overflow, Boiler Blowdown, Demineralizer Regenerant Wastes, Water Treatment Clarifier Sludge, Water Treatment Filter Backwash, Units 1-5 Turbine Rooms and Boiler Room Drains, Coal Pile Runoff, Coal Conveyer Drain Line, Non-chemical Metal Cleaning Wastes, Area Runoff, Dredge Spoils, Demineralizer Brine, and Mercury Sorbent Residues.

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SPECIAL CONDITION 18. For the purpose of this permit, Outfall 005 consists of discharge from the East Ash Pond which has the following contributory streams: Flyash/Bottom Ash/ Coal Pyrites Sluice Water, Ash Hopper Overflow, Boiler Blowdown, Demineralizer Regenerant Wastes, Water Treatment Clarifier Sludge, Water Treatment Filter Backwash, Units 1-5 Turbine Rooms and Boiler Room Drains, Coal Pile Runoff, Coal Conveyer Drain Line, Non-chemical Metal Cleaning Wastes, Area Runoff, Demineralizer Brine, and Mercury Sorbent Residues.

SPECIAL CONDITION 19. The Permittee shall monitor the effluent from outfalls 002 and 005 for the following parameters on an annual basis. This Permit may be modified with public notice to establish effluent limitations if appropriate, based on information obtained through sampling. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted on the DMRs to IEPA. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

STORET CODE	PARAMETER	MINIMUM REPORTING LIMIT
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01027	Cadmium	0.001 mg/L
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (grab) (weak acid dissociable)	5.0 ug/L
00720	Cyanide (grab not to exceed 24 hours) (total)	5.0 ug/L
00951	Fluoride	0.1 mg/L
01045	Iron (total)	0.5 mg/L
01046	Iron (Dissolved)	0.5 mg/L
01051	Lead	0.05 mg/L
01055	Manganese	0.5 mg/L
01067	Nickel	0.005 mg/L
00556	Oil (hexane soluble or equivalent) (Grab Sample only)	5.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
01077	Silver (total)	0.003 mg/L
01092	Zinc	0.025 mg/L

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

*1.0 ng/L = 1 part per trillion.

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 or 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 at 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, of other information requested by the Agency shall be signed by a person described In paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a); and

(2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and

(3) The written authorization is submitted to the Agency.

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

(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 then 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 CPR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the date 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 reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours:

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

(f) **Other noncompliance**. The permittee shall report all instances of noncompliance not reported under paragraphs (1.2)(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 he automatically transferred to a new permittee if:

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

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

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

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

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

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

(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2.4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.

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

(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 306 of the Clean Water Act if it were directly discharging those pollutants: and

(b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

(c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

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

(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 reissued to conform to that effluent standard or limitation.

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

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

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

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

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

(23) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.

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

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

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

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 12th day of January, 2010, I have served electronically the attached **APPEAL OF THE NPDES PERMIT ISSUED FOR THE WOOD RIVER POWER STATION AND REQUEST FOR PARTIAL STAY OF THE PERMIT and the APPEARANCES OF KATHLEEN C. BASSI and DANIEL J. DEEB**, upon the following persons:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

and by first-class mail with postage thereon fully prepaid and affixed to the following persons:

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

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