



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/782-0610

December 13, 2013

AmerenEnergy Medina Valley Cogen, LLC
1901 Chouteau Avenue
P.O. Box 66149, MC - 602
St. Louis, MO 63166

Re: AmerenEnergy Medina Valley Cogen, LLC
Meredosia Energy Center
NPDES Permit No. IL0000116
Modification of NPDES Permit (After Public Notice)

Gentlemen:

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

1. The steam electric generating station will use an oxy-combustion boiler.
2. The condenser cooling water at outfall 001 will be discontinued.
3. The DCCPS wastewater treatment system discharge has been added to outfall 002.
4. Coal pile runoff, coal yard service wastewater, contact stormwater, demineralization building sump water, ASU/CPU cooling tower blowdown, area oil/water separator wastewater, process condensate/steam loss water, strainer backwash, and U4 oil/water separator wastewater have all moved from outfalls 003 or 004 to outfall 002.
5. The main cooling tower blowdown from outfall 002 has been lowered.
6. Bottom ash and fly ash discharges to outfalls 003 and 004, respectively, will be discontinued as the only remaining discharges from these outfalls are from stormwater runoff.
7. Outfall A03 will be discontinued.

The following changes have been made since the 30-day public notice of the permit:

1. The permittee name has been changed to AmerenEnergy Medina Valley Cogen, LLC.
2. Monitoring for sulfate has been added to outfall 002 on a monthly basis.
3. Monitoring for silver has been increased to a monthly basis. This monitoring is now listed at outfall 002 on page two of the permit instead of in Special Condition 16.
4. The concentration and load limit for phosphorus at outfall 002 has been lowered to 0.5 mg/L and 71 lb/day, respectively.
5. Special Condition 21 has been added to the permit. This Special Condition will require a Technical Feasibility Analysis for phosphorous at outfall 002 to be treated to 0.1 mg/L.

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

Should you have questions concerning the Permit, please contact Mark E. Liska at the 217/782-0610.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Keller". The signature is fluid and cursive, with the first name "Alan" and last name "Keller" clearly distinguishable.

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

DEL:MEL:13061209.bah

Attachment: Final Permit

cc: Records
Compliance Assurance Section
Springfield Region
Billing
USEPA

NPDES Permit No. IL0000116

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Modified (NPDES) Permit

Expiration Date: October 31, 2016

Issue Date: September 30, 2011

Effective Date: November 1, 2011

Modification Date: December 13, 2013

Name and Address of Permittee:

AmerenEnergy Medina Valley Cogen, LLC
1901 Chouteau Avenue
P.O. Box 66149, MC - 602
St. Louis, MO 63166

Facility Name and Address:

Meredosia Energy Center
800 South Washington Street
Meredosia, Illinois 62665
(Morgan County)

Discharge Number and Name:

001 – Stormwater Runoff from Units 1, 2, and 3
002 – Main Cooling Tower Blowdown, CPU, DCCPS, and ASU
Discharges, Misc. Discharges
A02 – Cooling Tower Emergency Overflow
B02 – Direct Contact Cooler Polishing System WWTS
C02 – Coal Handling Contact Stormwater WWTS
D02 – Hydrostatic Test Water
003 – Stormwater Runoff from Former Bottom Ash Pond
004 – Stormwater Runoff from Former Fly Ash Pond
006 – Intake Screen Backwash

Receiving Waters:

Illinois River
Illinois River
Illinois River
Internal Outfall
Internal Outfall
Internal Outfall
Illinois River
Illinois River
Illinois River

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

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



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

SAK:MEL:13061209.bah

NPDES Permit No. IL0000116

Effluent Limitations and Monitoring

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

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

Outfall: 001 – Stormwater Runoff (Intermittent Discharge)
 Stormwater from Unit 1, 2, and 3 Roof Drains (Intermittent Discharge)

See Special Condition 15 for BAT/BCT Stormwater Rules.

Outfall: 002 – 1. Main Cooling Tower Blowdown (9.78 MGD)

2. B02 - Direct Contact Cooler Polishing System (DCCPS) Wastewater Treatment System (0.32 MGD) which treats:
 - A. Compression and Purification Unit (CPU) Wastewater Treatment Plant (0.015 MGD)
 - B. DCCPS Cooling Tower Blowdown (0.307 MGD)
3. Air Separation Unit (ASU)/CPU Cooling Tower Blowdown (0.1 MGD)
4. Area Oil/Water Separators (0.017 MGD) which treats ASU, CPU, and Boiler Island Service Water
5. Strainer Backwash (0.011 MGD)
6. Demineralization Building Sumps (0.029 MGD)
7. Process Condensate/Steam Loss (0.0012 MGD)
8. C02 - Coal Handling Contact Stormwater (CHCS) Wastewater Treatment System (0.004 MGD + Intermittent) treating:
 - A. Contact Stormwater (Intermittent Discharge)
 - B. Stormwater Detention Pond containing Coal Pile Runoff and Coal Yard Service Wastewater (0.004 + Intermittent)
9. Unit 4 Oil / Water Separator (0.03 MGD) which treats:
 - A. U4 Bearing Cooling Water Makeup (< 100 GPD)
 - B. Condensate Polisher Waste (0.00086 MGD)
 - C. U1, U2, U3, and U4 Sump Pumps (0.0288 MGD)
10. D02 - Hydrostatic Discharge (Intermittent Discharge)

Total Discharge = 10.3 MGD

Flow	See Special Condition 1				Continuous	24-Hour Total
Total Residual Chlorine*		7.1		0.05	1/Week	Grab
Total Chromium	17	28	0.2	0.2	1/Month	Composite
Total Zinc	86	142	1	1	1/Month	Composite
Total Phosphorus		71		0.5	1/Month	Grab
Total Nitrogen				Monitor Only	1/Quarter	Grab
Sulfate				Monitor Only	1/Month	Grab
Total Silver				Monitor Only	1/Month	Grab
Mercury**				Monitor Only	1/Month	Grab

* See Special Condition 7.

**See also Special Condition 6.

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

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

Outfall A02 – Cooling Tower Emergency Overflow (Intermittent Discharge)

Flow	See Special Condition 1			Daily When Discharging	24-Hour Total
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Outfall B02 – Direct Contact Cooler Polishing System (DCCPS) Wastewater Treatment System (WWTS) (0.32 MGD) which treats:

- A. Compression and Purification Unit (CPU) Wastewater Treatment Plant (0.015 MGD)
- B. DCCPS Cooling Tower Blowdown (0.307 MGD)

Flow	See Special Condition 1				Continuous	24-Hour Total
pH	See Special Condition 2				1/Month	Grab
Total Suspended Solids	80	517	30	100	1/Month	Grab
Oil and Grease	40	103	15	20	1/Month	Grab
Total Chromium	0.53	1.03	0.2	0.2	1/Month	Grab
Total Zinc	2.7	5.1	1	1	1/Month	Grab

Outfall C02 – Coal Handling Contact Stormwater (CHCS) Wastewater Treatment System (0.004 MGD + Intermittent) which treats:

- A. Contact Stormwater (Intermittent Discharge)
- B. Stormwater Detention Pond containing Coal Pile Runoff and Coal Yard Service Wastewater (0.004 + Intermittent)

Flow	See Special Condition 1			Continuous	24-Hour Total
pH	See Special Condition 2			1/Month	Grab
Total Suspended Solids			50	1/Month	Grab

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Effluent Limitations and Monitoring

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

at all times as follows:						
PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	DAF (DMF)		LIMITS mg/L			
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall D02 – Hydrostatic Test Water (Intermittent Discharge)						
Flow	See Special Condition 1				Continuous*	24-Hour Total
pH	See Special Condition 2				Daily*	Grab
Total Suspended Solids			15	30	Daily*	Grab
Oil and Grease			15	30	Daily*	Grab
Total Iron			2	4	Daily*	Grab

*Samples shall be on a daily basis when discharging.

If there is no discharge of hydrostatic test water during the calendar month, indicate "No Discharge" on the DMR form.

When test water is discharged to the same water body from which it was withdrawn, compliance with pH, total suspended solids, oil and grease, and iron is not required when effluent concentrations in excess of the standards result entirely from influent contamination, evaporation, and/or the incidental addition of trace materials not utilized or produced in the hydrostatic test activity that is the source of the waste.

Solid wastes such as straw used for filtering or erosion control shall be disposed of in accordance with state and federal law.

Outfall: 003* – Stormwater Runoff from Former Bottom Ash Pond (Intermittent Discharge)

Outfall: 004* – Stormwater Runoff from Former Fly Ash Pond (Intermittent Discharge)

Flow	See Special Condition 1			Measure When Monitoring	Single Reading
pH	See Special Condition 2			3/Week*	Grab
Total Suspended Solids		30	100	1/Week*	Composite
Oil & Grease		15	20	1/Week*	Composite
Mercury**			Monitor Only	1/Month*	Grab

* Monitoring shall occur only during a discharge. If the pond(s) do not discharge during a calendar month, report "No Discharge" on the DMR form. See also Special Condition 15 for BAT/BCT stormwater rules.

**See also Special Condition 6.

Outfall: 006 – Intake Screen Backwash (Discharge = 0.3 MGD)

Total Residual Chlorine*		0.05		2/Month	Grab
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*See also Special Condition 7.

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Special Conditions

SPECIAL CONDITION 1. Flow shall be measured in units of Million Gallons per Day and reported as a monthly average and a daily maximum on the monthly discharge monitoring report.

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

SPECIAL CONDITION 3. This facility meets the allowed mixing criteria for thermal discharges at the edge of the mixing zone in the Illinois River, pursuant to 35 IAC 302.102. No reasonable potential exists for the discharge to cause exceedances of the thermal water quality standards in the Illinois River.

SPECIAL CONDITION 4. 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 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 28th day of the following month, unless 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. All samples for mercury must be analyzed by EPA Method 1631E using the digestion procedure described in Section 11.1.1.2 of 1631E, which dictates that samples must be heated at 50°C for 6 hours in a bromine chloride (BrCl) solution in closed vessels.

SPECIAL CONDITION 7. All samples for Total Residual Chlorine shall be analyzed by an applicable method contained in 40 CFR 136, equivalent in accuracy to low-level amperometric titration. Any analytical variability of the method used shall be considered when determining the accuracy and precision of the results obtained.

SPECIAL CONDITION 8. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

SPECIAL CONDITION 9. Ameren Energy Generating Company has complied with Section 302.211(f) of Title 35, Chapter 1, Subtitle C: Water Pollution Regulations by demonstrating that thermal discharge from the Meredosia Energy Center has not caused and cannot reasonably be expected to cause significant ecological damage to the Illinois River as approved by the IPCB in PCB 78-101 on November 16, 1978. Pursuant to 35 Ill. Adm. Code 302.211(g) no additional monitoring or modification is being required for reissuance of this NPDES permit.

Based on the arrangement prior to the modification, there is significantly less thermal loading to the Illinois River (10.3 MGD of non-contact cooling water versus over 200 MGD of non-contact cooling water in the previous arrangement).

SPECIAL CONDITION 10. Ameren Energy Generating Company's demonstration for the Meredosia Energy Center in accordance with Section 316(b) of the CWA was determined to meet BTA at the time of the demonstration, and was approved by this Agency by letter dated August 16, 1981.

SPECIAL CONDITION 11. Ameren Energy Generating Company design of the cooling water intake structure which consists of closed-cycle cooling affords Best Technology Available (BTA) in accordance with Section 316(b) of the CWA.

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SPECIAL CONDITION 12. If cooling tower maintenance chemicals contains chromium or zinc the cooling tower blowdown and cooling tower emergency overflow shall be monitored for these constituents once/week when discharge occurs by composite sample. The discharge of one hundred twenty-four priority pollutants (40 CFR 423 (Appendix A)) in cooling tower blowdown is prohibited if the pollutants come from cooling tower maintenance chemicals.

SPECIAL CONDITION 13. Any debris from the trash rack or intake screens shall not be returned to the river but shall be properly disposed of.

SPECIAL CONDITION 14. 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 15. The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities for purposes of this permit reissuance, and no pollution prevention plan will be required for such storm water. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated storm water discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

SPECIAL CONDITION 16. The Permittee shall monitor the effluent from Outfalls 002, 003 and 004 for the following parameters on a 2/year 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 DMR's to IEPA. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

<u>STORET CODE</u>	<u>PARAMETER</u>	<u>Minimum reporting limit</u>
10197	Antimony	5.0 ug/L
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01027	Cadmium	0.001 mg/L
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (weak acid dissociable) (grab)	5.0 ug/L
00720	Cyanide (total) (grab not to exceed 24-hour holding time)	5.0 ug/L
00951	Fluoride	0.1 mg/L
01045	Iron (total)	0.5 mg/L
01046	Iron (Dissolved)	0.5 mg/L
01051	Lead	0.05 mg/L
01055	Manganese	0.5 mg/L
01067	Nickel	0.005 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
10159	Thallium	5.0 ug/L
01092	Zinc	0.025 mg/L

In addition to the testing listed above, outfall 002 shall also be tested for ammonia and chloride at the same interval. Also, outfalls 003 and 004 shall also be tested for sulfate and silver at the same interval.

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.

SPECIAL CONDITION 17. There shall be no discharge of complexed metal bearing waste streams and associated rinses from chemical metal cleaning unless this permit has been modified, subject to public notice and opportunity for hearing, to allow the new discharge.

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

SPECIAL CONDITION 19. Allowed mixing is recognized for silver at outfall 002.

SPECIAL CONDITION 20. The permittee shall conduct biomonitoring of the effluent from Outfall 002. The permittee shall conduct

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Special Conditions

biomonitoring of the effluent discharge within one year of the expiration date of this permit. The results shall be submitted with the permit renewal application.

Biomonitoring

1. Acute Toxicity - Standard definitive acute toxicity tests shall be run on at least two trophic levels of aquatic species (fish, invertebrate) representative of the aquatic community of the receiving stream. Except as noted here and in the IEPA document AEffluent Biomonitoring and Toxicity Assessment@, testing must be consistent with Methods for Measuring the Acute Toxicity of Effluents to Aquatic Organisms EPA-600/4-90-027. Unless substitute tests are pre-approved; the following tests are required:
 - a. Fish - 96 hour static LC₅₀ Bioassay using one to two week old fathead minnows (*Pimephales promelas*).
 - b. Invertebrate 48-hour static LC₅₀ Bioassay using *Ceriodaphnia*.
2. Testing Frequency - The above tests shall be conducted on a one time basis using 24-hour composite effluent samples unless otherwise authorized by the Agency. Results shall be reported according to EPA/600/4-90/027, Section 12, Report Preparation, and shall be submitted to IEPA with the renewal application.
3. Toxicity Assessment - Should the review of the results of the biomonitoring program identify toxicity, the Agency may require that the permittee prepare a plan for toxicity reduction evaluation and identification. This plan shall include an evaluation to determine which chemicals have a potential for being discharged in the plant wastewater, a monitoring program to determine their presence or absence and to identify other compounds which are not being removed by treatment, and other measures as appropriate.

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

SPECIAL CONDITION 21. The Permittee shall provide an analysis of the following to the Agency by May 1, 2016 for this permit:

1. The Permittee shall prepare a phosphorus removal Technical Feasibility Analysis specific to its discharge(s) to further reduce loading of phosphorus to levels equivalent to annual average discharges of 0.1 mg/L. This analysis shall address technical feasibility, cost-effectiveness, and potential benefits.
2. The Permittee shall determine if other potential technically feasible and cost-effective wastewater treatment strategies are available to reduce the volume or concentration of pollutants to be discharged by the FutureGen 2.0 Project.

Attachment H

Standard Conditions

Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) **Monitoring and records.**

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

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

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

authorized representative only if:

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

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

(12) **Reporting requirements.**

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

- (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
 - (f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (2) Any upset which exceeds any effluent limitation in the permit.
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.

The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
 - (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
 - (h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Bypass.**
- (a) Definitions.
 - (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
 - (c) Notice.
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
 - (d) Prohibition of bypass.
 - (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The permittee submitted notices as required under paragraph (13)(c).
 - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
 - (4) The permittee complied with any remedial measures required under paragraph (4).
 - (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
- (15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
- (a) Transfers by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
 - (b) Automatic transfers. As an alternative to transfers under paragraph (a), any NPDES permit may be automatically

transferred to a new permittee if:

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