AmerenEnergy Medina Valley Cogen, LLC – Meredosia Energy Center

National Pollutant Discharge Elimination System (NPDES) Permit

Responsiveness Summary

Regarding

October 9, 2013 Public Hearing

Illinois Environmental Protection Agency
Office of Community Relations
December 13, 2013

AmerenEnergy Medina Valley Cogen, LLC
Meredosia Energy Center

National Pollutant Discharge Elimination System (NPDES) Permit Responsiveness Summary

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AmerenEnergy Medina Valley Cogen, LLC
Meredosia Energy Center
Modified Permit
Permit Number IL0000116

AGENCY PERMIT DECISION

On December 13, 2013, the Illinois Environmental Protection Agency approved a modified NPDES permit for Meredosia Energy Center.

The following changes were made to the draft permit:

The permittee name has been changed to Ameren Energy Medina Valley Cogen, LLC.

Monitoring for sulfate has been added to outfall 002 on a monthly basis.

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.

The concentration and load limit for phosphorus at outfall 002 has been lowered to 0.5 mg/L and 71 lb/day, respectively.

Special Condition 21 has been added to the permit. This Special Condition will require a Technical Feasibility Analysis for phosphorus at outfall 002 to be treated to 0.1 mg/L.

PRE-HEARING PUBLIC OUTREACH

The notice of the NPDES permit public hearing was published in the *Jacksonville Journal Courrier* on August 24, 31 and September 7, 2013.

The hearing notice was mailed or e-mailed to:

a) adjacent land owners;
b) Morgan county officials;
c) municipal officials in: Jacksonville as well as state and federal representatives;
d) Illinois Chapter of the Sierra Club, Prairie Rivers Network and the Environmental Law and Policy Center (hearing requestors).

The hearing notice was posted on the Illinois EPA website:
http://www.epa.state.il.us/public-notices/2013/ameren-meredosia-energy/hearing-notice.pdf

Hearing notices were posted at the Illinois EPA headquarters in Springfield.

October 9, 2013 PUBLIC HEARING

Hearing Officer Dean Studer opened the hearing October 9, 2013 at 7:30 p.m. at the Meredosia-Chambersburg Jr/Sr High School, Meredosia, Illinois.

AmerenEnergy Medina Valley Cogen, LLC:

Steve Whitworth opening statement

Future Gen Alliance 2.0 Presentation

Lucinda Low Schwartz

Illinois EPA Hearing Participants:

Stefanie Diers, Assistant Counsel, Bureau of Water
Bob Mosher, Standards Section, Bureau of Water
Mark Liska, Permits Section, Bureau of Water

Comments and questions were received from the audience.

Hearing Officer Dean Studer closed the hearing at 9:08 p.m. on October 9, 2013.

Illinois EPA personnel were available before, during and after the hearing to meet with elected officials, news media and concerned citizens.

Approximately 20 persons representing neighbors, local government, businesses, environmental groups, interested citizens, Future Gen Alliance 2.0 and AmerenEnergy Medina Valley Cogen, LLC, participated at and/or attended the hearing. A court reporter prepared a transcript of the public hearing which was posted on the Illinois EPA website:
http://www.epa.state.il.us/public-notices/2013/ameren-meredosia-energy/hearing-transcript.pdf

The hearing record remained open through November 8, 2013.

BACKGROUND OF AmerenEnergy Medina Valley Cogen, LLC.
Meredosia Energy Center

The Illinois EPA Bureau of Water has prepared a draft modified National Pollutant Discharge Elimination System (NPDES) permit for Ameren Energy Generating Company for Meredosia Energy Center. The address of the discharger is Ameren Energy Generating Company, 1901 Chouteau, P.O. Box 66149 MC-602, St. Louis, Mo. 63166. The facility is located at 801 South Washington Street, Meredosia, Illinois 62665, Morgan County. The name of the company changed to AmerenEnergy Medina Valley Cogen, LLC after the public notice period.

The applicant is proposing the operation of a 168 MW steam electric generating station using an oxycombustion boiler (SIC 4911). The proposed station would consist of three groups: a new Air Separation Unit (ASU) that supplies near-pure oxygen to the boiler for combustion, an oxycombustion boiler and a Gas Quality Control System (GQCS) with a circulating dry scrubber, fabric filter, and a direct contact cooler polishing system (DCCPS), and a Compression and Purification Unit (CPU) that separates carbon dioxide from the other flue gasses in preparation for pipeline transport. Plant operations would result in an intermittent discharge of stormwater runoff from outfall 001, 10.3 MGD of Cooling Tower Blowdown, CPU, DCCPS, ASU, and other discharges from outfall 002, an intermittent discharge of stormwater runoff from the former Bottom Ash and Fly Ash Ponds which would no longer be in use from outfalls 003 and 004, respectively, and 0.3 MGD of Intake Screen Backwash from Outfall 006.

Responses to Comments, Questions and Concerns

Comments, Questions and Concerns in regular text
Agency responses in bold text

NPDES Permit

1. Will the permit require total nitrogen monitoring and will there be biological nutrient removal for denitrification planned at this plant?

   The permit will require total nitrogen monitoring. The DCCPS wastewater treatment system (outfall B02) consists of biological treatment for the removal of nitrate followed by chemical precipitation for metals reduction.

2. In review of the permit and permit fact sheet it was noted that there would be sulfate monitoring. However, sulfate monitoring listed for outfall 002 is not listed on the fact sheet or in the draft permit.

   Monitoring for sulfate was inadvertently omitted from the permit. Monthly Sulfate monitoring has been added to outfall 002.

3. In regards to the outfall B02 related to the description of the new DCCPS wastewater treatment stream, what metals are in that waste stream?

   Outfall B02 will discharge 0.323 MGD with approximately 10 mg/L of total suspended solids. Among these solids will be barium, iron, manganese, arsenic, cadmium, chromium, copper, mercury, nickel, selenium, silver, thallium, and zinc. All of the metal concentrations from this source would meet water quality standards without any mixing.

4. The permit fact sheet describes the load limit calculations for outfall 002 and copper is listed. However it is not listed as being either monitored or limited at outfall 002. Should copper be limited at outfall 002?

   Copper was inadvertently listed on page 3 of the fact sheet. Copper meets the water quality standard and does not require continuous effluent monitoring.

5. Will the cooling water intake structure follow the latest guidelines regarding impingement and entrainment? And will that be reflected in the permit.

   As listed in Special Condition 11, the cooling water intake structure which consists of closed cycle cooling and an intake velocity less than 0.5 feet / second. The intake is acceptable based on Best Professional Judgment pursuant to 40 CFR 125.3. The intake listed above meets Best Technology

Available in accordance with New Source Performance Standards of the newest draft of the Phase I rules for Section 316(b) of the CWA.

6. Can you explain the differences between Special Condition 10 and Special Condition 11? They both are discussing how the facility will satisfy Section 316(b).

   Special Condition 10 notes that the permittee's original 316(b) demonstration for the Meredosia Power Station was approved by the Agency on August 16, 1981. Special Condition 11 notes that the cooling water intake structure which consists of closed cycle cooling and an intake velocity less than 0.5 feet per second is considered the Best Technology Available in accordance with Section 316(b) of the CWA.

7. What's the source of the 0.307 million gallons per day DCCPS wastewater? Can you explain where the wastewater is coming from?

   The DCCPS wastewater discharging from outfall B02 originates from the DCCPS which initiates carbon dioxide processing by controlling moisture and temperature before CO_2 compression and purification. This wastewater does not come into contact with any ash. This wastewater is then cooled in the DCCPS cooling tower and treated in the DCCPS Wastewater Treatment System prior to discharge.

8. If this is a modification of a previous permit that was issued to Ameren Energy, what will happen previous outfalls (ex 003 and 004) that are not being claimed by FutureGen but still are concerned to receiving waters?: Is FutureGen through this permit assuming liability and responsibility for everything that happened in that activity area?

   This modified permit still covers all of outfalls that were in the original permit effective November 1, 2011. Outfall A01 in the 2011 permit has been rerouted to outfall 002. Outfall A03 in the 2011 permit has been eliminated. The fly ash and bottom ash discharges in outfall 003 and 004 from the 2011 permit have been eliminated because the permittee has changed to dry ash handling. Stormwater overflow discharges remain at outfalls 003 and 004. There is no separate permit, NPDES or otherwise, that covers a discharge from the 2011 permit.

9. If PCBs were being generated onsite with the previous operation under Ameren, will monitoring be included in this modified permit? Since the Illinois River is impaired due to PCBs, is there still concern that they exist onsite, and if there's potential for those to be discharged?

   PCBs are not being generated at the site. The facility contains three power transformers which contain PCBs. These transformers are not designed to discharge any wastewater. Each transformer is covered under their Spill

Prevention, Control, and Countermeasures Planning Guide which is on file with the Agency. The transformers are inspected on a regular basis.

Pursuant to 40 CFR 423.13 and 423.15, there can be no detectable amount of the 126 priority pollutants listed in Appendix A of 40 CFR 423. The Appendix includes all PCBs.

10. Is there a stormwater pollution plan that's already developed for this facility, and is it required by this permit? I'd like to respectfully ask for the stormwater prevention be prepared by Ameren, required by the permit, and that monitoring for PCBs be put in the permit considering that the river is already impaired and they were just a few years ago generating PCBs on site.

    PCBs are not being generated at the site (see Question #9 above). Pursuant to 40 CFR 423.13 and 423.15, the discharge of PCBs into any stormwater discharging from the facility is not allowed.

    The facility is under BAT/BCT for stormwater (Special Condition 16 in the 2011 permit and Special Condition 15 in the modified permit) because all stormwater discharges are treated prior to discharge and must meet all water quality limits. A SWPPP is not required at this site because all of the stormwater is being treated and must meet all applicable limits. Special Condition 15 requires regular inspections of stormwater runoff areas.

11. Since there's a difference in the quality of the coal and the pollutants that are associated with Powder River Basin coal versus Illinois River coal, is there an opportunity for the Energy Center to change the type of coal they're burning; and if they do, are they required to have it reworked through the Agency, or are they required to let you know that they're changing the quality of their coal?

    The new boiler will use a blend of Powder River Basin and Illinois coals. The mines to supply these coals are undetermined at this time.

    Since the facility has moved to dry ash handling, any change in the type of coal used is not expected to affect wastewater discharges.

    The permittee must meet all regulations stipulated in their NPDES permit regardless of the source of coal they use. The regulations stipulated in their NPDES permit do not change based on the source of coal they use.

12. Will the coal ash that is being collected from the boiler be taken over to the offsite landfill, or will there be a temporary storage spot? If that is the case will there be any investigation for stormwater runoff?

    The coal ash is placed directly into silos before being transferred to trucks for transportation. However, stormwater from the ash handling area and area

wash-down water would all discharge to the CHCS treatment system for treatment prior to discharging to outfall C02.

13. If the DCCPS system, will meet the 1,678 water quality standard for sulfate at the end of pipe, can you explain how they're going to get from 4,000 on average down to 1,678 that is the standard in place?

    The discharge from the DCCPS system (outfall B02) contains approximately 3,526 mg/L of sulfate. However, it will be mixed with other wastewater contributory to outfall 002 and diluted by a factor of 32:1. The final discharge of sulfate from outfall 002 will be 180 mg/L which is far lower than the end-of-pipe limit of 1,678 mg/L.

14. There was mention of biological treatment being used on the waste treatment for the DCCPS for mercury, nitrates as selenium. What biological treatment was going to be used?

    The DCCPS Blowdown and Condensate Treatment System will consist of biological treatment for the removal of Nitrate followed by chemical precipitation for metals reduction. Biological denitrification will use a Fixed Film Moving Bed Bioreactor in a series of tanks to covert the nitrate to N_2 and H_2O. The denitrification will also reduce Selenium to Selenite.

15. What do you anticipate the permit cycle looking like for the coal ash landfill, and will there be a public process for that?

    The landfill to receive solid wastes from the Meredosia Energy Center FutureGen Project has not been determined. The selected landfill will be a facility authorized to receive the solid waste. The process to determine where the solid waste will be disposed will follow all State and Federal laws including public participation.

16. There are inconsistencies in the information provided in the public notice/fact sheet. Loads for silver (Special Condition 19) states allowed mixing is to be granted, and not even described. Have all pollutant load increase been properly noticed?

    There is no pollutant load increase of silver to the Illinois River; the load has stayed the same at approximately 0.5 lb/day. Since the load has remained the same, it is not subject to an antidegradation assessment and was not required to be put in the notice. However, since less water is now being discharged overall, the concentration of silver has risen to a level that is higher than the water quality standard at end-of-pipe. When allowed mixing is taken into account, however, there is no potential to exceed the water quality standard. Silver is monitored at outfall 002 on page 2 of the permit.

The only pollutants with an increased load are sulfate and phosphorus which were properly noticed in the fact sheet.

17. There is no information for loading on fluoride and thallium. Can the Agency explain the discrepancies with the table, Project Effects on Loads to the Illinois River, and the antidegradation assessment?

    The fluoride load to the Illinois River will decrease from 590 lb/day to 107.1 lb/day. The thallium load to the Illinois River will decrease from 8 lb/day to 0.5 lb/day. These parameters were inadvertently omitted from the loading table in the public notice fact sheet. Since the loading for these parameters have been significantly reduced, they are not subject to an antidegradation assessment.

18. It is unclear from the permit materials what form of silver will be discharged. Will the silver be in nanoparticle form, dissolved, in solid elemental state?

    Total silver will be monitored at outfall 002 on a monthly basis. This will capture all forms of silver in the discharge. The water quality standard is expressed as total silver.

19. The permit under Special condition 16 requires monitoring for total Silver just two times per year. Given that Ameren and Illinois EPA have determined that the silver effluent limit cannot be met and have proposed allowed mixing in the IL River, we request that silver be monitored on a weekly basis (as often as sulfates) to determine if existing uses in the stream are indeed protected and to assure no acute or chronic effects.

    Silver does not require weekly monitoring. After allowed mixing, the silver level will be approximately 0.000315 mg/L which is 6.3% of the 0.005 mg/L standard. There is no statistical chance for silver to exceed the water quality standard after allowed mixing is taken into account. The permit will require monthly monitoring for silver.

20. Have other assessments or survey been completed to determine whether threatened or endangered species may be present and at risk due to the proposed discharges that will exceed the ambient water temperature and contain salts and metals?

    The Illinois Department of Natural Resources was consulted on endangered species issues via the Eco-CAT system on April 30, 2013. A May 3, 2013 letter terminating consultation was received by the applicant, indicating that protected resources in the vicinity of the proposed effluent discharge are unlikely to be adversely impacted.

    Since there is a greater-than 95% reduction in non-contact cooling water and greater-than 84% reduction in salts and metals to the receiving stream, the

discharge from the proposed modification will present a far less risk than the existing wastewater discharged.

Antidegradation Assessment/Water Quality Standards

21. It was noted in the antidegradation assessment that a mussel bed was noted by the Illinois Department of Natural Resources across from discharges from the Meredosia facility. How recently had the DNR completed the survey in the river and if Ameren had completed its own mussel survey as part of this proposed project?

    The Illinois Department of Natural Resources reports that the last mussel survey was conducted at this site in 2002. The mussel bed is only on the opposite side of the river from the Meredosia Energy site. This mussel bed existed when the previous power plant was operating and discharging higher loadings of most pollutants compared to what the FutureGen discharge will contain. Ameren did not conduct a mussel survey to the knowledge of Illinois EPA. The IDNR terminated endangered species consultation, including the conclusion that the project would not harm INAI mussel bed sites on May 3, 2013.

22. Can you explain what their mixing zones are and when mixing zones are granted and if allowed mixing is being allowed?

    The IPCB regulations at 35 Ill. Adm. Code 302.102 contain the concept of allowed mixing. The Illinois EPA grants allowed mixing in an NPDES permit when assimilative capacity in the river is large and the mixing area will not extend close to the physical boundaries set by that regulation. In this case, silver and temperature will be slightly above the concentration and degrees allowed by the water quality standard. Mixing in the river will allow these levels to meet the water quality standard. There is no need to define dimensions in the river where mixing will occur, i.e., define a mixing zone. Silver is predicted to be only 0.0016 mg/L over the water quality standard at end-of-pipe and the background river water quality is far below the water quality standard. Temperature of the effluent, due to the cooling tower, is expected to only sometimes slightly exceed the water quality standards at end-of-pipe.

23. Can you explain the difference between allowed mixing and a defined mixing?

    Both allowed mixing and mixing zones are concepts of mixing given in the IPCB's water quality standard at 35 Ill. Adm. Code 302.102. Where mixing is abundant, the concept of allowed mixing may be utilized to recognize that the water quality standard will not be met at end-of-pipe and that dilution in the

river will decrease the concentration in the effluent to the water quality standard. The area of mixing in these cases is small relative to the assimilative capacity of the river to dilute. A mixing zone may be delineated and this area recognized in the NPDES permit when the area where mixing will occur takes up a significant portion of the available assimilative capacity of the river to dilute a substance to meet the water quality standard. Mixing zones often require that a permit limit for the substance be included as reasonable potential to exceed the standard may be present. Permit limits are not usually required where allowed mixing is granted because there is seldom reasonable potential to exceed the water quality standard outside of the allowed portion, volume or area of the receiving stream available for mixing.

24. If the regulations prohibit approval of the mixing zone where mussel beds exist, how is allowed mixing acceptable in this permit if we know that mussel beds do exist here?

The mixing regulation at 35 Ill. Adm. Code 302.102(b)(4) prescribes limitations to the portion, volume and area of the receiving stream in which mixing is allowed and prohibits mixing in waters containing mussel beds if the maintenance of the mussel bed as a whole in the water body would be adversely affected. Illinois EPA has interpreted this clause as prohibiting mixing zones and zones of initial dilution (ZIDs) in those portions of rivers occupied by mussel beds. In other words, since water quality standards would not be met in delineated mixing zones or ZIDs, and mussel beds must not be exposed to substances in concentrations above water quality standards, no such mixing may be granted if a mussel bed is present in the area affected. The concept of the mixing regulations applied in the FutureGen case is allowed mixing, where mixing is not delineated and only a small fraction of assimilative capacity of dilution in the river is used. Illinois EPA would not grant allowed mixing if water quality standards, as a result of allowed mixing, would not be met in a mussel bed area of the stream. In the case of FutureGen, the mussel bed is remote from the area where mixing will occur and mixing requires only a small fraction of available assimilative capacity. There is no possibility of water quality standards not being met in the mussel bed on the opposite bank of the river from this discharge.

25. How will the 2,000 pounds per day of sulfates discharged by this permit impact mussel populations with those increased salt concentrations?

The water quality standard for sulfate is predicted to be met at end-of-pipe, and therefore no regulatory mixing is being granted. Physical mixing will of course take place, diluting the effluent concentration of sulfate downward as the effluent mixes with the river water. The concentration of sulfate in the river after complete mixing at 7Q10 low flow conditions can be calculated with the following equation:

Cds = Qus(Cus) + Qe(Ce)/ Qus + Qe

Where

Cds = final concentration after complete mixing
Qus = flow volume of the Illinois River at 7Q10 = 3700 cfs
Cus = average background sulfate concentration of the Illinois River = 60 mg/L (AWQMN Station D-32 Illinois River at Valley City)
Qe = Effluent flow volume = 15.9 cfs
Ce = Effluent concentration of sulfate = 1678 mg/L = the water quality standard

Cds = 66.9 mg/L

Therefore, at drought flow, the river sulfate concentration will increase 6.9 mg/L if the FutureGen effluent is at the concentration of the water quality standard. At average river flow, 12,800 cfs, the river concentration of sulfate would increase 2.0 mg/L because of the discharge. The effect on mussel populations of a sulfate concentration of 66.9 mg/L compared to the existing concentration of 60 mg/L is inconsequential considering that the water quality standard protective of aquatic life is calculated to be 1,678 mg/L at this location.

26. Over 11 pounds of selenium will be allowed to be discharged per day by this permit. The water quality standard in Illinois is 20 times weaker than the federal standard. Can you explain to what evaluation was done about the 11 pounds of selenium that's going to be added each day by this facility?

    The previous discharge configuration at the Meredosia site contained up to 11 pounds per day of selenium. The prediction for the FutureGen discharge is 1.4 pounds per day, a reduction of 9.6 pounds per day. Selenium has been shown to be a concern in situations where high background selenium is present in waters used for irrigation in arid climates. In Illinois, background concentrations are low and the climate does not lead to extreme evaporation. Fish in Illinois have been found to have low flesh concentrations of selenium. The selenium discharged by FutureGen will not cause or contribute to excess fish flesh concentrations. The DCCPS WWTS will also treat for selenium prior to discharge.

27. In the identification of proposed pollutant load increases, that the pollutants that will see an overall increase in loading are sulfates and phosphorus. The source of the additional sulfate is mainly the DCCPS. The source of additional phosphorus is mainly from the anticorrosion additives to the DCCPS and CPU. In the antidegradation assessment there wasn't a list of ways to minimize sulfate and phosphorus loadings. In regards to phosphorus, it was stated in the antidegredation assessment that phosphorus is being added as an anticorrosion agent. So what other anticorrosion measures were considered?

Industrial facilities must take measures to ensure that piping systems do not corrode. Currently, two types of anti-corrosion additives are available; those based on heavy metals such as chromium or zinc and those based on phosphorus. The phosphorus-based products are preferable to those containing heavy metals and these are the only products now approved by Illinois EPA. The additive industry is aware that a need exists for products that use neither heavy metals nor phosphorus. Still, no such product is available to our knowledge. Illinois EPA will continue to monitor the products used for corrosion protection and will require reduced phosphorus alternatives as they become available.

The final permit has been modified to include stricter limits for phosphorus. The concentration and load limits for phosphorus are now 0.5 mg/L and 71 lb/day, respectively.

28. This permit has a one milligram per liter phosphorus limit in it. Facilities throughout the state are being asked to do more to remove phosphorus from their effluents, because we as a state are trying to not have dissolved oxygen problems in our streams, or trying to reduce algae growth, or trying to help reduce our nutrient loading to the Gulf of Mexico, where it's creating big problems, big dead zone in the Gulf of Mexico. If we are asking other facilities throughout the state to look at reducing their phosphorus down, from 1 milligram per liter, down to .5 milligram per liter it should be a consideration for this facility that's going to be a state-of-the-art facility to use those techniques before they discharge to the Illinois River. What phosphorus-removal method is being proposed at this facility?

    There is no phosphorus-removal treatment at the facility. The Agency has, however, modified the permit regarding phosphorus effluent limitations. The new concentration and load limits are 0.5 mg/L and 71 lb/day, respectively. Special Condition 21 has also been added requiring the permittee to prepare an Technical Feasibility Analysis to further reduce loading of phosphorus to levels equivalent to annual average discharges of 0.1 mg/L.

29. What measures have been considered to minimize the sulfate discharges from this facility?

    There are very limited alternatives for sulfate treatment such as ion exchange, reverse osmosis, or no discharge. None of these alternatives are feasible at a large power plant. The facility plans to reuse much of the discharge from outfall 002 as part of their CDS humidification water, but does not have exact numbers at this time.

30. What percentage of the sulfate is being discharged and if it’s not being discharged; then where is it going?

No sulfate treatment is proposed or feasible for this wastewater, therefore the facility will discharge all of the sulfate that it generates to outfall 002.

31. An antidegradation analysis must be completed for the cooling tower blow down Unit number 4. Will there be any increase in pollutant loading from Unit 4?

    The discharge from Unit 4 consists of the majority of the discharge from outfall 002. There will be an increase in sulfate and phosphorus loading while the loading of all other parameters will either be the same or greatly reduced from the existing discharge. The antidegradation assessment for the two parameters which increased in loading was included in the public notice fact sheet.

Groundwater Issues

32. It should be noted that there have been groundwater wells onsite there have exceeded groundwater quality standards for antimony, arsenic, boron, chromium, and thallium. In February of this year 2013 there was a notice of intent to pursue legal action at least written. Was there a violation notice issued by Illinois EPA to Ameren for those ground water quality exceedances? If the answer is yes, that was issued, then the question would follow, has that case been referred to the attorney general? And has a compliance commitment agreement been agreed upon between Ameren and the Agency?

    The Agency issued a VN on June 27, 2012 and a Notice of Intent to Sue letter on February 13, 2013. The matter is still under Agency review, so at this time there has been no referral to the Illinois Attorney's General Office.

Enforcement/Compliance Issues

33. In Illinois Public Act 9716 which reads Section 40 -- this is from an Illinois Public Act. Permitting, the State of Illinois shall – not using the word "will" -- shall issue to the operator all necessary and appropriate permits consistent with the state, federal and corresponding regulation. The State of Illinois must allow the operator to combine applications when appropriate, and the State of Illinois must otherwise streamline the application process for a timely permit issuance. Does this mean that the Illinois EPA, as representative of the State of Illinois, is mandated by the above section to grant all necessary permits, no matter what?

    The relevant provisions of the Clean Coal FutureGen for Illinois Act of 2011 do not require the Illinois EPA to issue a permit no matter what. This is because the Illinois EPA is reviewing applications pursuant to Section 39 of the Illinois Environmental Protection Act. Section 39(a) of the Act provides, in relevant part, that "[w]hen the Board has by regulation required a permit for the construction . . . of any type of facility . . .the applicant shall apply to the Agency for such permit and it shall be the duty of the Agency to issue such a permit upon proof by the applicant that the facility . . . will not cause a violation of this Act or of regulations thereunder." As such, Section 39(a) generally describes the circumstances under which the Illinois EPA shall not issue a construction permit i.e., when a permit will cause a violation of the Act or associated regulations. In fact, the scope of Section 40 of the Clean Coal Futuregen for Illinois Act of 2011 is narrow. Section 40 merely requires the State of Illinois to issue all necessary and appropriate permits consistent with state law, for instance, the Illinois Environmental Protection Act. This provision does not require the Illinois EPA to issue a permit in circumstances where the permit would cause a violation of the Act or associated regulations. This Section does little more than require the State of Illinois to allow the operator to combine applications, to the extent appropriate, and to streamline the application process.

34. If this operation is taken over by a joint partnership between the FutureGen Alliance and Ameren Energy, who's ultimately responsible and who will be dealing with this legal action in the future?

    The current permit is being issued to AmerenEnergy Medina Valley Cogen, LLC. Therefore, if there is an alleged violation of their permit requirements, AmerenEnergy Medina Valley Cogen, LLC could be subject to enforcement action, pursuant to Section 31 of the Illinois Environmental Protection Act.

Outside the Scope of the NPDES Permit

35. Given that we have multiple coal ash contamination sites throughout Illinois, and we're glad the water's not going to be used anymore to transport coal ash and to store coal ash in wet impoundments, but with dry ash handling comes fugitive dust. Was that considered by the Agency in the review of what was going to be settling and possibly being stormwater discharges? What practices are going to be employed at the site to reduce fugitive dust on that center and also leaving the center for area residents.

    The permittee uses wash-down water at the site to control fugitive dust when loading trucks with ash. This wastewater and all stormwater from that are is collected and treated in the CHCS Wastewater Treatment System before discharging to outfall C02.

Acronyms and Initials

ASU	Air Separation Unit
CFR	Code of Federal Regulations
CFS	Cubic Feet per Second
CHCS	Coal Handling Contact Stormwater
COE	Corps of Engineers
CPU	Compression and Purification Unit
CWA	Clean Water Act
DCCPS	Direct Contact Cooler – Polishing System
DMR	Discharge Monitoring Report
GPM	Gallons per Minute
GQCS	Gas Quality Control System
HUC	Hydrologic unit code
IDNR	Illinois Department of Natural Resources
IDPH	Illinois Department of Public Health
IEMA	Illinois Emergency Management Agency
IEPA	Illinois Environmental Protection Agency
ILCS	Illinois Compiled Statutes
Ill. Adm. Code	Illinois Administrative Code
MGD	Million Gallons per Day
mg/L	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System

OMM	Office of Mines and Minerals
pH	A Measure of Acidity or Alkalinity of a Solution
SMCRA	Surface Mining Control and Reclamation Act of 1977 (federal)
TDS	Total Dissolved Solids
TSS	Total Suspended Solids
USGS	United States Geological Service
WWTS	Wastewater Treatment System

DISTRIBUTION OF RESPONSIVENESS SUMMARY

An announcement, that the NPDES permit decision and accompanying responsiveness summary is available on the Agency website, was mailed to all who registered at the hearing and to all who sent in written comments. Printed copies of this responsiveness summary are available from Dean Studer, Illinois EPA, 217-558-8280, e-mail: dean.studer@illinois.gov.

WHO CAN ANSWER YOUR QUESTIONS

Illinois EPA NPDES Permit:

Illinois EPA NPDES technical decisions:	Mark E. Liska	217-782-0610
Legal questions	Stefanie Diers	217-782-5544
Antidegredation/Water quality issues	Bob Mosher	217-782-0610
Groundwater issues	Groundwater Section	217-785-2762
Public hearing of Oct. 9, 2103	Dean Studer	217-558-8280

The public hearing notice, the hearing transcript, the NPDES permit and the responsiveness summary are available on the Illinois EPA website:

http://www.epa.state.il.us/public-notices/npdes-notices.html