

CCR Permit No. 2024-CO-100029
Notice No. MEL:24022801.docx

Public Notice Beginning Date: April 2, 2024

Public Notice Ending Date: May 17, 2024

Coal Combustion Residual Surface Impoundment
Permit Program

Draft Permit to Operate a Coal Combustion Residual Surface Impoundment.

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-0610

Name and Address of Permittee:

Midwest Generation, LLC
13082 East Manito Rd.
Pekin, IL 61554

Name and Address of Facility:

Midwest Generation, LLC
Powerton Generating Station
13082 East Manito Rd.
Pekin, IL 61554
(Tazewell County)

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue a Permit for Retrofit Construction of a Coal Combustion Surface Impoundment pursuant to 35 Illinois Administrative Code Part 845 and has prepared a draft permit and associated fact sheet. The IEPA is holding a public comment period and public hearing to offer an opportunity to the public to provide both written and oral comments on this proposed action prior to making a final decision.

The IEPA is accepting written public comments on the draft permit until 11:59 p.m. Friday, May 17, 2024. If you would like to provide written comments, please email your comments to epa.publichearingcom@illinois.gov, RE: "Midwest Generation, LLC – Powerton Generating Station CCR" or "2024-CO-100029". Written comments on the draft permit may also be mailed to IEPA, attention Jeff Guy, IEPA Hearing Officer, P.O. Box 19276, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276. Email comments originating on third party systems or servers intended for submittal of multiple emails of the same or nearly the same content will not be accepted without prior approval from the hearing officer.

In addition to accepting written public comments, the IEPA will host a public hearing on May 8, 2024 beginning at 6:00 p.m. to receive oral public comments on the draft permit. The public hearing will be conducted pursuant to 35 Ill. Adm. Code Part 845. The public hearing will be held in Room A at the Miller Center, 551 South 14th Street, Pekin, Illinois 61554.

A public hearing on this draft permit will be held on May 8, 2024 at 6:00 p.m. in Room A at the Miller Center, 551 South 14th Street, Pekin, Illinois 61554.

Interested persons are invited to submit written comments on the draft permit to the IEPA at:

Hearing Officer Jeff Guy, Office of Community Relations
Re: Midwest Generation, LLC – Powerton Generating Station
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P. O. Box 19276
Springfield, IL 62794-9276

Requests for interpretation (including sign language) must be made by 5:00 p.m. on Wednesday, May 17, 2024 by contacting the IEPA Hearing Officer by email at epa.publichearingcom@illinois.gov, or by calling (217) 785-8724. Questions regarding hearing procedures or

requests to address special needs should be made to the IEPA Hearing Officer by email at epa.publichearingcom@illinois.gov, by calling (217) 785-8724, or by calling (866) 273-5488 (TDD phone number).

The IEPA will provide a Responsiveness Summary, which will be available at the time a final decision is made in this matter. The Responsiveness Summary will include a summary of all significant comments, criticisms, and suggestions, whether written or oral, submitted during the public comment period, at the hearing, or during the time the hearing record is open. The Responsiveness Summary will provide IEPA's response to all significant comments, criticisms, and suggestions and a statement of IEPA's action, including, when applicable, the issuance or denial of the permit.

The permit application, IEPA review notes including load limit calculations, public notice, fact sheet, draft permit, comments received, and other pertinent documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

You can join the listserv for this facility at the following address:
<https://epa.illinois.gov/topics/water-quality/watershed-management/ccr-surface-impoundments.html>

For further information on the draft permit, please call Mark E. Liska at 217/782-0610.

The applicant has been operating a steam electric generating station (SIC 4911). The station operates four cyclone coal-fired wet bottom boilers to supply steam to two generating units, designated units #5 and #6 rated at 851 and 846 MW respectively.

CCR basins at the facility consist of the Ash Surge Basin, the Ash Bypass Basin, the Former Ash Basin, and the Metal Cleaning Basin. This permit will cover the operation of the Ash Bypass Basin, Ash Surge Basin, Former Ash Basin, and Metal Cleaning Basin.

Midwest Generation – Powerton Generating Station has an active NPDES Permit IL0002232 that regulates the discharges of wastewater from the property to waters of the United States.

The proposed Coal Combustion Residual Surface Impoundment Operating Permit No. 2021-C0-100029 does not address the closure of any of the CCR Basins. Midwest Generation – Powerton Generating Station has submitted a separate Permit application to address the closure of the CCR basins.

Operation of All Basins:

Midwest Generation, LLC – Powerton Station is (currently) a 1,785 MW coal-fired power plant located in Pekin, IL along the Illinois River.

The facility has produced electricity since the 1928 utilizing four coal-fired boilers and two electric generating units, Units 5 and 6.

The Ash Surge Basin was constructed in 1978 and is currently in operation.

The Ash Bypass Basin was used as a bypass when the Ash Surge Basin required maintenance – decant water would divert to it instead of the Ash Surge Basin. The Ash Bypass Basin was taken out of service in 2020 and has not been used for managing CCR or non-CCR waste streams since 2020. The Ash Bypass Basin will be retrofitted with a new composite liner system and a new leachate collection and removal system. The retrofit construction of this permit will be covered under a separate permit.

The Former Ash Basin has an unknown construction date and could possibly be old as from the plant first generated power in 1928. It is estimated that it stopped receiving ash sometime in the 1970s.

The Metal Cleaning Basin was constructed in 1978 and has been in continuous operation. It has been used to temporarily store fly ash and bottom ash which are both routinely removed after the time needed for temporary storage is complete. Bottom ash comes from street sweeping and cleanup activities.

The basins described above must meet the requirements pursuant to 35 Ill. Adm. Code 845.230(d) for initial Operating Permits.

The Ash Surge Basin, Metal Cleaning Basin, and Ash Bypass Basin were constructed in 1978. The Former Ash Basin has an unknown construction date. The Ash Surge basin contains bottom ash. The Ash Bypass Basin contained bottom ash and economizer ash which have been removed. The Former Ash Basin does not have documentation of what was put in there. The Metal Cleaning Basin occasionally has both fly and bottom ash in it.

The permittee performed a Locations Restrictions Compliance Demonstration in October 2018. All of the basins except the Former Ash Basin are separated from the upper limit of the uppermost aquifer by a minimum distance of 5 feet which meets compliance with 845.300. All of the basins except the Former Ash Basin are not located in a wetlands according to the National Wetlands Inventory – Version 2 by the USFW. All of the basins are not located within a Holocene-aged fault or a seismic impact zone as mapped by the

USGS. All of the basins except the Former Ash Basin are also not in an unstable area or floodplain according to the NFHL FIRMette Map.

Documentation and Maintenance of Slope Protection: The exterior north slope has erosion protection because of the Ash Surge Basin's geomembrane-lined interior slope. The exterior east and south slopes have erosion protection because of the established vegetation. The exterior west slope is covered with gravel that protects the slope from erosion. Photo documentation is included in the application.

The Ash Bypass Basin, like the Ash Surge Basin, is lined and has established vegetation.

The Former Ash Basin has fill embankments on the north, west and east sides and is incised on the south side. Heavy vegetation from decades on non-use provides additional protection.

The Metal Cleaning Basin has partial embankments on all sides with slopes lined with 60-mil high-density PE geomembrane.

The permittee submitted an Initial Emergency Action Plan and a Fugitive Dust Control Plan for all basins that meets the requirements and are certified.

The permittee has submitted a Groundwater Monitoring Plan which has been reviewed by the Groundwater Section and meets the requirements. The Groundwater Monitoring Plan's monitoring wells, limits, and other requirements are explained in the Special Conditions of the permit.

The permittee submitted a preliminary written closure plan in the operating permit application for all four basins in accordance with 845.230. For the Ash Surge Basin, Ash Bypass Basin, and Metal Cleaning Basin, the preliminary closure plan is to remove all CCR material. The permittee submitted a written closure plan for the Former Ash Basin in accordance with 845.740. For the Former Ash Basin, the permittee will close the basin by consolidating the CCR and close the consolidated ash in place.

The permittee submitted a written post-closure plan for the Former Ash in accordance with 845.780. The Former Ash Basin will have regulator maintenance for the required 30 years. The permittee submitted a preliminary written post-closure plan for the Ash Surge Basin, Ash Bypass Basin, and Metal Cleaning Basin in the operating permit application in accordance with 845.230.

Liner Certification: The liners for the Ash Surge Basin, Ash Bypass Basin, and Metal Cleaning Basin have 60-mil HDPE geomembrane liner, 12 inches of limestone screenings, and 6 inches of sand, but do not comply with the requirements of 35 Ill. Adm. Code 845.400 and are considered unlined. The construction of the Former Ash Basin is unknown and, based on its age, is believed to be unlined.

The permittee submitted a hazard potential classification assessment under 35 Ill. Adm. Code 845.440 and 40 CFR 257.73(a)(2) which was certified by an IL licensed professional engineer. The basins are considered Class 2 as an Illinois Hazard Potential Classification.

The permittee submitted a structural stability assessment which was certified by an IL licensed professional engineer. The assessment recommended mowing vegetation, removing woody vegetation, and making sure the basins' discharge pipes are in good, working order.

The permittee submitted an initial safety factor assessment which was certified by an IL licensed professional engineer. The assessment did not find any issues.

The permittee submitted an initial inflow design flood control system plan assessment which was certified by an IL licensed professional engineer. The assessment found that the basins met a 1,000 year flood event without water overflowing the basins' emergency spillway structures.

The permittee submitted a safety and health plan underlining safety requirements.

The permittee submitted notice of a bond showing financial assurance in accordance with 35 Ill. Adm. Code 845.230(d)(2)(N).

Special Conditions:

The following explains the conditions of the proposed permit:

The special conditions specify that various plans relating to the operation and maintenance of the basins must be maintained and kept up to date, that the permittee must operate and maintain the groundwater monitoring system, specifies the groundwater standards at the waste boundary, and specifies recordkeeping and reporting requirements.

1. Permittee must Comply with Air and Land Regulations
2. No construction activities

3. Fugitive Dust Control Plan Requirements
4. Permanent Signage Requirements
5. Emergency Action Plan Requirements
6. Written Closure Plan Requirements
7. Financial Assurance Requirements
8. Health and Safety Plan
9. Lateral expansions must be inspected
10. All impoundments must be inspected annually
11. Two additional down gradient wells in the silty clay silt unit, two piezometers must be added
12. Background wells for the 3 aquifer unit requirements
13. Downgradient wells for the three aquifer unit requirements
14. Surface water and groundwater interaction monitoring
15. Start groundwater sampling at all wells
16. Statistical methods for evaluating groundwater requirements
17. Groundwater monitoring program must be in compliance with 845
18. Within 240 days, must submit statistical calculations from Special Condition 16
19. Within 60 days, must provide analysis of CCR
20. Analysis of all waste streams in basins
21. Groundwater standards for Silty Clay/Silt unit requirements
22. Groundwater standards for the Sand and Gravel unit requirements
23. Annual consolidated report requirements
24. Groundwater monitoring data submission requirements
25. Groundwater monitor results submitted within 60 days\
26. Annual Groundwater Monitoring and Corrective Action Report requirements
27. Annual consolidated report requirements
28. Addresses to mail to
29. Issuance does not release from prior liabilities
30. All sludges on site shall be disposed of properly
31. Water discharges through NPDES Permit IL0002232

Public Notice of Draft Permit

Public Notice Number MEL:24022801.docx is hereby given by Illinois EPA, Division of Water Pollution Control, Permit Section, 1021 North Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276 (herein Agency) that a draft Coal Combustion Residual Surface Impoundment Operating Permit (CCR) Permit Number 2024-CO-100029 has been prepared under 40 CFR 124.6(d) for Midwest Generation, LLC for discharge into Illinois River from the Powerton Generating Station, 13082 East Manito Rd., Pekin, IL 61554, (Tazewell County).

The application, draft permit and other documents are available for inspection and may be copied at the Agency between 9:30 A.M. and 3:30 P.M. Monday through Friday. A Fact Sheet containing more detailed information is available at no charge. For further information, call the Public Notice Clerk at 217/782-0610.

Interested persons are invited to submit written comments on the draft permit to the Agency at the above address. The NPDES Permit and Joint Public Notice numbers must appear on each comment page. All comments received by the Agency not later than 30 days from the date of this publication shall be considered in making the final decision regarding permit issuance.

Any interested person may submit written request for a public hearing on the draft permit, stating their name and address, the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to these issues in the hearing. Such requests must be received by the Agency not later than 45 days from the date of this publication.

If written comments and/or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing.

Coal Combustion Residual Surface Impoundment Permit No. 2024-CO-100029

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

Coal Combustion Residual Surface Impoundment Operating Permit

Expiration Date:

Issue Date:

Effective Date:

Name and Address of Permittee:

Midwest Generation, LLC
13082 East Manito Rd.
Pekin, IL 61554

Name and Address of Facility:

Midwest Generation, LLC
Powerton Generating Station
13082 East Manito Rd.
Pekin, IL 61554
(Tazewell County)

CCR Impoundment:

W1798010008-01 Ash Surge Basin
W1798010008-03 Metal Cleaning Basin
W1798010008-04 Ash Bypass Basin
W1798010008-05 Former Ash Basin

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 operate a coal combustion residual (CCR) surface impoundment, at the above location in accordance with the standard conditions and attachments herein.

Coal Combustion Residual Surface Impoundment Permit No. 2024-CO-100029 authorizes the operation of the Ash Surge Basin, the Metal Cleaning Basin, the Ash Bypass Basin, and the Former Ash Basin.

Coal Combustion Residual Surface Impoundment Permit No. 2024-CO-100029 does not authorize the closure, corrective action, or any construction for the Ash Surge Basin, the Former Ash Basin, the Ash Bypass Basin, or the Metal Cleaning Basin.

Coal Combustion Residual Surface Impoundment Permit No. 2024-CO-100029 does not authorize the discharge of any wastewater to waters of the United States. NPDES Permit No. IL0002232 authorizes this facility to discharge wastewater to waters of the United States.

Permittee is not authorized to operate after the above expiration date. In order to receive authorization to operate 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.

Darin E. LeCrone P.E.
Manager, Permit Section
Division of Water Pollution Control

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Special Conditions

SPECIAL CONDITION 1: This permit does not relieve the Permittee of the responsibility of complying with the provisions of the State of Illinois Rules and Regulations, 35 Ill. Adm. Code Subtitle B, Air Pollution Control, Chapter 1 and 35 Ill. Adm. Code Subtitle G, Land Pollution Control, Chapter 1. The Permittee may be required to file reports and/or obtain applicable permits through the Illinois EPA's Bureau of Air (BOA) - Division of Air Pollution Control (DAPC) and/or Illinois EPA's Bureau of Land (BOL) – Division of Land Pollution Control (DLPC).

SPECIAL CONDITON 2: This permit does not authorize any construction activities necessary for closure and/or corrective action of the CCR impoundment(s) at the site.

SPECIAL CONDITION 3: The operator shall implement methods for controlling dust, including the Fugitive Dust Control Plan included in Application Log No. 2021-100029, so as to prevent wind dispersal of particulate matter off-site.

SPECIAL CONDITION 4: A permanent sign shall be maintained at each CCR impoundment that contains the information required under 35 IAC, Section 845.130.

SPECIAL CONDITION 5: The written Emergency Action Plan (EAP), shall be maintained by the facility. The EAP and all amendments must be placed in the facility's operating record. Upon activation of the EAP, the facility must notify Illinois EPA in writing within 30 days of activation and place all corresponding documentation in the facility operating record. The permittee may amend the EAP at any time but must amend the EAP when there is a change in conditions that would substantially affect the EAP.

SPECIAL CONDITION 6: The written closure plan has been submitted as part of Permit Application Log No. 2021-100028. The closure plan and all amendments must be placed in the facility's operating record. The permittee may amend the written closure plan at any time but must amend the closure plan when there is a change in a CCR surface impoundment that would substantially affect the written closure plan, and before closure activities have started or unanticipated events necessitate a revision. The closure plan shall be amended at least 60 days before a planned change and within 60 days after an unanticipated event.

SPECIAL CONDITION 7: The permittee shall provide and maintain financial assurance in accordance with Part 845 Subpart I.

SPECIAL CONDITION 8: The Safety and Health Plan and accompanying certification has been submitted as part of Permit Application Log No. 2021-100029. The plan must be updated annually and on an as needed basis. The Safety and Health Plan and all amendments must be placed in the facility operating record.

SPECIAL CONDITION 9: All CCR impoundments and any lateral expansion of a CCR surface impoundment must be inspected by a qualified person on a weekly basis and after each 25-year, 24-hour storm event. All CCR surface impoundment instrumentation must be inspected at least every 30 days. A report for each inspection shall be generated and placed into the facility operating record.

SPECIAL CONDITION 10: Each CCR Surface impoundment must be inspected on an annual basis by a qualified Professional Engineer, in accordance with 35 IAC 845.540. An inspection report must be completed and included with the Annual Consolidated Report, as specified in Special Condition 29.

SPECIAL CONDITION 11: Within 90 days of the effective date of this operating permit, the facility must install and monitor as a part of the groundwater monitoring network at one additional downgradient well, MW-21D, in the Sand and Gravel Unit and two additional down gradient wells, MW-22 and MW-23 in the Silty Clay/Silt Unit. MWG must also install and monitor for groundwater elevations two piezometers in the fill unit, P-1 and P-2, and install and monitor for surface water elevations one staff gage in the Lost Creek. The piezometers must be installed with 10 feet screens, placed with the bottom of the screen installed at the bottom of the fill sand or top of the native soils.

SPECIAL CONDITON 12: The background wells for the three migration pathways are as follows:

- a) Silty Clay/Silt Unit —MW-16.
- b) Sand and Gravel Unit— MW16.

SPECIAL CONDITION 13: The downgradient wells for the three migration pathways are as follows:

- a) Silty Clay/Silt Unit —MW-06, MW-14, Newly installed well MW-22, Second newly installed well MW-23.
- b) Sand and Gravel Unit— MW-01, MW02, MW03, MW04, MW05, MW-07, MW-10, New well installed MW-21D.

SPECIAL CONDITION 14: Surface water and groundwater interaction monitoring and sand and gravel aquifer unit groundwater monitoring includes surface water elevations and groundwater elevations collected and reported in accordance with 35 IAC

Special Conditions

845.610(e)(3)(C), 35 IAC 845.640(c)(1) and (3), and 35 IAC 845.650(b)(2). The groundwater and surface water elevation monitoring locations are as follows:

- a) Surface water—the Illinois River USGS staff gage at Kingston Mines and one new staff gage, installed in the Lost Creek.
- b) Groundwater:
 - 1. Fill Sand connected to the Sand and Gravel Unit—two newly installed piezometers, P-1 and P-2. .
 - 2. Silty Clay/Silt Unit— MW-06, MW-12, MW-14, MW-15, MW-17, MW-18MW-22, MW-23.
 - 3. Sand and Gravel Unit—MW-01, MW02, MW03, MW04, MW05, MW-07, MW-09, MW-11, MW-16, MW-19MW-21D.

MWG must install the silty clay/silt and sand and gravel unit groundwater monitoring wells, fill unit piezometers and staff gages within 90 days of the issuance of this permit.

After completion of the initial surface water/groundwater interaction investigation, lasting 2 calendar years, the necessity of additional wells to monitor storm water infiltration and flooding recharge will be assessed by MWG. A report for review and approval by the Agency will be provided to the Agency by the end of 2.5 years from the beginning of the groundwater and surface water elevation monitoring.

SPECIAL CONDITION 15: Within 30 days of the effective date of this operating permit, the facility must initiate groundwater sampling and analysis in accordance with 35 IAC Section 845.640 at every well. Compliance with Section 845.640(a) requires the collection and submission of monitoring data during annual reporting of laboratory reports, field documents and records of collection and analysis, and documentation of environmental data compliant with SW 846.

SPECIAL CONDITION 16: Within 90 days of the effective date of this permit, the permittee must select a statistical method for evaluating groundwater monitoring data, pursuant to Section 845.640(f)(1), and notify Illinois EPA of the chosen statistical method. The permittee must use the data from the groundwater monitoring program required by this permit to conduct the statistical analysis. Data to be provided or an amended Attachment 9-4 of the Initial Operating Permit Application is as follows:

- a) Outlier analysis must be struck from Attachment 9-4 or revised to adhere to the following for any laboratory analyzed constituent listed in 35 IAC 845.600:
 - 1. Verified data from a NELAP certified laboratory is representative of the aquifer properties analyzed. Outliers cannot be evaluated for exclusion from any dataset without explicit data validation identifying discrepancies from the laboratory and/or field procedures that would qualify a data point to be considered an outlier. Midwest Generation must use the USEPA data validation procedures to determine when or if a data point is to be excluded from a data set. (EPA QA/G-8).
- b) All input data sets for each constituent must be provided in a table in accordance with SW-846 chapter 1, incorporated by reference in 35 IAC 845. Chapter 1 of SW846 states that regulatory decisions must be made with environmental data.
- c) All data sets, used for statistical analysis of background, must be within the last eight consecutive quarterly sampling events in order to validate the statistical methods for recent activity (35 IAC 845.650(b));
- d) Non-parametric statistical analysis must be provided to the Agency for review and approval each time that a non-parametric data set occurs.

SPECIAL CONDITION 17: Within 30 days of the effective date of this permit, the groundwater monitoring program must be in compliance with 35 IAC 845.650 at all wells.

- a. The permittee must analyze each sample for the constituents listed in 845.600(a), calcium and turbidity.
- b. When analyzing groundwater quality, the permittee must measure total recoverable metals pursuant to Section 845.640(i).
- c. The permittee must collect a minimum of eight independent samples from each background and downgradient well within 550 days of operating permit issuance.

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- d. After background groundwater monitoring has been completed, the permittee must conduct monitoring pursuant to Section 845.650(b).

SPECIAL CONDITION 18: Within 640 days of the effective date of this permit, the permittee must submit statistical calculations using the method selected in Special Condition 16. As part of this submittal, the applicant must provide a groundwater protection standard for each constituent, the statistical evaluations and calculations including the raw data used, and a description of any assumptions used when calculating the groundwater protection standards.

SPECIAL CONDITION 19: Within 60 days of the effective date of the operating permit, the permittee must provide an analysis of the coal combustion residual located inside the Former Ash Basin, Ash Surge Basin, Metal Cleaning Basin, and Ash Bypass Basin, if any remains and in the embankments of the Former Ash Basin, Ash Surge Basin, Metal Cleaning Basin, and Ash Bypass Basin. The samples must be compliant with the sampling requirements of SW 846 pursuant to 845.230(d)(2)(B).

SPECIAL CONDITION 20: Within 60 days of the effective date of this permit, the permittee must provide an analysis of all waste streams entering or currently at the Former Ash Basin, Ash Surge Basin, Metal Cleaning Basin, and Bypass Basin. Sources that have historically discharged in the Former Ash Basin, Ash Surge Basin, Metal Cleaning Basin, and Bypass Basin include: coal pile runoff, gas side metal cleaning waste, plant drains, yard runoff, roof drains, road runoff. For each of these sources and any other sources not identified, the permittee must provide an analysis of the waste stream compliant with the sampling requirements of SW 846 pursuant to 845.230(d)(2)(C) or a statement that the identified source is no longer discharging and the approximate date of the last discharge.

SPECIAL CONDITION 21: The groundwater standards at the waste boundary for the Silty Clay/Silt unit are:

<u>Pollutant</u>	<u>Concentration</u>
Antimony	0.006 mg/L
Arsenic	0.010 mg/L
Barium	2.0 mg/L
Beryllium	0.004 mg/L
Boron	4.7 mg/L
Cadmium:	0.005 mg/L
Chloride:	200 mg/L
Chromium:	0.1 mg/L
Cobalt:	0.006 mg/L
Fluoride:	4.0 mg/L
Lead:	0.0075 mg/L
Lithium:	0.04 mg/L
Mercury:	0.002 mg/L
Molybdenum:	0.1 mg/L
pH:	6.5-9.0 units
Selenium:	0.05 mg/L
Sulfate:	400 mg/L
Thallium:	0.002 mg/L
Total Dissolved Solids:	1200 mg/L
Radium 226 and 228 combined:	5 pCi/L

If the statistical analysis performed as part of Special Condition 19 determines a groundwater protection standard that is higher than the currently permitted limits, the applicant may submit a permit application modification to modify the above standards. Chloride and pH will only be amended through statistical analysis during permit renewal.

After review and approval of initial background concentrations by the Agency, background concentrations for constituents listed in 35 IAC 845.600(a) will only be evaluated for changes during permit renewal and after implementation and completion of construction permits.

SPECIAL CONDITION 22: The groundwater standards at the waste boundary for the Sand and Gravel unit are:

<u>Pollutant</u>	<u>Concentration</u>
Antimony	0.006 mg/L
Arsenic	0.010 mg/L
Barium	2.0 mg/L
Beryllium	0.004 mg/L
Boron	4.7 mg/L
Cadmium:	0.005 mg/L

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Chloride:	200 mg/L
Chromium:	0.1 mg/L
Cobalt:	0.006 mg/L
Fluoride:	4.0 mg/L
Lead:	0.0075 mg/L
Lithium:	0.04 mg/L
Mercury:	0.002 mg/L
Molybdenum:	0.1 mg/L
pH:	6.5-9.0 units
Selenium:	0.05 mg/L
Sulfate:	400 mg/L
Thallium:	0.002 mg/L
Total Dissolved Solids:	1200 mg/L
Radium 226 and 228 combined:	5 pCi/L

If the statistical analysis performed as part of Special Condition 19 determines a groundwater protection standard that is higher than the currently permitted limits, the applicant may submit a permit application modification to modify the above standards. Chloride and pH will only be amended through statistical analysis during permit renewal.

After review and approval of initial background concentrations by the Agency, background concentrations for constituents listed in 35 IAC 845.600(a) will only be evaluated for changes during permit renewal and after implementation and completion of construction permits.

SPECIAL CONDITION 23: Annual consolidated reports must contain the following items in accordance with Section 845.550, 845.500(c), 845.540(b)(3), and 845.610(e):

Fugitive Dust Control Report in accordance with Section 845.500(c);

Annual Inspection Report in accordance with Section 845.540(b)(2);

Groundwater Monitoring and Corrective Action Report in accordance with Section 845.610(e)(3) and (e)(4); documentation in the report must satisfy Section 845.640(a), (b), (c),

SPECIAL CONDITION 24: The permittee must maintain a written operating record at the facility. Each record must be retained for at least three years past the date the Agency approved the owner's or operator's request to terminate post-closure care, when closure is with a final cover system, or the completion of groundwater monitoring under Section 845.740(b), when closure is by removal. Records for each individual surface impoundment must be identified by name and identification number.

The permittee must place the following information, as it becomes available, in the facility's operating record:

- a. Copies of all permit applications and permits;
- b. Documentation recording the public meetings held under Section 845.240;
- c. Weekly CQA reports under Section 845.290(b);
- d. Hazard potential classification assessments for CCR surface impoundments (see Section 845.440(a)(3)(D));
- e. Structural stability assessments for CCR surface impoundments (see Section 845.450(d)(4));
- f. Safety factor assessments for CCR surface impoundments (see Section 845.460(c)(4));
- g. The CCR fugitive dust control plan and any subsequent amendment of the plan (see Section 845.500(b)(6)), except that only the most recent fugitive dust control plan must be maintained in the facility's operating record, irrespective of the time requirement specified in subsection (b);
- h. Inflow design flood control system plans for CCR surface impoundments (see Section 845.510(c)(4)(D));
- i. Emergency Action Plan (see Section 845.520(a)), except that only the most recent EAP must be maintained in the facility's operating record irrespective of the time requirement specified in subsection (b);

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- j. Documentation prepared by the owner or operator recording all activations of the EAP (see Section 845.520(f));
- k. Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR surface impoundment and the local emergency responders (see Section 845.520(g));
- l. Safety and Health Plan (see Section 845.530(a));
- m. Documentation recording the results of each inspection and instrumentation monitoring by a qualified person (see Section 845.540(a)(2));
- n. Annual consolidated report (see Section 845.550), which contains the following:
 - 1. The annual CCR fugitive dust control report (see Section 845.500(c));
 - 2. The annual inspection report (see Section 845.540(b)(3)); and
 - 3. The annual groundwater monitoring and corrective action report (see Section 845.610(e));
- o. All groundwater monitoring data submitted to the Agency and any analysis performed (see Section 845.610(b)(3)(D) and 845.640(a), (b), and (c));
- p. Within 30 days after detecting one or more monitored constituents above the groundwater protection standard, the notifications required by Section 845.650(d) and (e);
- q. The semi-annual report describing the progress in selecting and designing the remedy (see Section 845.670(a));
- r. Within 30 days after completing implementation of the corrective action plan, the notification required by Section 845.680(e);
- s. USEPA-approved or denied demonstration as required by Section 845.700(d)(2)(F);
- t. The preliminary written closure plan and any amendment of the plan (see Section 845.720(a)) except that only the most recent closure plan must be maintained in the facility's operating record, irrespective of the time requirement specified in subsection (b);
- u. The written demonstrations, including the certification required by Section 845.730(b)(3), for a time extension for initiating closure (see Section 845.730(b)(2)); 22) The notification of intent to close a CCR surface impoundment (see Section 845.730(d));
- v. The monthly reports for closure by removal (see Section 845.740(d));
- w. The closure report and certification (see Section 845.760(e)(3)), or the completion of groundwater monitoring report and certification (see Section 845.740(f)); completion of groundwater monitoring in accordance with Section 845.740 with concurrence of the Agency must be in the record;
- x. The notification of completion of closure of a CCR surface impoundment (see Section 845.760(f));
- y. The notification recording a notation on the deed (see Section 845.760(h));
- z. The preliminary written retrofit plan for a CCR surface impoundment (see Section 845.770(a)(3));
- aa. The notification of intent to initiate retrofit of a CCR surface impoundment (see Section 845.770(d));
- bb. The retrofit completion report and certification (see Section 845.770(g)(3));
- cc. The notification of completion of retrofit activities (see Section 845.770(h));
- dd. The notification of completion of post-closure care period (see Section 845.780(f));
- ee. The completion of CCR removal and decontamination report and certification (see Section 845.740(e)); and

CCR Impoundment Permit No. 2021-CO-100029

Special Conditions

- ff. The most current cost estimates (see Section 845.940(d)).

SPECIAL CONDITION 25: All groundwater monitoring data and resulting analysis must be submitted to Illinois EPA within 60 days after completion of sampling and must be placed into the facility operating record.

SPECIAL CONDITION 26: The permittee shall prepare an Annual Groundwater Monitoring and Corrective Action Report each year. The Annual Groundwater Monitoring and Corrective Action Report shall be submitted to Illinois EPA as part of the Annual Consolidated Report required in Special Condition 24, and must be placed into the facility operating record. The annual report shall include at a minimum and to the extent available:

- a. A map, aerial image, or diagram showing the CCR surface impoundment, all background (or upgradient) and downgradient monitoring wells, including the well identification numbers, that are part of the groundwater monitoring program for the CCR surface impoundment, and a visual delineation of any exceedances of the groundwater protection standards;
- b. Identification of any monitoring wells that were installed or decommissioned during the preceding year, along with a narrative description of why those actions were taken;
- c. A potentiometric surface map of each monitored groundwater migration pathway unit (Fill Unit, Silty/Clay-Silt Unit and Sand and Gravel Unit) for each groundwater elevation sampling event required by Section 845.650(b)(2);
- d. Monitoring data must include analytical results, documentation of field sampling procedures, and laboratory reports in accordance with 35 IAC 845.640(a).
- e. An assessment of corrective measures, corrective action plans, interim corrective measures and any other corrective action measures conducted during the year must be summarized and/or documented in the submission of the annual groundwater monitoring and corrective action report in accordance with 35 IAC 845.610(e) and 35 IAC 845.550(3).
- f. In addition to all the monitoring data obtained in the year, a summary including the number of groundwater samples that were collected for analysis for each Illinois EPA approved background and downgradient well, and the dates the samples were collected;
- g. In accordance with 35 IAC 845.610(e), a narrative discussion of any statistically significant increases over background levels for the constituents listed in Section 845.600. Any statistically significant increases over background concentrations for one or more constituents listed in 35 IAC 845.600 must be identified and summarized or documented in accordance with 35 IAC 845.610(e)(4). Corrective action assessments, planning, and actions must be documented in accordance with 35 IAC 845.610(e); and
- h. All other information required to be included in the annual report as specified in 35 IAC 845 Subpart F.

SPECIAL CONDITION 27: The Annual Consolidated report each calendar year shall be submitted to the Illinois EPA by January 31 of the following year and placed into the facility operating record. The Annual Consolidated Report shall consist of the following:

- a. The Annual CCR fugitive dust control report.
- b. The Annual Inspection Report, which may include:
 1. Annual Hazard potential certification, if applicable.
 2. Annual structural stability assessment certification, if applicable.
 3. Annual Safety factor assessment certification, if applicable.
 4. Inflow design flood control system certification, if applicable.
- c. The Annual Groundwater Monitoring and Corrective Action Report.

SPECIAL CONDITION 28: All certifications, logs, reports, plan sheets, notices, and groundwater and leachate monitoring data required to be submitted to the Illinois EPA by the permittee shall be mailed to the following address:

Special Conditions

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

Information submittals transmitted by FedEx or UPS shall be mailed to the following address:

Illinois Environmental Protection Agency
Compliance Assurance Section
Bureau of Water
1021 North Grand Avenue East
Springfield, Illinois 62702

Electronic groundwater monitoring data shall be emailed to Illinois EPA at the following email address:
EPA.BOW.GWS.CCR@illinois.gov

Except for electronic groundwater and leachate monitoring data, the operator shall provide the Illinois EPA with the original and two (2) copies of all certifications, logs, reports, and plan sheets required by this permit.

SPECIAL CONDITION 29: Issuance of this permit does not release the Permittees from any liability for prior violations of the Act or Rules and Regulations promulgated thereunder.

SPECIAL CONDITION 30: All sludges generated on site shall be disposed of at a site and in a manner acceptable to the Agency.

SPECIAL CONDITION 31: All discharges to a Water of the United States shall be governed by NPDES Permit No. IL0002232.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-0610

Midwest Generation, LLC
13082 East Manito Road
Pekin, Illinois 61554

Re: Midwest Generation, LLC
Powerton Generating Station
Coal Combustion Residual Surface Impoundment Operating Permit No. 2024-CO-100029
Bureau ID: W1798010008
Draft Permit

Dear Permittee:

Attached to this letter is a copy of the draft Permit, Public Notice/Fact Sheet for your facility. The Agency proposes to issue the Coal Combustion Residual Surface Impoundment Operating Permit for your facility as shown in the draft Permit.

Fifteen days from the date of this letter, the Agency proposes to distribute the attached Public Notice/Fact Sheet statewide. If you have objections to the content of the Public Notice/Fact Sheet, a written statement must be received by the Agency at the indicated address, attention: CCR PN Clerk within 10 days.

The Agency will receive comments regarding the Permit for a period of 45 days after the Public Notice is issued. If you wish to comment or object to any of the terms and conditions of the Permit, you must state the objections in writing prior to the end of the public notice. The Agency may or may not change the Permit based on comments received from you or the public.

If you should have questions or comments regarding the above, please contact Mark E. Liska at 217/782-0610.

Sincerely,

Darin E. LeCrone, P.E.
Manager, Permit Section
Division of Water Pollution Control

DEL:MEL:24022801.docx

Attachments: Draft Permit, Public Notice/Fact Sheet

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

PLEASE PRINT ON RECYCLED PAPER



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

cc: Records Unit
 Compliance Assurance Section

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

MEMORANDUM

DATE:

TO: Manager, DWPC/FOS, Peoria Region

FROM: Darin E. LeCrone, Manager, Permit Section

SUBJECT: Midwest Generation, LLC
Powerton Generating Station
Coal Combustion Residual Surface Impoundment Operating Permit No.
2024-CO-100029
Bureau ID: W1798010008
Draft Permit, Public Notice/Fact Sheet

Please review the attached copy of the subject documents, and notify the Industrial Unit if you take exception to the limitations, sampling frequency, sample type or other requirements therein.

If no response is received within fifteen (15) days from the date of this memorandum, we will assume that you concur in the issuance of the Public Notice.

If you have any questions, please contact Mark E. Liska at 217/782-0610.

Thank you for your cooperation.

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Attachments: Draft Permit, Public Notice/Fact Sheet

cc: Records Unit

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
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PLEASE PRINT ON RECYCLED PAPER



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-0610

Municipal Clerk
111 South Capitol Street
Pekin, Illinois 61554

Re: Midwest Generation, LLC
Powerton Generating Station
Coal Combustion Residual Surface Impoundment Operating Permit No. 2024-CO-100029
Bureau ID: W1798010008
Public Notice of Permit

Municipal Clerk:

In accordance with the requirements of the Illinois Pollution Control Board regulations of 35 Ill. Adm. Code 845.260, the attached Coal Combustion Residual Surface Impoundment Operating Permit Public Notice is sent to a municipality in the vicinity of the applicant. The Agency understands that the applicant may not be associated with the municipality to which it is sent.

Please post the attached Coal Combustion Residual Surface Impoundment Public Notice for a period of 45 days. In addition, please complete and return the enclosed postcard indicating the date of posting. Should you choose not to post the attached notice, please indicate so on the postcard and return.

Thank you for your cooperation.

Sincerely,

Darin E. LeCrone, P.E.
Manager, Permit Section
Division of Water Pollution Control

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Attachments: Public Notice/Fact Sheet, Post Card

cc: Records Unit



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-0610

Midwest Generation, LLC
13082 East Manito Road
Pekin, Illinois 61554

Re: Midwest Generation, LLC
Powerton Generating Station
Coal Combustion Residual Surface Impoundment Operating Permit No. 2024-CO-100029
Bureau ID: W1798010008

Dear Permittee:

Attached is the final Coal Combustion Residual Surface Impoundment Operating Permit for your facility. The Permit as issued covers monitoring and related 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 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 Mark E. Liska at 217/782-0610.

Sincerely,

Darin E. LeCrone, P.E.
Manager, Permit Section
Division of Water Pollution Control

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Attachment: Final Permit

cc: Records
Compliance Assurance Section
Peoria Region
Billing
USEPA

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
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