

IN THE CIRCUIT COURT FOR THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS
CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State of Illinois,)
and *ex rel.* JAMES W. GLASGOW,)
State's Attorney for Will County, Illinois,)

Plaintiff,)

v.)

EXELON CORPORATION, a)
Pennsylvania corporation,)
COMMONWEALTH EDISON)
COMPANY, an Illinois corporation and)
EXELON GENERATION COMPANY,)
LLC, a Pennsylvania limited liability)
company,)

Defendants.)

No.

~~0.6 MR 248~~

06 MAR 16 AM 9:01
CLERK, CIRCUIT COURT
WILL COUNTY, ILLINOIS

FILED

COMPLAINT

NOW COMES the PLAINTIFF, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, and *ex rel.* JAMES W. GLASGOW, State's Attorney for Will County, and complains of the Defendants EXELON CORPORATION, COMMONWEALTH EDISON COMPANY and EXELON GENERATION COMPANY, LLC, and in support thereof states and alleges as follows:

I. VIOLATIONS BY DEFENDANTS EXELON CORPORATION, COMMONWEALTH EDISON COMPANY AND EXELON GENERATION COMPANY, LLC RELATED TO RELEASES OF TRITIUM TO THE ENVIRONMENT

Initial case management set for
Tuesday at: 8:30 am
At River Valley Justice Center

12/1

COUNT I

WATER POLLUTION

1. This Count is brought on behalf of the people of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, and James W. Glasgow, State's Attorney for Will County, on their own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/42(d) and (e)(2004).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2004), and charged, *inter alia*, with the duty of enforcing the Act.

3. Defendant EXELON CORPORATION, is a Pennsylvania corporation authorized to do business in Illinois with its principal place of business in Chicago, Illinois. Since 2000, EXELON CORPORATION has been the parent company of both COMMONWEALTH EDISON COMPANY and EXELON GENERATION COMPANY, LLC, and conducts its nuclear power generation business and electrical distribution business through these entities.

4. Defendant COMMONWEALTH EDISON COMPANY ("ComEd") is an Illinois corporation with its principle place of business in Chicago, Illinois. ComEd was the owner and operator of the facility that is the subject matter of this Complaint until a precise time, better known to the Defendants, in 2000, when it became a subsidiary of EXELON CORPORATION.

5. Defendant EXELON GENERATION COMPANY, LLC (“Exelon Generation”) is a Pennsylvania limited liability company with its principle place of business in Kennett Square, Pennsylvania. Exelon Generation was formed in 2000 to conduct the power generation portion of EXELON CORPORATION’s business.

6. Defendants owned and operated as further described in this Complaint the Braidwood Nuclear Generating Station a nuclear power generating facility located in Braceville, Will County, Illinois. (Hereinafter, all property owned by the Defendants in and around Braceville shall be referred to as the “Facility” and that portion of the Facility encompassing the power generation plant, including the nuclear reactors, shall be referred to as the “Station”.) The Station includes, among other things, two pressurized water nuclear reactors. The Facility includes a cooling pond, as well as property for pipeline access extending to the Kankakee River. The Village of Godley, population approximately 687, is located just to the west and south of the Station. The Village of Braidwood, population approximately 5,965, is located approximately two miles to the north of the Station.

7. Operations at the Station generate tritium, a radioactive isotope of hydrogen.

8. Tritium atoms can replace the non-radioactive hydrogen atoms in ordinary water (H₂O) to form tritiated water (HTO). Human exposure to tritium occurs primarily through ingestion of tritiated water. Tritiated water, when ingested, is distributed through the human body in the same manner as ordinary water.

9. Human exposure to tritium increases the risk of developing cancer.

10. At the Facility, Defendants own and operate an underground pipe that runs approximately four and one half miles from the Station to the Kankakee River, and is known to the Defendants as the blowdown line. The blowdown line is located on property owned by the Defendants, but runs adjacent to private and public property including a forest preserve and nature area.

11. The blowdown line operates as a conduit, at various times, for discharges of tritiated water directly to the Kankakee River as authorized by the Nuclear Regulatory Commission ("NRC"). Defendant ComEd possesses a National Pollutant Discharge Elimination System ("NPDES") permit applicable to the blowdown line (Permit No. IL0048321) originally issued on August 24, 1995 by Illinois EPA ("NPDES Permit"). See Exhibit 1, attached to and hereby incorporated by reference into this Complaint. The NPDES Permit authorizes and regulates the discharge from the blowdown line of wastewater treatment plant effluent, sewage treatment plant effluent, radwaste treatment system effluent, and demineralizer regenerant wastes to an outfall in the Kankakee River. As of the filing of this Complaint, NPDES Permit No. IL0048321 remains in full force and effect.

12. At various times since at least 1996, tritiated water and other wastewaters have leaked and discharged from the Facility including the blowdown line, into the groundwater beneath the Facility as well as groundwater outside the property boundary of the Facility. The release and discharge of tritiated water and other wastewaters to the groundwater beneath the Facility and groundwater outside the property boundaries is not authorized by Defendants' NPDES Permit or by any regulatory agency.

13. The blowdown line incorporates eleven vacuum breakers, which, in the ordinary course of operation, function to admit air into the blowdown line to prevent the formation of a vacuum within the pipe. These vacuum breakers are numbered from one to eleven, in ascending order from the Station to the Kankakee River. See vacuum breaker map, Exhibit 2, attached to and hereby incorporated by reference into this Complaint.

14. Due to the Defendants' inadequate maintenance and operational procedures in both maintaining the vacuum breakers and operating the blowdown line, the vacuum breakers have, at various times, failed, causing the release of liquids flowing through the blowdown pipe, including tritiated water and other contaminants. These releases have entered the vacuum breaker housing and flowed through the unlined bottom of the housing into groundwater and have also flowed up through the manhole onto the surrounding land surface, which allowed it to percolate into the groundwater.

15. Tritiated releases from vacuum breakers occurred at least in 1996, 1998 and 2000, and at other times better known to the Defendants.

16. In 1996, a release estimated by Defendants to be at least 40,000 gallons of tritiated waste water and other contaminants occurred from vacuum breaker number 1 ("VB1"). VB1 is located nearest to the nuclear reactor and is adjacent to a ditch which runs along the east, north and west perimeters of the Station. This ditch flows to the north, around the reactor facility and then south toward the town of Godley. Tritiated wastewaters and other contaminants from this release flowed around VB1 on the surface, migrated to groundwater and also entered the ditch. Tritiated water remains in the groundwater around VB1.

17. Defendant ComEd was aware of the release described in paragraph 16 on or about the time of its occurrence, but did not notify Illinois EPA or local officials or agencies of the release at that time. Nor did ComEd undertake any measures to contain or remediate this release.

18. In 1998 a release of water, including tritiated water and other contaminants, estimated by Defendants to be at least 3 million gallons occurred at vacuum breaker 3 ("VB3"). This release resulted in ponded tritiated water and other contaminants on the ground near VB3, and on lands adjacent thereto. Tritiated water remains in the groundwater near this release.

19. Defendant ComEd was aware of the release described in paragraph 18 on or about the time of its occurrence, but did not notify Illinois EPA or local officials or agencies of the release at that time. Nor did ComEd undertake any measures to contain or remediate this release.

20. In 2000, a release estimated by Defendants to be 3 million gallons, including tritiated water and other contaminants, occurred from vacuum breaker 2 ("VB2"). Defendants recovered some of the released water, but an unknown amount soaked into the groundwater. Tritiated water remains in the groundwater near this release.

21. Defendants did not notify Illinois EPA or local officials or agencies of the release at that time. A citizen advised the Illinois EPA of ponded water near VB2 and the Illinois EPA notified Defendants of the release. At no time did Defendants tell Illinois EPA that the release contained tritiated water.

22. As a result of releases from VB2 and VB3, a plume of tritiated water is present near those vacuum breakers. This plume has extended through the groundwater to the north through a surface water pond, resulting in the presence of tritiated waters in the pond, and from there into groundwater to the north and west off of the Facility. This tritium groundwater contaminant plume extends under property owned by private citizens.

23. At times better known to Defendants, four additional areas have been impacted by releases of tritium near vacuum breakers 4, 6 and 7, as well as near and to the west of the Station. The release from vacuum breaker 4 ("VB4") has resulted in tritium contamination of the groundwater in excess of 20,000 pCi/L (picocuries per liter) within property owned by the Will County Forest Preserve District.

24. The Defendants did not investigate potential groundwater impacts resulting from any of the releases alleged above until 2005, when requested to do so by the Illinois EPA. Illinois EPA learned of the potential groundwater impacts during the Defendants' renewal process for the NPDES permit.

25. Sampling conducted by Defendants on or about December 12, 2005 at a location outside the property boundary of the Facility indicated elevated levels of tritium contained in the groundwater, at the following locations that are indicated on the map attached to and hereby incorporated by reference into this Complaint as Exhibit 3:

| | | |
|------|----------------|---------------|
| RW-2 | 10.5 ft. depth | 58,621 pCi/L |
| RW-2 | 20.5 ft. depth | 170,024 pCi/L |
| RW-2 | 25 ft. depth | 223,888 pCi/L |

Detection limits = 200 pCi/L.

26. Sampling conducted by Defendants on or about December 6, 2005 at five locations outside the property boundary of the Facility and one (P-4) within property boundaries, indicated elevated levels of tritium in the groundwater. Samples, showing the following results, were taken at the locations as indicated on Exhibit 3, as follows:

| | |
|--------|--------------|
| VB-3-4 | 58,489 pCi/L |
| VB-3-3 | 43,894 pCi/L |
| VB-3-2 | 32,830 pCi/L |
| VB-3-6 | 53,572 pCi/L |
| P-4 | 33,736 pCi/L |
| RW-2 | 33,736 pCi/L |

Detection limits = 200 pCi/L

27. As of the filing of this Complaint, at least one private well on a horse farm located to the north of the Facility boundary has been impacted by these releases. Sampling conducted by Defendants on December 6, 2005 at that well indicated an elevated level of tritium contained in the well water, measuring 1,550 pCi/L. The contamination in the private well located off site is a result of the plume of tritium extending from the 1998 release from VB3.

28. Section 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2004), provides as follows:

No person shall:

- a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

- d) Deposit contaminants upon the land in such place or manner so as to create a water pollution hazard.

29. Section 3.165 of the Act, 415 ILCS 5/3.165 (2004), defines "contaminant" as follows:

"CONTAMINANT" is any solid, liquid or gaseous matter, any odor or any form of energy, from whatever source.

Tritium is a "contaminant" as that term is defined in section 3.165 of the Act, 415 ILCS 5/3.165 (2004).

30. Section 3.315 of the Act, 415 ILCS 5/3.315 (2004), defines "person" as follows:

"PERSON" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

31. Defendants are each a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2004).

32. Section 3.550 of the Act, 415 ILCS 5/3.550 (2004), defines "waters" as follows:

"WATERS" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

33. The groundwater beneath the Facility, the pond, the water in the private well, and the groundwater outside the property boundary of the Facility are accumulations of waters, surface and underground, and constitute a water of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2004).

34. Section 3.545 of the Act, 415 ILCS 5/3.545 (2004), defines "water pollution" as follows:

"WATER POLLUTION" is such alteration of the physical, thermal, chemical, biological or radioactive properties of any water of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

35. The tritium released from the Facility percolated to and entered groundwater in aquifers at and around the Facility. The tritium has moved through and will continue to move through the groundwater.

36. Tritium entering the groundwater as alleged herein altered the radioactive and other properties of the groundwater, created a nuisance, is harmful, detrimental or injurious to public health, safety or welfare and to the environment and thus constitutes water pollution within the meaning of Section 12(a) of the Act, 415 ILCS 5/12(a)(2004).

37. From on or before 1996, on dates better known to the Defendants and continuing to the date of the filing of this Complaint, the Defendants violated Section 12(a) of the Act, by causing and allowing tritium from their operations to enter the groundwater from the time the tritium was released to the environment to the present. Furthermore, the violation of Section 12(a) will continue until such time as the tritium is removed from the groundwater.

38. From on or before 1996, on dates better known to the Defendants and continuing to the date of the filing of this Complaint, the Defendants violated Section 12(d) of the Act by depositing contaminants upon the land in such place and manner so as to create a water pollution hazard. Furthermore, the violation of Section 12(d) will continue until such time as the contaminants are removed from the groundwater.

39. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favor of Plaintiff and against Defendants on this Court I:

1. Finding that Defendants have violated Section 12(a) and (d) of the Act;
2. Enjoining Defendants from any future violations of Section 12(a) and (d) of the Act;
3. Entering an injunction ordering the Defendants to:
 - a. Cease use of the blowdown line for the discharge of tritiated water until further order of the Court; and,

In accordance with a plan acceptable to the Plaintiff and this Honorable Court:

- b. Prevent further migration of the contaminants released by the Defendants present in the groundwater at and near the Facility;
 - c. Implement measures to prevent the release of any contaminant from the Facility;
 - d. Fully characterize the nature and extent of all soil and groundwater contamination caused by the releases, including identifying background contaminant levels and the future flow of contaminant plumes in groundwater;

e. Immediately provide at Defendant's expense a potable drinking water source to all people affected by the violations alleged herein in an amount and quality sufficient to meet the daily needs of said people; and,

f. Eliminate any threat to the use of groundwater by citizens in the area impacted by releases from the plant.

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Defendants for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;

5. Assessing all costs against Defendants including expert witness, consultant, and attorney fees; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT II

EXCEEDING GROUNDWATER STANDARDS

1-36. The Plaintiff realleges and incorporates herein by reference paragraphs 1 through 36 of Count I and paragraphs 1 through 36 of this Count II.

37. Section 620.115 of the Illinois Pollution Control Board ("Board") Groundwater Regulations, 35 Ill. Adm. Code 620.115, provides as follows:

No person shall cause, threaten or allow a violation of the Act, the IGPA or regulations adopted by the Board thereunder, including but not limited to this Part.

38. Section 620.401 of the Board Groundwater Regulations, 35 Ill. Adm. Code 620.401, provides as follows:

Groundwaters must meet the standards appropriate to the groundwater's class as specified in this Subpart and the nondegradation provisions of Subpart C.

39. Section 620.405 of the Board Groundwater Regulations, 35 Ill. Adm. Code 620.405, provides as follows:

No person shall cause, threaten or allow the release of any contaminant to groundwater so as to cause a groundwater quality standard set forth in this Subpart to be exceeded.

40. The groundwater underneath and surrounding the Facility is a Class I Potable Resource Groundwater, subject to the standards at 35 Ill. Adm. Code 620.410.

41. Section 620.410 of the Board Groundwater Regulations, 35 Ill. Adm. Code 620.410, which contains the Groundwater Quality Standards for Class I (Potable Resource Groundwater) provides, in pertinent part, as follows:

e) Beta Particle and Photon Radioactivity

- 1) Except due to natural causes, the average annual concentration of beta particle and photon radioactivity from man-made radionuclides shall not exceed a dose equivalent to the total body organ greater than 4 mrem/year in Class I groundwater. If two or more radionuclides are present, the sum of their dose equivalent to the total body, or to any internal organ shall not exceed 4 mrem/year in Class I groundwater except due to natural causes.
- 2) Except for the radionuclides listed in subsection (e)(3), the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalent must be calculated on the basis of a 2 liter per day drinking water intake using the 168-hour data in accordance with the procedure set forth in NCRP Report Number 22, incorporated by reference at Section 620.125(a).
- 3) Except due to natural causes, the average annual concentration assumed to produce a total body or organ dose of 4 mrem/year of the following chemical constituents shall not be exceeded in Class I groundwater:

| Constituent | Critical Organ | Standard (pCi/L) |
|-------------|----------------|------------------|
| Tritium | Total body | 20,000.0 |

42. The groundwater concentrations of tritium, as alleged in paragraph 25 and paragraph 26, above, each exceeded the standard of 20,000 pCi/L for tritium as promulgated in 35 Ill. Adm. Code 620.410(e)(3).

43. By causing or allowing the exceedance of the groundwater standard promulgated in 35 Ill. Adm. Code 620.410(e)(3), the Defendant violated 35 Ill. Adm. Code 620.115, 35 Ill. Adm. Code 620.405, and 35 Ill. Adm. Code 620.410(e)(3) and, thereby, violated Section 12(a) of the Act, 415 ILCS 5/12(a)(2004).

44. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favor of Plaintiff and against Defendants on this Count II:

1. Finding that Defendants have violated Section 12(a) of the Act , 35 Ill. Adm. Code 620.115, 35 Ill. Adm. Code 620.405, and 35 Ill. Adm. Code 620.410(e)(3);
2. Enjoining Defendants from any future violations of Section 12(a) of the Act, 35 Ill. Adm. Code 620.115, 35 Ill. Adm. Code 620.405, and 35 Ill. Adm. Code 620.410(e)(3);
3. Entering an injunction ordering the Defendants to:
 - a. Cease use of the blowdown line for the discharge of tritiated water until further order of the Court; and,

In accordance with a plan acceptable to the Plaintiff and this Honorable Court:

- b. Prevent further migration of the contaminants released by the Defendants present in the groundwater at and near the Facility;
 - c. Implement measures to prevent the release of any contaminant from the Facility;
 - d. Fully characterize the nature and extent of all soil and groundwater contamination caused by the releases, including identifying background contaminant levels and the future flow of contaminant plumes in groundwater;
 - e. Immediately provide at Defendant's expense a potable drinking water source to all people affected by the violations alleged herein in an amount and quality sufficient to meet the daily needs of said people; and,
 - f. Eliminate any threat to the use of groundwater by citizens in the area impacted by releases from the plant.
4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Defendants for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;
 5. Assessing all costs against Defendants including expert witness, consultant, and attorney fees; and
 6. Granting such other relief as this Court deems appropriate and just.

COUNT III

VIOLATION OF NONDEGRADATION PROVISIONS

1 - 41. The Plaintiff realleges and incorporates by reference herein paragraphs 1 through 38, 40 through 42 of Count II as paragraphs 1 through 41 of this Count III.

42. Section 620.301 of Board Groundwater Regulations, 35 Ill. Adm. Code 620.301, provides, in pertinent part, as follows:

- a) No person shall cause, threaten or allow the release of any contaminant to a resource groundwater such that:
 - 1) Treatment or additional treatment is necessary to continue an existing use or to assure a potential use of such groundwater; or
 - 2) An existing or potential use of such groundwater is precluded.

43. Because of the entry of the tritium into groundwater and the resulting potential threat to human health and the environment, treatment is necessary to continue the existing use of the groundwater and to assure potential use of the groundwater.

44. Because of the entry of the tritium into the groundwater and the resulting potential threat to human health, existing uses of the groundwater and potential uses of the groundwater have been precluded.

45. By causing or allowing the tritium to enter the groundwater so as to require treatment and impair existing and potential uses of the groundwater, the Defendants have violated 35 Ill. Adm. Code 620.115 and 620.301(a)(1) and (2) and, thereby, also violated Section 12(a) of the Act, 415 ILCS 5/12(a)(2004).

46. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue

unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favor of Plaintiff and against Defendants on this Count III:

1. Finding that Defendants have violated Section 12(a) of the Act, 35 Ill. Adm. Code 620.115, and 35 Ill. Adm. Code 620.301(a)(1) and (2);
2. Enjoining Defendants from any future violations of Section 12(a) of the Act, 35 Ill. Adm. Code 620.115, and 35 Ill. Adm. Code 620.301(a)(1) and (2);
3. Entering an injunction ordering the Defendants to:
 - a. Cease use of the blowdown line for the discharge of tritiated water until further order of the Court; and,

In accordance with a plan acceptable to the Plaintiff and this Honorable Court:

- b. Prevent further migration of the contaminants released by the Defendants present in the groundwater at and near the Facility;
- c. Implement measures to prevent the release of any contaminant from the Facility;
- d. Fully characterize the nature and extent of all soil and groundwater contamination caused by the releases, including identifying background contaminant levels and the future flow of contaminant plumes in groundwater;

e. Immediately provide at Defendant's expense a potable drinking water source to all people affected by the violations alleged herein in an amount and quality sufficient to meet the daily needs of said people; and,

f. Eliminate any threat to the use of groundwater by citizens in the area impacted by releases from the plant.

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Defendants for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;

5. Assessing all costs against Defendants including expert witness, consultant, and attorney fees; and

6. Granting such other relief as this court deems appropriate and just.

**II. VIOLATIONS BY DEFENDANTS EXELON CORPORATION,
COMMONWEALTH EDISON COMPANY AND EXELON
GENERATION COMPANY, LLC RELATED TO RELEASES OF
NONRADIOACTIVE WASTES INTO THE ENVIRONMENT**

COUNT IV

**DISCHARGING WASTEWATERS
WITHOUT AN NPDES PERMIT**

1. This Count is brought against Defendants on behalf of the people of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, and James W. Glasgow, State's Attorney for Will County, on their own motion, pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/42(d) and (e)(2004).

2 - 36. The Plaintiff realleges and incorporates by reference herein paragraphs 2 through 36 of Count I as paragraphs 2 through 36 of this Count IV.

37. Section 12(f) of the Act, 415 ILCS 5/12(f)(2004), provides, in pertinent part, as follows:

No person shall:

Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

38. Section 309.102(a) of the Board Water Pollution Control Regulations, 35

Ill. Adm. Code 309.102(a), provides, in pertinent part, as follows:

a) Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

39. In addition to the tritiated waters, the discharges from the vacuum breakers and other discharges, as alleged herein, contained wastewaters regulated by the Facility's NPDES Permit.

40. Each discharge of wastewater from the vacuum breakers was a discharge of contaminants into waters of the State.

41. At no time did the Illinois EPA issue any permit to any of the Defendants for any of the discharges from the vacuum breakers as alleged herein.

42. The discharge of wastewaters at points other than the permitted outfall in the Kankakee River was a discharge without an NPDES permit that constituted a

violation of 35 Ill. Adm. Code 309.102 and Section 12(f) of the Act, 415 ILCS 5/12(f)(2004), by Defendant ComEd for discharges prior to 2000 and by all Defendants in 2000.

43. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favor of Plaintiff and against Defendants on this Count IV:

1. Finding that Defendants violated Section 12(f) of the Act and 35 Ill. Adm. Code 309.102;
2. Enjoining Defendants from any future violations of Section 12(f) of the Act and 35 Ill. Adm. Code 309.102;
3. Entering an injunction ordering Defendants to cease discharges without an NPDES permit;
4. Assessing a civil penalty of Ten Thousand Dollars (\$10,000.00) against Defendants for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;
5. Assessing all costs against Defendants including expert witness, consultant, and attorney fees; and
6. Granting such other relief as this Court deems appropriate and just.

**III. VIOLATIONS BY DEFENDANT COMMONWEALTH
EDISON COMPANY RELATED TO RELEASES OF NONRADIOACTIVE
WASTES INTO THE ENVIRONMENT**

COUNT V

**FAILURE TO COMPLY WITH NPDES PERMIT
REPORTING REQUIREMENTS**

1. This Count is brought against Defendant COMMONWEALTH EDISON COMPANY on behalf of the people of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, and James W. Glasgow, State's Attorney for Will County, on their own motion, pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/42(d) and (e)(2004).

2 - 38. The Plaintiff realleges and incorporates by reference herein paragraphs 2 through 38 of Count IV and paragraphs 2 through 38 of this Count V.

39. The NPDES Permit applicable to the discharge from the blowdown pipe, as referenced in paragraph 11, contains Standard Conditions that provide, in pertinent part, as follows:

12. Reporting requirements.

- (e) Twenty-four hour reporting. The permittee shall report any non-compliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time that 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 non-compliance and its cause, the period of non-compliance, including exact dates and times, and if the non-compliance 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 non-compliance. The

following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours[.]

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

40. The NPDES permit was in full force and effect at the time of the discharges from the vacuum breakers on the blowdown line in 1996, 1998 and 2000.

41. In addition to the tritiated waters, the discharges from the vacuum breakers, as alleged herein, contained wastewaters regulated by the Facility's NPDES Permit.

42. The discharge of wastewaters at points other than the permitted outfall in the Kankakee River constituted non-compliance with the NPDES Permit.

43. The NPDES Permittee, Defendant ComEd, did not make any notification to the Illinois EPA as required under Standard Condition 12 of the NPDES Permit.

44. By failing to report discharges of wastewaters regulated by the NPDES Permit, Defendant ComEd violated Standard Condition 12 of the NPDES Permit and, thereby, violated 35 Ill. Adm. Code 309.102 and Section 12(f) of the Act, 415 ILCS 5/12(f)(2004).

45. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue

unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favour of Plaintiff and against Defendant ComEd on this Court V:

1. Finding that Defendant ComEd violated Section 12(f) of the Act, 35 Ill. Adm. Code 309.102, and Standard Condition 12 of the NPDES Permit;
2. Enjoining Defendant ComEd from any future violations of Section 12(f) of the Act, 35 Ill. Adm. Code 309.102, and Standard Condition 12 of the NPDES Permit;
3. Entering an injunction ordering Defendant ComEd to comply with the terms of its NPDES Permit;
4. Assessing a civil penalty of Ten Thousand Dollars (\$10,000.00) against Defendant ComEd for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;
5. Assessing all costs against Defendant ComEd including expert witness, consultant, and attorney fees; and
6. Granting such other relief as this Court deems appropriate and just.

COUNT VI

FAILURE TO ENSURE PROPER OPERATION AND MAINTENANCE AND FAILURE TO MITIGATE

1 - 42. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 42 of Count V as paragraphs 1 through 42 of this Count VI.

43. Section 306.102 (Systems Reliability) of the Board Water Pollution Control Regulations, 35 Ill. Adm. Code 306.102, provides as follows:

- a) **Malfunctions:** All treatment works and associated facilities shall be so constructed and operated as to minimize violations of applicable standards during such contingencies as flooding, adverse weather, power failure, equipment failure, or maintenance, through such measures as multiple units, holding tanks, duplicate power sources, or such other measures as may be appropriate.
- b) **Spills:** All reasonable measures, including where appropriate the provision of catchment areas, relief vessels or entrapment dikes, shall be taken to prevent any spillage of contaminants from causing water pollution.

44. Section 306.304 (Overflows) of the Board Water Pollution Control Regulations, 35 Ill. Adm. Code 306.304, provides as follows:

Overflows from sanitary sewers are expressly prohibited.

45. Standard condition 4 of the NPDES Permit provides as follows:

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.

46. Standard condition 5 of the NPDES Permit provides as follows:

Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate

ancillary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

47. Defendant ComEd's failure to construct and operate the blowdown line in a manner so as to minimize violations during equipment malfunctions, as alleged herein, was a violation of 35 Ill. Adm. Code 306.102(a).

48. Defendant ComEd's failure to take all reasonable measures to prevent the spillage as alleged herein, was a violation of 35 Ill. Adm. Code 306.102(b).

49. The release of wastewaters, including sewage treatment plant effluent, from the vacuum breakers as alleged herein was a sanitary sewer overflow in violation of 35 Ill. Adm. Code 306.304.

50. The Defendant ComEd's failure in 1996 and 1998 to contain and remove any of the discharged wastewaters, as alleged in paragraphs 16 and 18, above, and the failure to prevent future discharges constituted a failure to mitigate in violation of Standard Condition 4 of the NPDES Permit and, thereby, violated 35 Ill. Adm. Code 309.102 and Section 12(f) of the Act, 415 ILCS 5/12(f)(2004).

51. Defendant ComEd's failure to perform adequate operation and maintenance on the blowdown line resulted in the discharges as alleged in this Court.

52. Defendant ComEd's failure to perform adequate operation and maintenance on the blowdown line was a violation of Standard Condition 5 of the NPDES Permit, and thereby violated 35 Ill. Adm. Code 309.102 and Section 12(f) of the Act, 415 ILCS 5/12(f)(2004).

53. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue

unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favour of Plaintiff and against Defendant ComEd on this Court VI:

1. Finding that Defendant ComEd violated Section 12(f) of the Act, 35 Ill. Adm. Code 309.102, 35 Ill. Adm. Code 306.102(a) and (b), 35 Ill. Adm. Code 306.304 and Standard Conditions 4 and 5 of the NPDES Permit;
2. Enjoining Defendant ComEd from any future violations of Section 12(f) of the Act, 35 Ill. Adm. Code 309.102, 35 Ill. Adm. Code 306.102(a) and (b), 35 Ill. Adm. Code 306.304 and Standard Conditions 4 and 5 of the NPDES Permit;
3. Entering an injunction ordering Defendant ComEd to comply with the terms of its NPDES Permit;
4. Assessing a civil penalty of Ten Thousand Dollars (\$10,000.00) against Defendant ComEd for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;
5. Assessing all costs against Defendant ComEd including expert witness, consultant, and attorney fees; and
6. Granting such other relief as this Court deems appropriate and just.

**IV. VIOLATIONS BY DEFENDANTS EXELON CORPORATION,
AND EXELON GENERATION COMPANY, LLC RELATED TO
RELEASES OF TRITIUM TO THE ENVIRONMENT**

COUNT VII

WATER POLLUTION HAZARD

1. This Count is brought against Defendants, Exelon Corporation and Exelon Generation Company, LLC, on behalf of the people of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, and James W. Glasgow, State's Attorney for Will County, on their own motion, pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/42(d) and (e)(2004).

2 – 34. Plaintiff realleges and incorporates by reference herein paragraphs 2 through 34 of Count I as paragraphs 2 through 34 of this Count VII.

35. Since a specific date in November 2005 better known to the Defendants, Defendants have ceased discharging tritium through the blowdown pipe to the Kankakee River, and have instead stored tritiated water in tanks located in an area of the Station. As of March 14, 2006, Defendants are using approximately 13 tanks which are approximately 20,000 gallons each in capacity. The tanks are connected to one another, and to the nuclear reactors, by piping and valves. The tanks are located within a lined bermed area.

36. The tritiated water stored within the tanks and transferred between the tanks is as high as 100,000,000 pCi/L.

37. At various times better known to the Defendants, amounts of tritiated water have been released from the valves and pipes connecting the tanks and have discharged amounts of tritiated water into the bermed area.

38. On or about March 13, 2006, during a rainfall event, a portion of the berm collapsed, allowing tritiated water mixed with rainwater to be released from the bermed area and discharged onto surrounding land.

39. As of March 14, 2006, sampling of water inside the bermed area indicated tritiated water of 255,000 pCi/L. As of March 14, 2006, sampling of water puddles outside of the bermed area indicated tritiated water of 183,000 pCi/L.

40. The Defendants removed some of the ponded tritiated water outside the bermed area, but not all of the tritiated water was recovered from the ground and pavement adjacent to the berms.

41. The tritiated water outside the bermed area posed and continues to pose a significant risk to impact groundwater through infiltration.

42. The continued presence of the tritiated water outside the bermed area poses a threat to groundwater in the area in violation of Section 12(a) of the Act, 415 ILCS 5/12(a)(2004).

43. The continued presence of the tritiated water outside the bermed area constitutes a water pollution hazard in violation of Section 12(d) of the Act, 415 ILCS 5/12(d)(2004).

44. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violation of the pertinent environmental statutes will continue

unless and until this Court grants equitable relief in the form of preliminary, and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction, in favor of Plaintiff and against Defendants on this Count VII:

1. Finding that Defendants have violated Section 12(a) and (d) of the Act;
2. Enjoining Defendants from any future violations of Section 12(a) and (d) of the Act;

3. Entering an injunction ordering the Defendants to:

In accordance with a plan acceptable to the Plaintiff and this Honorable Court:

- a. Prevent further migration of the contaminants released by the Defendants present in the groundwater at and near the Facility;
- b. Implement measures to prevent the release of any contaminant from the Facility;
- c. Fully characterize the nature and extent of all soil and groundwater contamination caused by the releases, including identifying background contaminant levels and the future flow of contaminant plumes in groundwater;
- d. Immediately provide at Defendant's expense a potable drinking water source to all people affected by the violations alleged herein in an amount and quality sufficient to meet the daily needs of said people; and,
- e. Eliminate any threat to the use of groundwater by citizens in the area impacted by releases from the plant.

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Defendants for each violation of the Act and Board Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation;

5. Assessing all costs against Defendants including expert witness, consultant, and attorney fees; and

6. Granting such other relief as this Court deems appropriate and just.

**V. ALLEGATIONS AGAINST EXELON CORPORATION,
COMMONWEALTH EDISON COMPANY AND EXELON
GENERATION COMPANY, LLC FOR CREATING A COMMON
LAW PUBLIC NUISANCE**

COUNT VIII

COMMON LAW PUBLIC NUISANCE

1. This count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS by LISA MADIGAN, Attorney General of the State of Illinois and JAMES W. GLASGOW, State's Attorney for Will County. The Attorney General is the chief legal officer of the State of Illinois having the powers and duties prescribed by the law, ILL. CONST. Article V, Section 15 (1970). The Will County State's Attorney is an elected county officer having the powers and duties prescribed by the law, ILL. CONST. Article VI, Section 19 and Article VII, Section 4 (1970). This Count is brought pursuant to the power of the Attorney General and State's Attorney to institute an action on behalf of the People of the State of Illinois to abate a public nuisance and to protect the health, safety and welfare of the People of the State of Illinois.

2 - 38. Plaintiff realleges and incorporates by reference herein paragraphs 2 through 38 of Count I as paragraphs 2 through 38 of this Count VIII.

39 - 45. Plaintiff realleges and incorporates by reference herein paragraphs 37 through 43 of Count II as paragraphs 39 through 45 of this Count VIII.

46 - 49. Plaintiff realleges and incorporates by reference herein paragraphs 42 through 45 of Count III as paragraphs 46 through 49 of this Count VIII.

50 - 55. Plaintiff realleges and incorporates by reference herein paragraphs 37 through 42 of Count IV as paragraphs 50 through 55 of this Count VIII.

56 - 61. Plaintiff realleges and incorporates by reference herein paragraphs 39 through 44 of Count V as paragraphs 56 through 61 of this Count VIII.

62 - 71. Plaintiff realleges and incorporates by reference herein paragraphs 43 through 52 of Count VI as paragraphs 62 through 71 of this Count VIII.

72 - 80. Plaintiff realleges and incorporates by reference herein paragraphs 35 through 43 of Count VII as paragraphs 72 through 80 of this Count VIII.

81. From at least 1996 and continuing to the filing of this Complaint, as alleged herein, the Defendants engaged in a course of conduct that included causing, threatening and allowing groundwater pollution from the blowdown line and the tritiated water tanks, failing to ensure adequate maintenance and operating procedures in the operation of the blowdown line and the tritiated water tanks, failing to report noncompliance pursuant to the conditions of the NPDES Permit, failing to follow operational requirements of the NPDES Permit, and discharging of wastewater without an NPDES Permit.

82. The acts and omissions of the Defendants as alleged herein threatened adverse health effects and inconvenience to persons in the vicinity of the Facility, and caused damage to real and personal property.

83. The Defendants, by their actions and omissions, prejudiced the public health and welfare and the environment.

84. As a consequence of the foregoing, the Defendants created and maintained a public nuisance at common law.

85. Said nuisance will continue unabated unless abated by order of this court.

WHEREFORE, plaintiff, PEOPLE OF THE STATE OF ILLINOIS, requests that this court grant a preliminary injunction, and after a trial, a permanent injunction in favor of plaintiff and against defendants EXELON CORPORATION, COMMONWEALTH EDISON COMPANY and EXELON GENERATION COMPANY, LLC:

1. Finding that Defendants' actions alleged herein constitute a common law public nuisance;

2. Enjoining Defendants from further acts constituting a common law public nuisance;

3. Entering an injunction ordering the Defendants to:
a. Cease use of the blowdown line for the discharge of tritiated water until further order of the Court; and,

In accordance with a plan acceptable to the Plaintiff and this Honorable Court:

b. Prevent further migration of the contaminants released by the Defendants present in the groundwater at and near the Facility;

c. Implement measures to prevent the release of any contaminant from the Facility;

d. Fully characterize the nature and extent of all soil and groundwater contamination caused by the releases, including identifying background contaminant levels and the future flow of contaminant plumes in groundwater;

e. Immediately provide at Defendant's expense a potable drinking water source to all people affected by the violations alleged herein in an amount and quality sufficient to meet the daily needs of said people; and,

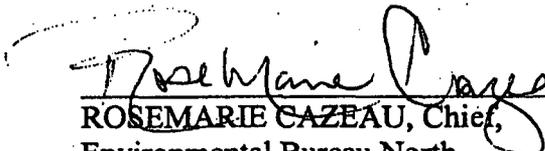
f. Eliminate any threat to the use of groundwater by citizens in the area impacted by releases from the plant.

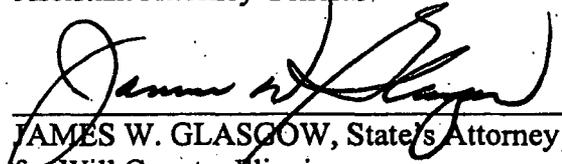
4. Assessing all costs against Defendants including expert witness, consultant, and attorney fees; and

5. Granting such other relief as this Court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General of
the State of Illinois, and *ex rel.* JAMES W.
GLASGOW, State's Attorney for
Will County, Illinois

MATTHEW J. DUNN, Chief, Environmental
Enforcement/Asbestos Litigation Division


ROSEMARIE CAZEAU, Chief,
Environmental Bureau North
Assistant Attorney General


JAMES W. GLASGOW, State's Attorney
for Will County, Illinois

OF COUNSEL

CHRISTOPHER P. PERZAN
ANN ALEXANDER
Assistant Attorneys General
Environmental Bureau
188 W. Randolph Street, 20th Floor
Chicago, IL 60601
312 814-3532

EXHIBIT 1

NPDES Permit No. IL0048321

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: September 1, 2000

Issue Date: August 24, 1995

Effective Date: September 1, 1995

Modification Date: August 28, 1997

Name and Address of Permittee:

Commonwealth Edison Company
Post Office Box 767, 35 FNW
Chicago, Illinois 60690-0767

Facility Name and Address:

Commonwealth Edison Company
Braidwood Nuclear Power Station
Rural Route #1, Box 64
Braceville, Illinois 60407
(Will County)

Discharge Number and Name:

- No. 001 Cooling Pond Blowdown Line
- No. 001(a) Wastewater Treatment Plant Effluent
- No. 001(b) Sewage Treatment Plant Effluent
- No. 001(c) Radwaste Treatment System Effluent
- No. 001(d) Demineralizer Regenerant Wastes
- No. 001(e) Intake Screen Backwash

Receiving Waters:

Kankakee River

- No. 002 North Site Stormwater Runoff Basin
- No. 003 South Site Stormwater Runoff Basin
- No. 004 Switchyard Area Runoff

Mazon River

In compliance with the provisions of the Illinois Environmental Protection Act, Subtitle C, Rules and Regulations of the Illinois Pollution Control Board, and the FWPCA the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

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

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

TGM:DEL97041003.DLK

EXHIBIT 1

NPDES Permit No. IL0048321

Effluent Limitations and Monitoring

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

1. From the effective date of this permit until September 1, 2000, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 001 Cooling Pond Blowdown Line*

This discharge consists of:

1. Condenser cooling water
2. House service water
3. Essential service water
4. Demineralizer regenerant waste
5. Wastewater treatment plant effluent
6. Radwaste treatment system effluent
7. House service water strainer backwash
8. Essential service water strainer backwash
9. Sewage treatment plant effluent
10. Water treatment system filter backwashes
11. River intake screen backwash
12. Cooling pond intake screen backwash

Approximate Flow

- 11.31 MGD
- 1.3 MGD
- 1.3 MGD
- 0.028 MGD
- 0.079 MGD
- 0.032 MGD
- 0.03 MGD
- 0.017 MGD
- 0.017 MGD
- 0.03 MGD
- 0.112 MGD
- 0.4 MGD

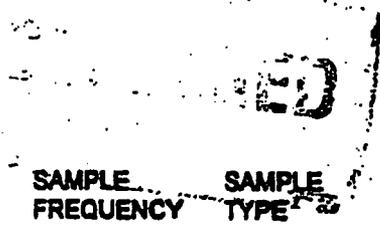
| | | | |
|---------------------------|-----------------------------|---------|------------|
| Flow | | Daily | Continuous |
| pH | See Special Condition No. 1 | 1/Week | Grab |
| Temperature | See Special Condition No. 3 | Daily | Continuous |
| Total Residual Chlorine** | 0.2 | 1/Month | Grab** |
| Total Residual Oxidant** | 0.05 | 1/Month | Grab** |

*See Special Condition No. 12

**See Special Condition No. 4

NPDES Permit No. IL0048321

Effluent Limitations and Monitoring



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

1. From the effective date of this permit until September 1, 2000, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 001(a) Wastewater Treatment Plant Effluent

This discharge consists of: Approximate Flow

- 1. Turbine building fire and oil sump* 0.079 MGD
 - a. Turbine building floor drain tank*
 - i. Turbine building floor drain sumps
 - ii. Essential service water drain sumps
 - iii. Condensate pit sumps
 - b. Turbine building equipment drain tank*
 - c. Units 1 and 2 tendon tunnel sumps
 - d. Auxiliary boiler blowdown
 - e. Units 1 and 2 diesel fuel storage tank sumps
 - f. Oil-water separator No. 1 effluent
 - g. Secondary-Side Drain Water
- 2. Water treatment area floor and equipment drain sumps Intermittent
- 3. Water treatment lime-softening clarator blowdown Intermittent
- 4. Wastewater treatment system sand filter backwash 0.002 MGD
- 5. Condensate polisher regenerant wastes (Alternate Route) Intermittent
- 6. Demineralizer Regenerant Waste Drains (Alternate Route) Intermittent

| Flow | | | Daily | 24 Hour Total |
|------------------------|------|------|---------|----------------------|
| Total Suspended Solids | 15.0 | 30.0 | 1/Week | 24 Hour Composite |
| Oil and Grease | 15.0 | 20.0 | 1/Month | Grab |

*These wastestreams may be directed to the Radwaste Treatment System depending on the results of the process radiation monitors.

NPDES Permit No. IL0048321

Effluent Limitations and Monitoring

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

1. From the effective date of this permit until September 1, 2000, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 001(b) Sewage Treatment Plant Effluent**

Approximate Flow
0.017 MGD
(DMF 0.078 MGD)

| | | | | | | |
|------------------------|-----------------------------|------|------|------|--------|-------------------|
| Flow | | | | | Daily | Continuous |
| pH | See Special Condition No. 1 | | | | 1/Week | Grab |
| Total Suspended Solids | 19.5 | 39.0 | 30.0 | 60.0 | 1/Week | 24 Hour Composite |
| BOD ₅ | 19.5 | 39.0 | 30.0 | 60.0 | 1/Week | 24 Hour Composite |

Outfall(s): 001(c) Radwaste Treatment System Effluent

This discharge consists of:

Approximate Flow: 0.032 MGD

- | | |
|---|--------------|
| 1. Steam generator condensate blowdown | Intermittent |
| 2. Cooling jacket blowdown | Intermittent |
| 3. Auxiliary building and turbine building floor drains | Intermittent |
| 4. Laundry waste treatment system drains | 0.001 MGD |
| 5. Chemical and volume control system drains | Intermittent |
| 6. Boron recycle system blowdown | Intermittent |
| 7. Radwaste demineralizer regenerant wastes and filter backwash | 0.002 MGD |
| 8. Reactor building floor and equipment drains | Intermittent |
| 9. Turbine building floor drain tank (Alternate Route) | Intermittent |
| 10. Turbine building fire and oil sump (Alternate Route) | Intermittent |
| 11. Turbine building equipment drain tank (Alternate Route) | Intermittent |
| 12. Evaporator wastewater | Intermittent |

| | | | | | | |
|------------------------|--|--|------|------|---------|--------------------------|
| Flow | | | | | Daily | Continuous |
| Total Suspended Solids | | | 15.0 | 30.0 | 1/Week | Discharge Tank Composite |
| Oil and Grease | | | 15.0 | 20.0 | 1/Month | Grab |

**Outfall No. 001(b) Sewage Treatment Plant Effluent will normally be discharged to the Kankakee River via the cooling pond blowdown line. The existing outfall to the Mazon River will be maintained as an emergency backup. The permittee shall give notice to the Agency of any emergency discharge to the Mazon River. Applicable effluent limitations shall apply.

Modification Date: August 28, 1997

NPDES Permit No. IL0048321

Effluent Limitations and Monitoring

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

1. From the effective date of this permit until September 1, 2000, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 001(d) Demineralizer Regenerant Wastes

This discharge consists of

Approximate Flow
0.028 MGD

1. Make-up demineralizer regenerant waste***
2. Condensate polisher regenerate waste***
3. Regenerant chemical area drains
4. Portable Demineralizer Regenerant Wastes

| Flow | Daily | Continuous |
|------------------------|--------|------------------|
| Total Suspended Solids | 15.0 | 30.0 |
| | 1/Week | 8 Hour Composite |

***This wastestream may be alternately routed to the wastewater treatment system.

Outfall(s): 001(e) River Intake Screen Backwash

There shall be no discharge of collected debris.

NPDES Permit No. IL0048321

Effluent Limitations and Monitoring

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

1. From the effective date of this permit until September 1, 2000, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 002 North Site Stormwater Runoff Basin

This discharge consists of:

1. Parking lot runoff
2. Transformer area runoff
3. North station area runoff
4. Turbine building, auxiliary building and waste treatment building roof drains

Approximate Flow:

- Intermittent
- Intermittent
- Intermittent
- Intermittent
- Intermittent

See Special Condition No. 8

Outfall(s): 003 South Site Stormwater Runoff Basin

Approximate Flow

Intermittent

See Special Condition No. 8

Outfall(s): 004 Switchyard Area Runoff

Approximate Flow

Intermittent

See Special Condition No. 8

NPOES Permit No. IL0048321

Special Conditions

SPECIAL CONDITION 1. The pH shall be in the range 6.0 to 9.0.

SPECIAL CONDITION 2. 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 3. Discharge of wastewater from this facility must not alone or in combination with other sources cause the receiving stream to violate the following thermal limitations at the edge of the mixing zone which is defined by Section 302.211, Illinois Administration Code, Title 35, Chapter 1, Subtitle C, as amended:

- A. Maximum temperature rise above natural temperature must not exceed 5°F (2.8°C).
- B. Water temperature at representative locations in the main river shall not exceed the maximum limits in the following table during more than one (1) percent of the hours in the 12-month period ending with any month. Moreover, at no time shall the water temperature at such locations exceed the maximum limits in the following table by more than 3°F (1.7°C). (Main river temperatures are temperatures of those portions of the river essentially similar to and following the same thermal regime as the temperatures of the main flow of the river.)

| | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. |
|----|------|------|------|------|-----|------|------|------|-------|------|------|------|
| °F | 60 | 60 | 60 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 90 | 60 |
| °C | 16 | 16 | 16 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 16 |

SPECIAL CONDITION 4. Chlorine or bromine may not be discharged from each unit's main cooling condensers for more than two hours per day. The reported mean concentration and maximum concentration of Total Residual Chlorine/Total Residual Oxidant (TRC/TRO) shall be based on a minimum of three grab samples taken at approximately five minute intervals at Outfall 001. The time samples were collected, the time and duration of oxidant dosing period plus the monthly average and daily maximum amount of oxidant applied shall be reported on the Discharge Monitoring Reports. The reported average concentration of TRC/TRO is the average of all values measured for a sampling event and the reported maximum concentration is the highest value measured for a single grab sample. Discharge Monitoring Reports shall indicate whether bromine and/or chlorine compounds were used during the month. A discharge limit, as measured at the blowdown to the Kankakee River, of 0.05 mg/l (instantaneous maximum) shall be achieved for total residual oxidant (total residual chlorine/total residual halogen) when bromine biocides are used for condenser biofouling control.

SPECIAL CONDITION 5. There shall be no discharge of polychlorinated biphenyl compounds.

SPECIAL CONDITION 6. There shall be no discharge of complexed metal bearing wastestreams or associated rinses from chemical metal cleaning unless this permit has been modified to include the new discharge.

SPECIAL CONDITION 7.

- A. Intake impacts will be reduced by limiting pumping from the river during the peak entrainment period. For a four-week period (last three weeks in May and first week in June), pumping will be allowed only during the day (between one hour after sunrise and one hour before sunset). In addition, during the four-week period, pumping will be minimized during the day. Pumping will occur when needed to fill the freshwater holding pond and to maintain efficient operation of the cooling pond. In an extreme emergency, and upon immediate notification of the Agency, pumping could occur at night. Such pumping would cease as soon as the emergency was over. Records of all pumping during the four-week period will be maintained. Such records will include dates, number of pumps operating and start and end times.

NPDES Permit No. IL0048321

Special ConditionsSPECIAL CONDITION 8.STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

- A. A storm water pollution prevention plan shall be developed by the permittee for the storm water associated with industrial activity at this facility. The plan shall identify potential sources of pollution which may be expected to affect the quality of storm water discharges associated with the industrial activity at the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.
- B. The plan shall be completed within 180 days of the effective date of this permit. Plans shall provide for compliance with the terms of the plan within 365 days of the effective date of this permit. The owner or operator of the facility shall make a copy of the plan available to the Agency at any reasonable time upon request. [Note: If the plan has already been developed and implemented, it shall be maintained in accordance with all requirements of this special condition.]
- C. The permittee may be notified by the Agency at any time that the plan does not meet the requirements of this condition. After such notification, the permittee shall make changes to the plan and shall submit a written certification that the requested changes have been made. Unless otherwise provided, the permittee shall have 30 days after such notification to make the changes.
- D. The discharger shall amend the plan whenever there is a change in construction, operation, or maintenance which may affect the discharge of significant quantities of pollutants to the waters of the State or if a facility inspection required by paragraph G of this condition indicates that an amendment is needed. The plan should also be amended if the discharger is in violation of any conditions of this permit, or has not achieved the general objective of controlling pollutants in storm water discharges. Amendments to the plan shall be made within the shortest reasonable period of time, and shall be provided to the Agency for review upon request.
- E. The plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from storm water outfalls at the facility. The plan shall include, at a minimum, the following items:
1. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility; surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate.
 2. A site map showing:
 - i. The storm water conveyance and discharge structures;
 - ii. An outline of the storm water drainage areas for each storm water discharge point;
 - iii. Paved areas and buildings;
 - iv. Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.
 - v. Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);
 - vi. Surface water locations and/or municipal storm drain locations
 - vii. Areas of existing and potential soil erosion;
 - viii. Vehicle service areas;
 - ix. Material loading, unloading, and access areas.

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3. A narrative description of the following:

- i. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
- ii. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
- iii. Existing structural and non-structural control measures to reduce pollutants in storm water discharges;
- iv. Industrial storm water discharge treatment facilities;
- v. Methods of onsite storage and disposal of significant materials;

4. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities.

5. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.

6. A summary of existing sampling data describing pollutants in storm water discharges.

7. The plan shall describe the storm water management controls which will be implemented by the facility. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The description of the storm water management controls shall include:

1. Storm Water Pollution Prevention Personnel - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.
2. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
3. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
4. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
5. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
 - i. Containment - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff;
 - ii. Oil & Grease Separation - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges;
 - iii. Debris & Sediment Control - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges;

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- iv. **Waste Chemical Disposal** - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges.
 - v. **Storm Water Diversion** - Storm water diversion away from materials manufacturing, storage and other areas of potential storm water contamination;
 - vi. **Covered Storage or Manufacturing Areas** - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
6. **Sediment and Erosion Prevention** - The plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion and describe measures to limit erosion.
 7. **Employee Training** - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
 8. **Inspection Procedures** - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.
- G. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.
- H. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.
- I. The plan is considered a report that shall be available to the public under Section 308(b) of the CWA. The permittee may claim portions of the plan as confidential business information, including any portion describing facility security measures.
- J. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.

REPORTING

- K. The facility shall submit an annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part G of the Storm Water Pollution Prevention Plan of this permit. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s).
- L. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.
- M. Annual inspection reports shall be mailed to the following address:

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Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
Annual Inspection Report
1021 North Grand Avenue East
P.O. Box 19278
Springfield, Illinois 62794-9278

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

SPECIAL CONDITION 9. Discharge of station cooling pond water to adjacent impoundments owned by the permittee, to replace water which is withdrawn from these impoundments for station operations during periods of low flows in the Kankakee River when the station must decouple its operations from the river, is hereby permitted for these emergency periods. No monitoring is required for this permitted activity. The IEPA shall be promptly notified during such operations.

SPECIAL CONDITION 10. The permittee shall record monitoring results on Discharge Monitoring Report Forms using one such form for each discharge each month.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 28th of the following month, unless otherwise specified by the the permitting authority.

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

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, Illinois 62706

Attention: Compliance Assurance Section

SPECIAL CONDITION 11. The "upset" defense provisions of Title 40, Section 122.41(n) of the Federal Regulations are hereby incorporated into this permit by reference.

SPECIAL CONDITION 12. An emergency cooling pond overflow exists tributary to an unnamed drainage ditch which is tributary to the Mazon River. Discharges from this overflow shall be subject to the bypass provisions of 40 CFR 122.41(m).

SPECIAL CONDITION 13. The permittee shall submit a completed Form 2F as soon as conditions allow, for Outfall 002 and Outfall 003. Based on the new information the Agency may choose to modify the permit after public notice and opportunity for hearing.

SPECIAL CONDITION 14. For Discharge No. 001(b), any use of chlorine to control slime growths, odors or as an operational control, etc. shall not exceed the limit of 0.05 mg/l (daily maximum) total residual chlorine in the effluent. Sampling is required on a daily grab basis during the chlorination process. Reporting shall be submitted on the (DMR's) on a monthly basis.

SPECIAL CONDITION 15. Flow shall be reported as a daily maximum and a monthly average, and shall be reported in Million Gallons per Day.

ATTACHMENT B

Standard Conditions

Definitions

Act means the Clean Environmental Protection Act, Ch 111 1-7 of Rev Stat. Sec 11011 1167 as Amended

Agency means the Illinois Environmental Protection Agency

Board means the Illinois Pollution Control Board

Clean Water Act broadly referred to as the Federal Water Pollution Control Act means Pub L 92-500, as amended 33 USC 1361 et seq

CDDPS (Closed Pollutant Discharge) (Sanitation System) means the national program for reducing, monitoring, tracking and reporting, maintaining, monitoring and enforcing permits, and reviewing and enforcing permit requirements, under Sections 304, 407, 318 and 408 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 measurement, 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.

Composite 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 or the time of sampling in the total stream flow over the collection of the previous aliquot

(11) Duty to comply The permittee must comply with all conditions of the permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action, permit revocation, suspension and rescission, modification, or the denial of a permit renewal application. The permittee shall comply with all effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for those pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been received to incorporate the requirement.

(12) 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.

(13) Need to halt or reduce activity and a defense It shall not be a defense for a permittee or 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 the permit.

(14) Duty to mitigate The permittee shall take all reasonable steps to minimize or prevent any discharge or release of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(15) Proper operation and maintenance The permittee shall of all listed property operate and maintain all facilities and systems of treatment and control (and related) apparatus(es) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes efficient 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.

Permit actions The permit may be modified, revoked and replaced, or terminated for cause by the Agency pursuant to 40 CFR 122.62. The filing of a request by the permittee for a permit modification, revocation and replacement, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition.

(17) Property rights This permit does not convey any property rights of any court, or any exclusive privilege.

(18) 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 replacing, 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.

(19) Inspection and entry The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit,

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit,

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment, practices, or operations regulated or required under this permit, and

(d) Sample or monitor at reasonable times, for the purpose of ensuring permit compliance, or as otherwise authorized by the Act, any substances or processes 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 readings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. This period may be extended by request of the Agency at any time.

(c) Records of monitoring information shall include:

- (1) The date, exact place, and time of sampling or measurements;
- (2) The individual(s) who performed the sampling or measurements;
- (3) The details 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 the 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) Signature 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 permit, 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.

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

(12) Reporting requirements.

- (a) **Planned changes** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- (b) **Anticipated noncompliance** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Compliance schedules** Reports of compliance or noncompliance with, or any progress reports on, permits and feed requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date.
- (d) **Monitoring reports** Monitoring results shall be reported of the monitors specified elsewhere in the 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 emissions which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.

(e) **Twenty-four hour reporting** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours;

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

(f) **Other noncompliance** The permittee shall report all instances of noncompliance not reported under paragraphs (17)(c), (d), or (e), of this permit. Monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).

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

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

- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date.
- (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees, and
- (c) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.

(14) All manufacturing, commercial, mining, and agricultural 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 pollutants identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 ug/L).

(2) Two hundred micrograms per liter (200 ug/L) for acetone and acrylonitrile, five hundred micrograms per liter (500 ug/L) for 2,4-dichlorophenol and for 2-methyl-4,6-dichlorophenol, and one milligram per liter (1 mg/L) for all others.

(3) Two times the maximum chronic-toxic value reported for that pollutant in the NPDES permit application, or

(4) The level established by the Agency in the permit.

(b) That they have begun or expect to begin to use or manufacture or use intermediates or feed product or byproduct any toxic pollutants which are not reported in the NPDES permit application.

(15) All Publicly Owned Treatment Works (POTW) 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 Section 301 or 303 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 the quality and quantity of effluent introduced into the POTW and of any anticipated steps to be taken to ensure the quality of effluent to be discharged from the POTW.

(16) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall comply with additional state or local treatment works standards with federal requirements concerning:

(1) Those changes presented in Section 206(d) of the Clean Water Act and applicable regulations appearing in 40 CFR 20.

(2) Those pollutant effluent standards and pretreatment standards prescribed in Sections 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

(3) Those treatment works standards and other requirements prescribed in Sections 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

(4) Those effluent standards or limitations prescribed under Section 301(b)(1)(B) and (C), 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 listed in the permit. The permittee shall be generally required to monitor and maintain its discharge to that effluent standard or limitation.

(18) Any noncompliance in a contract issued to the permittee pursuant to 35 in Admin Code 370.194 is hereby incorporated by reference as a condition of this permit.

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

(20) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 303, 304, 305, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$7,500, nor more than \$75,000 per day of violation, or imprisonment for not more than one year, or both.

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

(22) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certificate on any record or other document submitted or required to be maintained under the permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

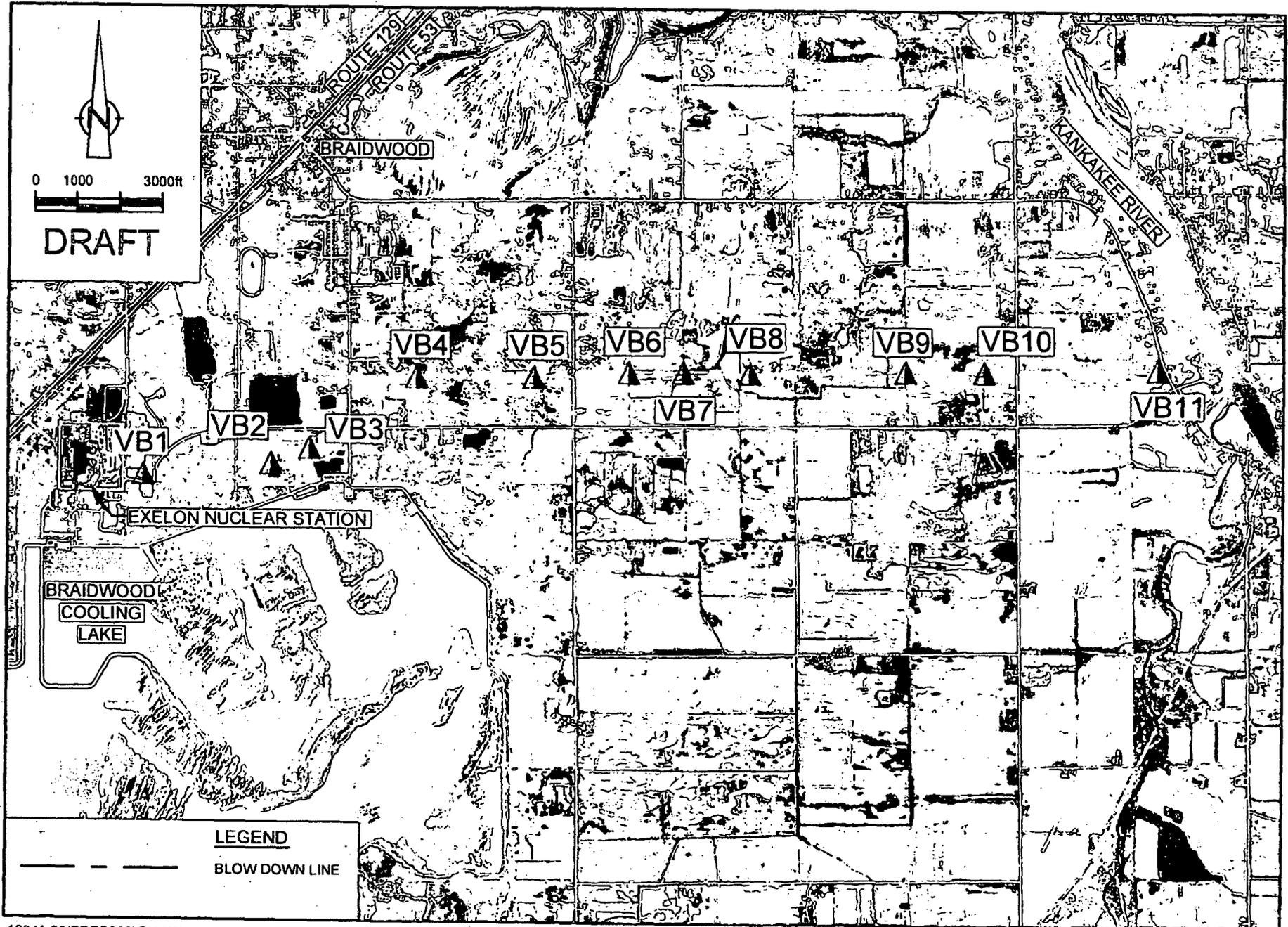
(23) Collected sludge, slimes, dregs, and other solids shall be disposed of in such a manner as to prevent entry of these wastes to runoff from the control area waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part thereof by reference.

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

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

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

EXHIBIT 2



16841-00(PRES003)GN-WA001 JAN 31/2006

EXHIBIT 2

EXHIBIT 3

