Subject: AEC Bennoc- January 3, 2014 Proposed permit issue discussion between OEPA and USEPA January 15th & 17th, 2014

Date: January 17, 2014

From: USEPA Region 5

To: OEPA

1. Ponds
    - Reconstruction – construct & operate to eliminate all discharges unless a 25 year-24hour storm occurs- Rewrite Condition N, page 19
    - OEPA will propose some language regarding flows that exceed 25 yr, 24 hour
    - Require that flow control structures be installed at both ponds to control and accurately measure flows
    - Design standards/ operational protocol will be obtained from permittee
    - Intermittent discharge footnote- need definition of intermittent/ 2 day limitation of discharge (ensuring Week 1 and Week 2 do not have continuous 2day flow overlap)
    - OEPA will calculate Piney Creek ambient flow conditions necessary to accept pond discharges (to prevent discharge during low flow conditions) and place that operational low flow prohibition restriction/condition into permit

2. Monitoring
    - Need lat/longs for proposed sampling points for upstream and downstream sampling (824, 825, and 925)
    - Sampling point for downstream should be as close as possible to point where unnamed tributaries meet Piney Creek for both Ponds 023 and 024

3. General Effluent limits apply to all discharges per Part III, item 2 and not as currently limited in Condition K, page 16

4. Whole Effluent Toxicity testing requirement will be placed in permit, on a quarterly basis and

included in the Adaptive Management Plan as a trigger for implementation of corrective action

5. Condition M, page 19

- Revise Condition M to improve enforceability (see below)
- Biomonitoring sampling event will require simultaneous chemistry sampling

M. TRIGGER FOR ADAPTIVE MANAGMENT CONDITIONS

If any of the following conditions occur, the permittee shall implement an adaptive management plan within 90 days of the triggering condition to bring the biological or chemical indicator within the trigger value.
The implementation of the adaptive management plan is triggered if:
1) The biological assessment in Item L. above indicates an Invertebrate Community Index (ICI) value less than 32; or an Index of Biotic Integrity (IBI) value less than 40; or

2) If two or more measurements for total filterable residue (total dissolved solids) at station 0IL00159925 exceed 1500 mg/l in any six month period; or

3) If any measurement for total filterable residue (total dissolved solids) at station 0IL00159925 exceeds 2150 mg/l; or

4) If any result for acute Whole Effluent Toxicity (WET) testing exceeds 1.0 TU_a.

If a triggering event occurs again more than 90 days after the first occurrence of a triggering event, then each discharge that occurred between the date of the first triggering event and the subsequent triggering event shall be deemed to be a violation of this permit until such time as the permittee demonstrates that the biological or chemical indicator has been brought within the trigger value.