Ameren

Ameren Services

March 3, 2015

Via Overnight Mail

John Madras, Director
Missouri Department of Natural Resources
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

ATTN: NPDES Permits and Engineering Section/Permit Comments
Ameren Missouri Labadie Energy Center
Permit Number: MO-0004812

Dear Mr. Madras:

On behalf of Ameren Missouri, I appreciate the opportunity to provide these written comments, in addition to those I presented at the public hearing on February 17, regarding the proposed NPDES permit for the Labadie Energy Center. As you know, Ameren has cooperated fully with the MDNR throughout the entire permit renewal process. We believe that the proposed permit correctly achieves the goals of balancing both utilization and protection of the Missouri River in full compliance with State and Federal laws and regulations. Several provisions contained within the proposed permit call for extensive studies to evaluate or re-evaluate potential impacts from our operations and we are prepared to initiate and complete the studies consistent with the proposed timelines. We believe issuance of the final permit as proposed without substantive changes is in the best interest of the environment, Ameren Missouri and the communities we serve.

My comments included below are organized under three headings. The first, *Critical Elements*, lists two extremely important provisions contained in the proposed permit which are essential to uninterrupted operations at the Labadie Energy Center. The second, *Technical Notes*, contains a limited number of comments regarding details contained within the text of the permit, that we believe merit some editing for clarity and consistency. Finally, the third heading is entitled *Labadie Energy Center – A Responsible Community Partner*. In this section I reiterate a few of the comments from my presentation, regarding the Center's important role and strong compliance history.

Critical Elements

The proposed permit contains two provisions regarding the thermal effluent from the once-through cooling water system. The first is the establishment of "Interim Effluent Limitations" which continue the existing heat rejection limits for a ten year period. This time is provided in conjunction with a requirement that we repeat the prior "316a" studies, originally conducted during the early to mid-1970s. This ten year timeline is critical, in order to obtain the knowledge to fully re-evaluate impacts and to assess & implement essential actions in response.

The proposed permit contains a somewhat similar requirement, to conduct "316b" studies to evaluate the appropriate technologies to limit biological impacts of our water intake structure. EPA recently revised the regulations implementing 316b and established a four to five year process to evaluate technologies, comprising some nine separate studies. This timeline is critical as well, as these studies may conclude that equipment changes (retrofits) are justified, including some with the potential to also impact the cooling water system.

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Both provisions and the provided schedules are essential to allow for ongoing operations at the Labadie Energy Center, while this critical work is undertaken.

Technical Notes

The proposed permit contains a few inconsistencies regarding the Whole Effluent Toxicity (WET) test requirements. In Table A-2 on page 4 of 12, it indicates a 24 hour composite sample type for the WET test. However this is not consistent with the Outfall 002 WET test on page 6 of 12, which requires a grab sample. Based on prior discussions with the permit writer, we understood that MDNR intended to specify a grab sample. Also, special Condition #16 is not referenced for Outfall 002 (i.e. there are no notes); it should be referenced for Outfall 002 as well since it provides all the specifics for each WET test. Lastly, on page 4 of 12, Note 1 – should state "which is contained in Special Condition #16 on page 11 of 12 of the operating permit"; the draft incorrectly lists #17.

Special Condition #9 of the permit as placed on public notice requires, prior to each release, examination for hydrocarbon odor and presence of sheens, of water within secondary containment areas containing petroleum products. If present, sampling and testing for Total Petroleum Hydrocarbons (TPH) is required and if the TPH concentration exceeds 10 mg/l the water must be taken to a WWTP for treatment. While on-site remediation can be conducted prior to sampling, once tested the permit appears to limit other management options. We believe the permit should allow for more flexibility, including additional on-site treatment or hauling by a contract hauler (for off-site disposal), as included in the prior draft.

Special Condition #14, on page 10 of 12, contains several general references to State and Federal laws and regulations regarding coal ash waste disposal. We understand the general intent of statements drawing a distinction between practices regulated by this (NPDES) permit versus thus subject to others, such as Missouri's Solid Waste Management Law and regulations. However, we believe some references for instance those that define our obligations under other regulations, are clearly beyond the scope of this permit and thus inappropriate. We request deletion of such statements, for example this sentence: "Ameren shall work with the Department's Solid Waste Management Program on meeting the requirements and timetables established in the 40 CFR 257 regulations, regarding coal combustion residual impoundments and utility waste landfills." This statement is flawed in several ways. First, as of this writing Part 257 has yet to have been published in the Federal Register and the effective date of the CCR rule will be 180 days after the future publication date. Second, Missouri's Solid Waste Management Program's role regarding the 'CCR rules' is very unclear as noted by Chris Nagel in response to questions at the public hearing on February 17; particularly as they are to be 'self-implementing' (and not delegated to the States). We ask that you remove from the final permit, references to obligations which extend beyond the authorization of the NPDES permit program.

The Fact Sheet contains copious details regarding the Center that are clearly from sources other than the NPDES permit application. Please note that we have not attempted to document the source of this information nor validate its accuracy.

Labadie Energy Center – A Responsible Community Partner

Ameren Missouri has always supported the goal of protecting natural resources, including our waterways. We take our role as stewards of the environment seriously and will continue to work closely with the Missouri Department of Natural Resources. Labadie Energy Center complies with current permit requirements designed to preserve and protect the environment and will continue to do so in the future while producing the vital energy needed for our state. The Labadie Energy Center will continue to operate in an environmentally responsible way as we provide customers with safe, affordable and reliable electricity.

As you know, we have maintained timely renewal applications for the current permit. The proposed permit requires even more stringent water quality monitoring and reporting. We are in support of those additional obligations. Ameren Missouri plans to fully comply with future state and federal environmental requirements including the revised effluent limitation guidelines and the Coal Combustion Residual rule.

This permit is necessary to continue our responsible and efficient operation of the Labadie Energy Center. Our 250 Labadie co-workers are a big part of the community, volunteering their time and earnings in many activities, including with the United Way and other community organizations.

We are committed to being good stewards of the environment. Ameren Missouri has invested hundreds of millions of dollars in environmental upgrades at Labadie. Those investments are planned to continue in the future.

In closing, let me summarize Ameren's perspective on the draft NPDES permit for our Labadie Energy Center, with the following three key points:

1. We believe proceeding to finalize this draft permit, without delay is in the best interest of both Ameren and the communities we serve;
2. The allowance to sustain our existing cooling water thermal limits for ten years is essential, to facilitate reassessment while not prematurely impacting essential operations; and
3. We accept, as drafted, the additional burdens in the draft permit including important studies to re-assess potential impacts from our permitted discharges.

Once again, I appreciate the opportunity to present Ameren's perspective on the draft permit.

Sincerely,

for Steven C. Whitworth
Senior Director, Environmental Policy & Analysis

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