



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 05 2008

REPLY TO THE ATTENTION OF:
WN-16J

Mr. George Elmaraghy, P.E.
Chief, Division of Surface Water
Ohio Environmental Protection Agency
Post Office Box 1049
Columbus, Ohio 43216-1049

RE: Dayton Power and Light
J.M. Stuart Station
Permit Number OH0004316

Dear Mr. Elmaraghy:

We are reviewing the information submitted pursuant to 40 C.F.R. §123.43 for the above-referenced facility and have found it to be inadequate to determine whether the draft permit meets the guidelines and requirements of the Clean Water Act. We therefore request that you submit the following additional information as soon as possible, as discussed between Sean Ramach of my staff and Mike McCullough of your staff.

- 1) The draft permit provides a renewal of the Clean Water Act §316(a) alternate effluent limitation. The fact sheet does not provide the basis for granting the §316(a) alternate effluent limitation and indicates that there may be impediments to granting the renewal. Please provide any information and documentation related to the decision to grant the §316(a) variance to the permittee and describe any findings made by Ohio to support that decision.
- 2) The draft permit and fact sheet do not provide a basis for establishing an alternate effluent limitation of 11,000 MBTU/Hour. The alternate effluent limitation must assure the propagation and protection of a balanced and indigenous population of shellfish, fish and wildlife in and on that body of water. Please provide any information that describes how the alternate effluent limitation was derived to ensure this goal.

This request for information constitutes an interim objection to the issuance of the above referenced permit, pursuant to 40 C.F.R. §123.44(d)(2). The full period of time specified in the Memorandum of Agreement for Regional review shall recommence when the requested information is received.

Please be advised that, under 40 C.F.R. §122.4, the State may not issue this permit over a U.S. Environmental Protection Agency objection. If you have any questions regarding the requested information, please contact me, or your staff may contact Sean Ramach at (312) 886-5284.

Sincerely,



Timothy C. Henry
Acting Director, Water Division

cc: Paul Novak
Manager, Permits and Compliance Section
Ohio Environmental Protection Agency