



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

**BRUCE RAUNER, GOVERNOR**

**ALEC MESSINA, DIRECTOR**

217/782-0610

August 25, 2017

Village of Algonquin  
2200 Harnish Drive  
Algonquin, Illinois 60102

Re: Village of Algonquin - WWTP  
NPDES Permit No. IL0023329  
Public Notice Permit

Gentlemen:

Please post the attached Public Notice for the subject discharge for at least a period of thirty days from the date on the Notice in a conspicuous place on your premises.

The Agency has reviewed the comments dated May 26, 2017 from your consultant Trotter and Associates, Inc. regarding the draft NPDES permit and our response is as follows:

1. The existing permit required a 1 mg/L monthly average Phosphorus limit. Pursuant to 40 CFR 122.44(l), anti-backsliding requires that effluent limitations be as stringent as the previous permit unless circumstances have substantially changed. The facility has not demonstrated they are unable to achieve the existing effluent limitations. Based on comments from USEPA in 2014, some Fox River Watershed NPDES permits were issued with a three year permit term and included an annual rolling average phosphorus limit, pending completion of the Fox River Implementation Plan (FRIP). Upon expiration of the permits, these NPDES permits are to be reissued consistent with the findings and recommendations contained in the FRIP to include appropriate phosphorus limits of appropriate duration to replace the annual rolling average. A copy of the July 2, 2014 letter is attached for your convenience.
2. All major facilities are now required to optimize their facilities and submit a Phosphorus Discharge Optimization Plan consistent with the Illinois Nutrient Loss Reduction Strategy.
3. Special Condition 21 was removed from the draft permit. Any additional water quality monitoring should be coordinated with the Fox River Study Group.

We have enclosed a copy of the draft NPDES permit on which this official Public Notice is based. If you wish to comment on the draft permit, please do so within 30 days of the Public Notice date. If there are any questions, please contact Lisa Tossi at 217/782-0610 or the address listed above.

4302 N. Main St., Rockford, IL 61103 (815) 987-7760  
9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000  
595 S. State, Elgin, IL 60123 (847) 608-3131  
2125 S. First St., Champaign, IL 61820 (217) 278-5800

2009 Mall St., Collinsville, IL 62234 (618) 346-5120  
412 SW Washington St., Suite D, Peoria, IL 61602 (309) 671-3022  
2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-7200  
100 W. Randolph, Suite 10-300, Chicago, IL 60601

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Amy L. Dragovich". The signature is written in a cursive style with a large initial "A".

Amy L. Dragovich, P.E.  
Manager, Northern Municipal Unit, Permit Section  
Division of Water Pollution Control

ALD:LT:17021001.bah

Attachments: Draft Permit, Public Notice/Fact Sheet, USEPA letter dated July 2, 2014

cc: Records Unit  
Des Plaines Region  
USEPA  
Trotter and Associates, Inc  
CMAP



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

REPLY TO THE ATTENTION OF:

WN-16J

JUL 02 2014

Marcia Willhite, Chief  
Bureau of Water  
Illinois Environmental Protection Agency  
P.O. Box 19276  
Springfield, Illinois 62794

**RECEIVED**

JUL - 7 2014

BUREAU OF WATER  
BUREAU CHIEF'S OFFICE

Dear Ms. Willhite:

During our review of the draft National Pollutant Discharge Elimination System Permit (NPDES) permit for the City of Saint Charles we noted that IEPA is proposing to include a limitation of 1.0 mg/L Phosphorus applied on an annual rolling average basis rather than as a monthly average which is the normal practice. Region 5 expressed that a monthly limit is minimally required and is appropriate given the nature of the pollutant, the importance of controlling the concentration in the receiving stream during the shorter duration periods when it is most susceptible to algal blooms, and the absence of site-specific monitoring and modeling data demonstrating the appropriateness of annual rather than monthly limits. A monthly limit is also consistent with 40 CFR 122.45(d).

Since that time we have had conversations with you and your staff concerning the unique watershed-scale effort underway to address impairments associated with nutrient pollution and achieve water quality objectives in the Fox River Watershed. We understand that the Fox River Study Group (FRSG), a diverse coalition of metro, private sector, and environmental organizations, under the guidance of IEPA and the Illinois Water Survey has completed a watershed study which includes detailed modeling of the watershed. The FRSG is currently evaluating management scenarios and nutrient reductions from various sources toward completing the Fox River Implementation Plan (FRIP). The FRIP is scheduled to be completed by July 2015 and will include the specific point source reductions and other implementation measures necessary to resolve the nutrient related impairments in the Fox River.

Based on our conversations we understand that the proposal is to reissue NPDES permits with a three year permit term in 2014 for up to 20 major dischargers in the Fox River Watershed. These permits would include a phosphorus limit of 1.0 mg/L on an annual rolling average with this limit becoming effective four and a half years from the date of issuance. These permits should explicitly state that the annual phosphorus limit of 1.0 mg/L has been included in the permit pending completion of the FRIP. Upon expiration of the three-year permits, IEPA will develop and reissue the permits consistent with the findings and recommendations contained in the FRIP to include appropriate phosphorus limits of appropriate duration to replace the annual rolling

average. EPA will work with IEPA at that time to ensure that the reissued permits include appropriate limits for phosphorus.

The FRSG has undertaken a creative approach to comprehensively assess impairments to the Fox River and the causes of these impairments. IEPA has proposed to utilize a degree of flexibility in establishing limitations in short-term permits in order to allow time for the FRSG to complete the process of identifying and assigning implementation measures, some of which will ultimately be incorporated as enforceable provisions into re-issued NPDES permits, to alleviate impairments associated with nutrient pollution. Further the FRSG effort will likely identify phosphorus limits necessary to achieve water quality standards as well as recommend other averaging periods for phosphorus limits which the regulatory agencies could consider in reissued permits.

We applaud the FRSG effort and, with the following provisions included in the permits in addition to those outlined above, and agreement on the timeframe for implementation, we would not object to NPDES permits for municipalities participating in the FRSG on the basis that they contain an annual rolling average limitation for phosphorus. Our rationale for this is based on the fact that this overall approach is being developed and undertaken by a broad based watershed group; the limit is an interim limit until the FRIP identifies the recommended permit limitations and averaging periods for phosphorus in the context of the implementation plan; the permits will be issued this year and have a permit term no longer than three years, at which time the reissued permits will incorporate the FRIP. Provisions we would like included in the permits to be issued in 2014 include routine weekly monitoring and reporting for phosphorus to provide IEPA with additional information upon which to make future decisions as well as a provision requiring permittees to operate the existing facilities to optimize the removal of phosphorus.

Please contact Kevin Pierard, at (312) 886-4448, or me at (312) 886-9296, if you have any questions.

Sincerely,



for Tinka G. Hyde  
Director, Water Division

cc: Sanjay Sofat

NPDES Permit No. IL0023329

Notice No. LT:17021001.bah

Public Notice Beginning Date: **August 25, 2017**

Public Notice Ending Date: **September 25, 2017**

National Pollutant Discharge Elimination System (NPDES)  
Permit Program

PUBLIC NOTICE/FACT SHEET  
of  
Draft Reissued NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

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

Name and Address of Discharger:

Village of Algonquin  
2200 Harnish Drive  
Algonquin, Illinois 60102

Name and Address of Facility:

Village of Algonquin - WWTP  
125 Wilbrant Drive  
Algonquin, Illinois 60102  
(McHenry County)

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue a NPDES Permit to discharge into the waters of the state and has prepared a draft Permit and associated fact sheet for the above named discharger. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice/Fact Sheet. All comments on the draft Permit and requests for hearing must be received by the IEPA by U.S. Mail, carrier mail or hand delivered by the Public Notice Ending Date. Interested persons are invited to submit written comments on the draft Permit to the IEPA at the above address. Commenters shall provide his or her name and address and the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues. Commenters may include a request for public hearing. Persons submitting comments and/or requests for public hearing shall also send a copy of such comments or requests to the Permit applicant. The NPDES Permit and notice numbers must appear on each comment page.

The application, engineer's review notes including load limit calculations, Public Notice/Fact Sheet, draft Permit, comments received, and other documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the draft Permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. Response to comments will be provided when the final Permit is issued. For further information, please call Lisa Tossi at 217/782-0610.

The following water quality and effluent standards and limitations were applied to the discharge:

Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter I: Pollution Control Board and the Clean Water Act were applied in determining the applicable standards, limitations and conditions contained in the draft Permit.

The applicant is engaged in treating domestic wastewater for the Village of Algonquin.

The Village of Algonquin is a member of the Fox River Study Group.

The length of the Permit is approximately 5 years.

The main discharge number is 001. The seven day once in ten year low flow (7Q10) of the receiving stream, Fox River is 124 cfs.

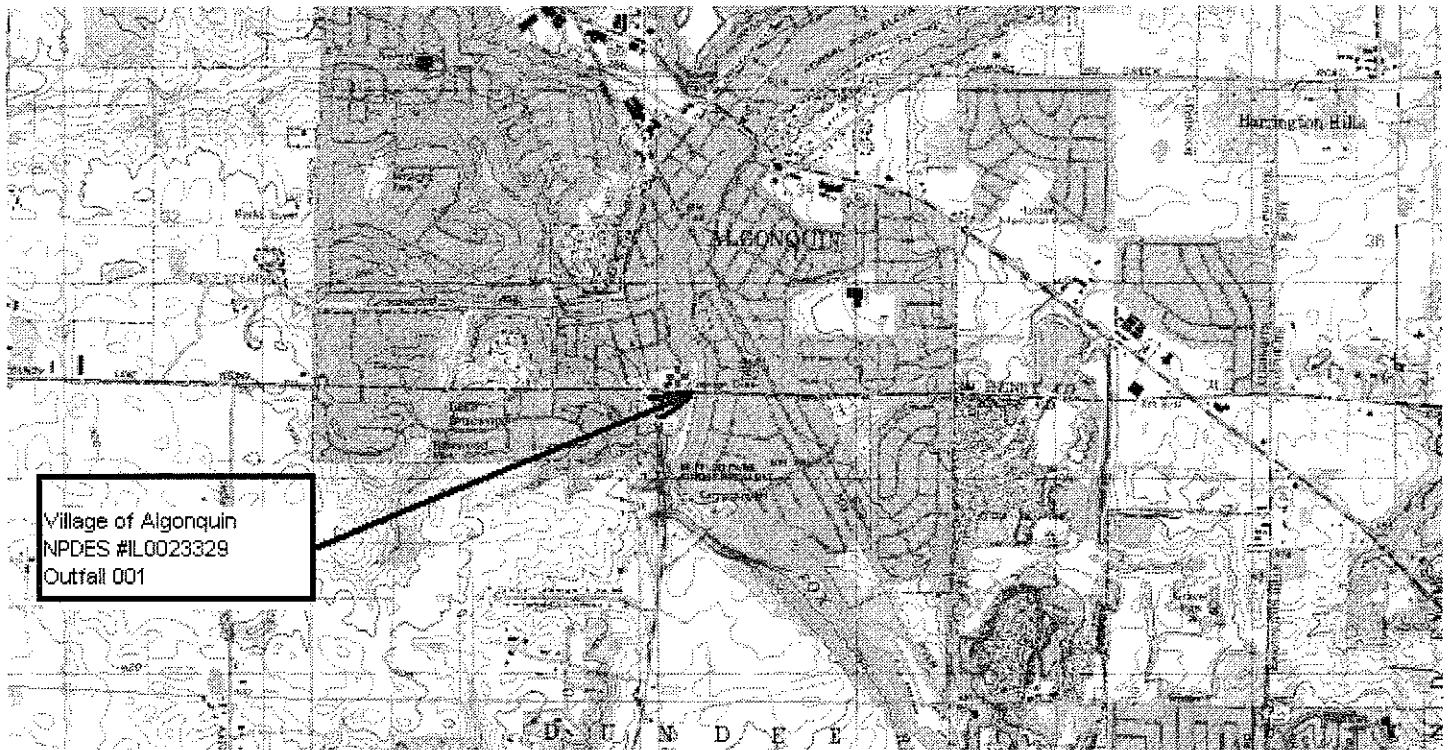
The design average flow (DAF) for the facility is 5.0 million gallons per day (MGD) and the design maximum flow (DMF) for the facility is 11.3 MGD. Treatment consists of screening, primary settling tanks, activated sludge, final settling tanks, ultraviolet disinfection, phosphorus removal, and sludge handling facilities.

This reissued Permit does not increase the facility's DAF, DMF, concentration limits, and/or load limits.

Application is made for the existing discharge(s) which is located in McHenry County, Illinois. The following information identifies the discharge point, receiving stream and stream classifications:

<u>Discharge Number</u>	<u>Receiving Stream</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Stream Classification</u>	<u>Integrity Rating</u>
001	Fox River	42° 09' 17" North	88° 17' 39" West	General Use	C

To assist you further in identifying the location of the discharge(s) please see the attached map.



The stream segment(s) from the Fox River, Waterbody Segment, DT-20, receiving the discharge from outfall(s) 001 is on the 2106-303(d) list of impaired waters.

The following parameters have been identified as the pollutants causing impairment:

<u>Potential Causes</u>	<u>Uses Impaired</u>
Alteration in stream-side or littoral vegetative cover (non-pollutant), other flow regime alterations (non-pollutant), dissolved oxygen (non-pollutant)	Aquatic life
Polychlorinated biphenyls	Fish consumption

**DRAFT**

**AUG 25 2017**

The discharge(s) from the facility is (are) proposed to be monitored and limited at all times as follows:

Discharge Number(s) and Name(s): 001 STP Outfall

Load limits computed based on a design average flow (DAF) of 5.0 MGD (design maximum flow (DMF) of 11.3 MGD).

**PUBLIC NOTICE**

The effluent of the above discharge(s) shall be monitored and limited at all times as follows:

Parameter	LOAD LIMITS lbs/day DAF (DMF)*			CONCENTRATION LIMITS mg/L			Regulation
	Annual Average	Monthly Average	Weekly Average	Annual Average	Monthly Average	Weekly Maximum	
CBOD <sub>5</sub> **	417(942)	834(1885)	1668(3770)	10	20	40	35 IAC 304.120 40 CFR 133.102
Suspended Solids**	500(1131)	1043(2356)	1877(4241)	12	25	45	35 IAC 304.120 40 CFR 133.102
pH	Shall be in the range of 6 to 9 Standard Units						35 IAC 304.125
Fecal Coliform***	The monthly geometric mean shall not exceed 200 per 100 mL						35 IAC 302.209

Parameter	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Regulation
Chlorine Residual				0.05	35 IAC 302.208
Ammonia Nitrogen					
Apr-May, Sept-Oct	63(141)	67(151)	1.5	1.6	35 IAC 355 and
June-August	50(113)	67(151)	1.2	1.6	35 IAC 302
Nov.-Feb.		146(330)		3.5	
March	63(141)	75(170)	1.5	1.8	
Total Phosphorous (as P)	42(94)		1.0		35 IAC 304.123
Total Nitrogen	Monitor Only				35 IAC 309.146
Dissolved Phosphorus	Monitor Only				35 IAC 309.146
Nitrate /Nitrite	Monitor Only				35 IAC 309.146
Total Kjeldahl Nitrogen (TKN)	Monitor Only				35 IAC 309.146
Alkalinity	Monitor Only				35 IAC 309.146
Temperature	Monitor Only				35 IAC 309.146

	Monthly Avg. not less than	Weekly Avg. not less than	Daily Minimum	
Dissolved Oxygen				
March-July	N/A	6.0	5.0	35 IAC 302.206
August-February	5.5	4.0	3.5	

\*Load Limits are calculated by using the formula: 8.34 x (Design Average and/or Maximum Flow in MGD) x (Applicable Concentration in mg/L).

\*\* BOD<sub>5</sub> and Suspended Solids (85% removal required): In accordance with 40 CFR 133, the 30-day average percent removal shall not be less than 85 percent.

\*\*\*No more than 10% of the samples during the month shall exceed 400 per 100 ml.

This draft Permit also contains the following requirements as special conditions:

1. Reopening of this Permit to include different final effluent limitations.
2. Operation of the facility by or under the supervision of a certified operator.
3. Submission of the operational data in a specified form and at a required frequency at any time during the effective term of this Permit.
4. More frequent monitoring requirement without Public Notice.
5. Prohibition against causing or contributing to violations of water quality standards.
6. Recording the monitoring results on Discharge Monitoring Report Forms using one such form for each outfall each month and submitting the forms to IEPA each month.
7. The provisions of 40 CFR Section 122.41(m) & (n) are incorporated herein by reference.
8. Effluent sampling point location.
9. A requirement to monitor and a limit of 0.05 mg/L for residual chlorine when it is used.
10. Monitoring for arsenic, barium, cadmium, hexavalent chromium, total chromium, copper, available cyanide, total cyanide, fluoride, dissolved iron, total iron, lead, manganese, mercury, nickel, oil, phenols, selenium, silver and zinc is required to be conducted semi-annually beginning 3 months from the effective date.
11. Submission of annual fiscal data.
12. The Permittee is required to perform biomonitoring tests in the 18<sup>th</sup>, 15<sup>th</sup>, 12<sup>th</sup> and 9<sup>th</sup> months prior to the expiration date of the Permit, and to submit the results of such tests to the IEPA within one week of receiving the results from the laboratory.
13. Submission of semi annual reports indicating the quantities of sludge generated and disposed.
14. Reopening of this Permit to include revised effluent limitations based on a Total Maximum Daily Load (TMDL) or an approved Fox River Water Quality Study.
15. Submission of Phosphorus Removal Feasibility Study (PRFS).
16. Total Nitrogen Monitoring.
17. Optimization of existing treatment facilities.
18. Monitoring for total phosphorus, dissolved phosphorus, nitrate/nitrite, total Kjeldahl nitrogen (TKN), ammonia, total nitrogen (calculated), alkalinity and temperature once a month.
19. A requirement for participation in the Fox River Study Group.
20. Capacity, Management, Operations, and Maintenance (CMOM) plan.



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AUG 25 2017  
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NPDES Permit No. IL0023329

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

Reissued (NPDES) Permit

Expiration Date:

Issue Date:  
Effective Date:

Name and Address of Permittee:

Village of Algonquin  
2200 Harnish Drive  
Algonquin, Illinois 60102

Facility Name and Address:

Village of Algonquin - WWTP  
125 Wilbrant Drive  
Algonquin, Illinois 60102  
(McHenry County)

Receiving Waters: Fox River

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of the Ill. Adm. Code, Subtitle C, Chapter I, and the Clean Water Act (CWA), the above-named Permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the Effluent Limitations, Monitoring, and Reporting requirements; Special Conditions and Attachment H Standard Conditions attached 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.

Alan Keller, P.E.  
Manager, Permit Section  
Division of Water Pollution Control

SAK:LT:17021001.bah

Effluent Limitations, Monitoring, and Reporting

FINAL

Discharge Number(s) and Name(s): 001 STP Outfall

Load limits computed based on a design average flow (DAF) of 5.0 MGD (design maximum flow (DMF) of 11.3 MGD).

From the effective date of this Permit until the expiration date, the effluent of the above discharge(s) shall be monitored and limited at all times as follows:

Parameter	LOAD LIMITS lbs/day			CONCENTRATION LIMITS mg/L			Sample Frequency	Sample Type
	Annual Average	Monthly Average	Weekly Maximum	Annual Average	Monthly Average	Weekly Maximum		
Flow (MGD)							Continuous	
CBOD <sub>5</sub> ** ****	417(942)	834(1885)	1668(3770)	10	20	40	3 Days/Week	Composite
Suspended Solids****	500(1131)	1043(2356)	1877(4241)	12	25	45	3 Days/Week	Composite
pH	Shall be in the range of 6 to 9 Standard Units						3 Days/Week	Grab
Fecal Coliform <sup>1</sup>	The monthly geometric mean shall not exceed 200 per 100 mL						3 Days/Week	Grab
Parameter	Monthly Average		Daily Maximum	Monthly Average		Daily Maximum	Sample Frequency	Sample Type
Chlorine Residual***						0.05	***	Grab
Ammonia Nitrogen:								
As (N)								
March-May/Sept.-Oct.	63(141)		67(151)	1.5		1.6	3 Days/Week	Composite
June-August	50(113)		67(151)	1.2		1.6	3 Days/Week	Composite
Nov.-Feb.			146(330)			3.5	3 Days/Week	Composite
March	63(141)		75(170)	1.5		1.8	3 Days/Week	Composite
Total Phosphorus (as P)	42(94)			1.0			3 Days/Week	Composite
Total Nitrogen <sup>2</sup>		Monitor Only					1 Day/Week	Composite
Dissolved Phosphorus		Monitor Only					1 Day/Month	Composite
Nitrate/Nitrite		Monitor Only					1 Day/Month	Composite
Total Kjeldahl Nitrogen (TKN)		Monitor Only					1 Day/Month	Composite
Alkalinity		Monitor Only					1 Day/Month	Grab
Temperature		Monitor Only					1 Day/Month	Grab
				Monthly Average not less than	Weekly Average not less than	Daily Minimum		
Dissolved Oxygen								
March-July				N/A	6.0	5.0	3 Days/Week	Grab
August-February				5.5	4.0	3.5	3 Days/Week	Grab

Effluent Limitations, Monitoring, and Reporting

FINAL

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AUG 25 2017  
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Discharge Number(s) and Name(s): 001 STP Outfall (continued)

\*Load limits based on design maximum flow shall apply only when flow exceeds design average flow.

\*\*Carbonaceous BOD<sub>5</sub> (CBOD<sub>5</sub>) testing shall be in accordance with 40 CFR 136.

\*\*\*See Special Condition 9.

\*\*\*\*BOD<sub>5</sub> and Suspended Solids (85% removal required): In accordance with 40 CFR 133, the 30-day average percent removal shall not be less than 85 percent. The percent removal need not be reported to the IEPA on DMRs but influent and effluent data must be available, as required elsewhere in this Permit, for IEPA inspection and review. For measuring compliance with this requirement, 5 mg/L shall be added to the effluent CBOD<sub>5</sub> concentration to determine the effluent BOD<sub>5</sub> concentration. Percent removal is a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the raw wastewater influent concentrations to the facility and the 30-day average values of the effluent pollutant concentrations for a given time period.

<sup>1</sup>No more than 10% of the samples during the month shall exceed 400 per 100 ml.

<sup>2</sup>See Special Condition 16.

Flow shall be reported on the Discharge Monitoring Report (DMR) as monthly average and daily maximum.

Fecal Coliform shall be reported on the DMR as a monthly geometric mean and as a percentage of the samples exceeding 400 per 100 mL.

pH shall be reported on the DMR as minimum and maximum value.

Chlorine Residual shall be reported on the DMR as a daily maximum value.

Dissolved oxygen shall be reported on the DMR as a minimum value.

Total Phosphorus shall be reported on the DMR as a monthly average and a daily maximum value.

Total Nitrogen shall be reported on the DMR as a daily maximum value. Total Nitrogen is the sum of total kjeldahl nitrogen (TKN), nitrate and nitrite.

NPDES Permit No. IL0023329

Influent Monitoring, and Reporting

The influent to the plant shall be monitored as follows:

<u>Parameter</u>	<u>Sample Frequency</u>	<u>Sample Type</u>
Flow (MGD)	Continuous	
BOD <sub>5</sub>	3 Days/Week	Composite
Suspended Solids	3 Days/Week	Composite
Total Nitrogen*	1 Day/Week	Composite

Influent samples shall be taken at a point representative of the influent.

Flow (MGD) shall be reported on the Discharge Monitoring Report (DMR) as monthly average and daily maximum.

BOD<sub>5</sub> and Suspended Solids shall be reported on the DMR as a monthly average concentration.

\*Total Nitrogen concentration shall be reported on the DMR as monthly average for monitoring purpose only.

Special Conditions

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AUG 25 2017  
PUBLIC NOTICE

SPECIAL CONDITION 1. This Permit may be modified to include different final effluent limitations or requirements which are consistent with applicable laws and regulations. The IEPA will public notice the permit modification.

SPECIAL CONDITION 2. The use or operation of this facility shall be by or under the supervision of a Certified Class 1 operator.

SPECIAL CONDITION 3. The IEPA may request in writing submittal of operational information in a specified form and at a required frequency at any time during the effective period of this Permit.

SPECIAL CONDITION 4. The IEPA may request more frequent monitoring by permit modification pursuant to 40 CFR § 122.63 and Without Public Notice.

SPECIAL CONDITION 5. The effluent, alone or in combination with other sources, shall not cause a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302 and 303.

SPECIAL CONDITION 6. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) electronic forms using one such form for each outfall each month.

In the event that an outfall does not discharge during a monthly reporting period, the DMR Form shall be submitted with no discharge indicated.

The Permittee is required to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA beginning December 21, 2016 unless a waiver has been granted by the Agency. More information, including registration information for the NetDMR program, can be obtained on the IEPA website, <http://www.epa.state.il.us/water/net-dmr/index.html>.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 25th day of the following month, unless otherwise specified by the permitting authority.

Permittees that have been granted a waiver shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Attention: Compliance Assurance Section, Mail Code # 19  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

SPECIAL CONDITION 7. The provisions of 40 CFR Section 122.41(m) & (n) are incorporated herein by reference.

SPECIAL CONDITION 8. 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 9. For Discharge No. 001, 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 10. The Permittee shall conduct semi-annual monitoring of the effluent and report concentrations (in mg/l) of the following listed parameters. Monitoring shall begin three (3) months from the effective date of this permit. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted on Discharge Monitoring Report Forms to IEPA unless otherwise specified by the IEPA. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

<u>STORET CODE</u>	<u>PARAMETER</u>	<u>Minimum reporting limit</u>
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01027	Cadmium	0.001 mg/L
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00720	Cyanide (total) (grab)***	5.0 ug/L
00722	Cyanide (grab) (available**** or amenable to chlorination)***	5.0 ug/L
00951	Fluoride	0.1 mg/L

Special Conditions

01045	Iron (total)	0.5 mg/L
01046	Iron (Dissolved)	0.5 mg/L
01051	Lead	0.05 mg/L
01055	Manganese	0.5 mg/L
71900	Mercury (grab)**	1.0 ng/L*
01067	Nickel	0.005 mg/L
00556	Oil (hexane soluble or equivalent) (Grab Sample only)	5.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
01077	Silver (total)	0.003 mg/L
01092	Zinc	0.025 mg/L

Minimum Reporting Limits are defined as – (1) The minimum value below which data are documented as non-detects. (2) Three to ten times the method detection limit. (3) The minimum value of the calibration range.

All sample containers, preservative, holding times, analyses, method detection limit determinations and quality assurance/quality control requirements shall be in accordance with 40 CFR 136.

Unless otherwise indicated, concentrations refer to the total amount of the constituent present in all phases, whether solid, suspended or dissolved, elemental or combined, including all oxidation states.

\*1.0 ng/L = 1 part per trillion.

\*\*Utilize USEPA Method 1631E and the digestion procedure described in Section 11.1.1.2 of 1631E.

\*\*\*Analysis for cyanide (available or amenable to chlorination) is only required if cyanide (total) is detected or more than the minimum reporting limit.

\*\*\*\*US EPA Method OIA-1677.

The Permittee shall provide a report briefly describing the permittee's pretreatment activities and an updated listing of the Permittee's significant industrial users. The list should specify which categorical pretreatment standards, if any, are applicable to each Industrial User. Permittees who operate multiple plants may provide a single report. Such report shall be submitted within six (6) months of the effective date of this Permit to the following addresses:

U.S. Environmental Protection Agency  
 Region 5  
 77 West Jackson Blvd.  
 Chicago, Illinois 60604  
 Attention: Water Assurance Branch Enforcement and Compliance

Illinois Environmental Protection Agency  
 Division of Water Pollution Control  
 Attention: Compliance assurance Section, Mail Code #19  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 62794-9276

SPECIAL CONDITION 11. During January of each year the Permittee shall submit annual fiscal data regarding sewerage system operations to the Illinois Environmental Protection Agency/Division of Water Pollution Control/Compliance Assurance Section. The Permittee may use any fiscal year period provided the period ends within twelve (12) months of the submission date.

Submission shall be on forms provided by IEPA titled "Fiscal Report Form For NPDES Permittees".

SPECIAL CONDITION 12. The Permittee shall conduct biomonitoring of the effluent from Discharge Number(s) 001.

Biomonitoring

A. Acute Toxicity - Standard definitive acute toxicity tests shall be run on at least two trophic levels of aquatic species (fish, invertebrate) representative of the aquatic community of the receiving stream. Testing must be consistent with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (Fifth Ed.) EPA/821-R-02-012. Unless substitute tests are pre-approved; the following tests are required:

1. Fish - 96 hour static LC<sub>50</sub> Bioassay using fathead minnows (*Pimephales promelas*).

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2. Invertebrate 48-hour static LC<sub>50</sub> Bioassay using Ceriodaphnia.
- B. Testing Frequency - The above tests shall be conducted using 24-hour composite samples unless otherwise authorized by the IEPA. Samples must be collected in the 18th, 15th, 12th, and 9th month prior to the expiration date of this Permit.
- C. Reporting - Results shall be reported according to EPA/821-R-02-012, Section 12, Report Preparation, and shall be submitted to IEPA, Bureau of Water, Compliance Assurance Section within one week of receipt from the laboratory. Reports are due to the IEPA no later than the 16th, 13th, 10th, and 7th month prior to the expiration date of this Permit.
- D. Toxicity - Should a bioassay result in toxicity to >20% of organisms test in the 100% effluent treatment, the IEPA may require, upon notification, six (6) additional rounds of monthly testing on the affected organism(s) to be initiated within 30 days of the toxic bioassay. Results shall be submitted to IEPA within (1) week of becoming available to the Permittee. Should any of the additional bioassays result in toxicity to  $\geq$ 50% of organisms tested in the 100% effluent treatments, the Permittee shall immediately notify IEPA in writing of the test results.
- E. Toxicity Reduction Evaluation and Identification - Should the biomonitoring program identify toxicity and result in notification by IEPA, the Permittee shall develop a plan for toxicity reduction evaluation and identification. The plan shall be developed and implemented in accordance with Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants, EPA/833B-99/002, and shall include an evaluation to determine which chemicals have a potential for being discharged in the plant wastewater, a monitoring program to determine their presence or absence and to identify other compounds which are not being removed by treatment, and other measures as appropriate. The Permittee shall submit to the IEPA its plan within ninety (90) days following notification by the IEPA. The Permittee shall implement the plan within ninety (90) days of notification of the permittee above or other such date as is received by letter from IEPA.

The IEPA may modify this Permit during its term to incorporate additional requirements or limitations based on the results of the biomonitoring. In addition, after review of the monitoring results and toxicity reduction evaluation, the IEPA may modify this Permit to include numerical limitations for specific toxic pollutants and additional whole effluent toxicity monitoring to confirm the results of the evaluation. Modifications under this condition shall follow public notice and opportunity for hearing.

**SPECIAL CONDITION 13.** For the duration of this Permit, the Permittee shall determine the quantity of sludge produced by the treatment facility in dry tons or gallons with average percent total solids analysis. The Permittee shall maintain adequate records of the quantities of sludge produced and have said records available for U.S. EPA and IEPA inspection. The Permittee shall submit to the IEPA, at a minimum, a semi-annual summary report of the quantities of sludge generated and disposed of, in units of dry tons or gallons (average total percent solids) by different disposal methods including but not limited to application on farmland, application on reclamation land, landfilling, public distribution, dedicated land disposal, sod farms, storage lagoons or any other specified disposal method. Said reports shall be submitted to the IEPA by January 31 and July 31 of each year reporting the preceding January thru June and July thru December interval of sludge disposal operations.

**Duty to Mitigate.** The Permittee shall take all reasonable steps to minimize any sludge use or disposal in violation of this Permit.

Sludge monitoring must be conducted according to test procedures approved under 40 CFR 136 unless otherwise specified in 40 CFR 503, unless other test procedures have been specified in this Permit.

**Planned Changes.** The Permittee shall give notice to the IEPA on the semi-annual report of any changes in sludge use and disposal. The Permittee shall retain records of all sludge monitoring, and reports required by the Sludge Permit as referenced in Standard Condition 25 for a period of at least five (5) years from the date of this Permit.

If the Permittee monitors any pollutant more frequently than required by this permit or the Sludge Permit, the results of this monitoring shall be included in the reporting of data submitted to the IEPA.

The Permittee shall comply with existing federal regulations governing sewage sludge use or disposal and shall comply with all existing applicable regulations in any jurisdiction in which the sewage sludge is actually used or disposed.

The Permittee shall comply with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish the standards for sewage sludge use or disposal even if the permit has not been modified to incorporate the requirement.

The Permittee shall ensure that the applicable requirements in 40 CFR Part 503 are met when the sewage sludge is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator.

Monitoring reports for sludge shall be reported on the form titled "Sludge Management Reports" to the following address:

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Illinois Environmental Protection Agency  
Bureau of Water  
Compliance Assurance Section  
Mail Code #19  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

SPECIAL CONDITION 14. This Permit may be modified to include alternative or additional final effluent limitations pursuant to an approved Total Maximum Daily Load (TMDL) Study or an approved Fox River Implementation Plan.

SPECIAL CONDITION 15: The Permittee shall, within 12 months of the effective date of this permit, prepare and submit to the Agency a Phosphorus Removal Feasibility Study (PRFS) that identifies the method, timeframe, and costs of reducing phosphorus levels in its discharge to a level consistently meeting a potential future effluent limit of 0.5 mg/L and 0.1 mg/L. The study shall evaluate the construction and O & M costs of the application of these limits on a monthly, seasonal and annual average basis. The feasibility report shall also be shared with the Fox River Study Group.

SPECIAL CONDITION 16. The Permittee shall operate the facilities designed for biological nutrient removal (BNR). Monitoring for Total Nitrogen is required to document the actual total nitrogen effluent concentration. The Permittee shall monitor the effluent for total nitrogen once per week. The monitoring shall be a composite sample and the results reported as a monthly average and a daily maximum on the Permittee's Discharge Monitoring Forms.

SPECIAL CONDITION 17. The Permittee shall develop and submit to the Agency a Phosphorus Discharge Optimization Plan within 12 months of the effective date of this permit. The plan shall include a schedule for the implementation of these optimization measures. Annual progress reports on the optimization of the existing treatment facilities shall be submitted to the Agency by March 31 of each year beginning 12 months from the effective date of the permit. In developing the plan, the Permittee shall evaluate a range of measures for reducing phosphorus discharges from the treatment plant, including possible source reduction measures, operational improvements, and minor facility modifications that will optimize reductions in phosphorus discharges from the wastewater treatment facility. The Permittee's evaluation shall include, but not be limited to, an evaluation of the following optimization measures:

- A. WWTF influent reduction measures.
  1. Evaluate the phosphorus reduction potential of users.
  2. Determine which sources have the greatest opportunity for reducing phosphorus (i.e., industrial, commercial, institutional, municipal and others).
    - a. Determine whether known sources (i.e., restaurant and food preparation) can adopt phosphorus minimization and water conservation plans.
    - b. Evaluate implementation of local limits on influent sources of excessive phosphorus.
- B. WWTF effluent reduction measures.
  1. Reduce phosphorus discharges by optimizing existing treatment processes.
    - a. Adjust the solids retention time for either nitrification, denitrification, or biological phosphorus removal.
    - b. Adjust aeration rates to reduce dissolved oxygen and promote simultaneous nitrification-denitrification.
    - c. Add baffles to existing units to improve microorganism conditions by creating divided anaerobic, anoxic, and aerobic zones.
    - d. Change aeration settings in plug flow basins by turning off air or mixers at the inlet side of the basin system.
    - e. Minimize impact on recycle streams by improving aeration within holding tanks.
    - f. Reconfigure flow through existing basins to enhance biological nutrient removal.
    - g. Increase volatile fatty acids for biological phosphorus removal.

SPECIAL CONDITION 18. The Permittee shall monitor the wastewater effluent for Total Phosphorus, Dissolved Phosphorus, Nitrate/Nitrite, Total Kjeldahl Nitrogen (TKN), Ammonia, Total Nitrogen (calculated), Alkalinity and Temperature at least once a month beginning on the effective date of this permit. The results shall be submitted on Discharge Monitoring Report (DMR) Forms or NetDMRs to IEPA unless otherwise specified by the IEPA.

SPECIAL CONDITION 19. The Permittee shall participate in the Fox River Study Group (FRSG). The Permittee shall work with other watershed members of the FRSG to determine the most cost effective means to remove dissolved oxygen (DO) and offensive condition impairments in the Fox River. This Permit may be modified to include additional conditions and effluent limitations to include implementation measures based on the Fox River Implementation Plan (Implementation Plan). The following tasks will be completed during the life of this permit:

- A. The Permittee shall initiate the recommendations of the Implementation Plan that are applicable to said Permittee during the remaining term of this Permit. This Permit may be modified to include additional pollutant reduction activities necessary to implement the Implementation Plan.



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- B. In its application for renewal of this permit, the Permittee shall consider and incorporate recommended FRSG phosphorus input reduction implementation projects that the Permittee will implement during the next permit term.

SPECIAL CONDITION 20. The Permittee shall work towards the goals of achieving no discharges from sanitary sewer overflows or basement back-ups and ensuring that overflows or back-ups, when they do occur do not cause or contribute to violations of applicable standards or cause impairment in any adjacent receiving water. Overflows from sanitary sewers are expressly prohibited by this permit and by Ill. Adm. Code 306.304. In order to accomplish these goals of complying with this prohibition and mitigating the adverse impacts of any such overflows if they do occur, the Permittee shall (A) identify and report to IEPA all SSOs that do occur, and (B) develop, implement and submit to the IEPA a Capacity, Management, Operations, and Maintenance (CMOM) plan which includes an Asset Management strategy within 18 months of the effective date of this Permit or review and revise any existing plan accordingly. The Permittee shall modify the Plan to incorporate any comments that it receives from IEPA and shall implement the modified plan as soon as possible. The Permittee should work as appropriate, in consultation with affected authorities at the local, county, and/or state level to develop the plan components involving third party notification of overflow events. The Permittee may be required to construct additional sewage transport and/or treatment facilities in future permits or other enforceable documents should the implemented CMOM plan indicate that the Permittee's facilities are not capable of conveying and treating the flow for which they are designed.

The CMOM plan shall include the following elements:

A. Measures and Activities:

1. A complete map and system inventory for the collection system owned and operated by the Permittee;
2. Organizational structure; budgeting; training of personnel; legal authorities; schedules for maintenance, sewer system cleaning, and preventative rehabilitation; checklists, and mechanisms to ensure that preventative maintenance is performed on equipment owned and operated by the Permittee;
3. Documentation of unplanned maintenance;
4. An assessment of the capacity of the collection and treatment system owned and operated by the Permittee at critical junctions and immediately upstream of locations where overflows and backups occur or are likely to occur; use flow monitoring as necessary;
5. Identification and prioritization of structural deficiencies in the system owned and operated by the Permittee;
6. Operational control, including documented system control procedures, scheduled inspections and testing;
7. The Permittee shall develop and implement an Asset Management strategy to ensure the long-term sustainability of the collection system. Asset Management shall be used to assist the Permittee in making decisions on when it is most appropriate to repair, replace or rehabilitate particular assets and develop long-term funding strategies; and
8. Asset Management shall include but is not limited to the following elements:
  - a. Asset Inventory and State of the Asset;
  - b. Level of Service;
  - c. Critical Asset Identification;
  - d. Life Cycle Cost; and
  - e. Long-Term Funding Strategy.

B. Design and Performance Provisions:

1. Monitor the effectiveness of CMOM;
2. Upgrade the elements of the CMOM plan as necessary; and
3. Maintain a summary of CMOM activities.

C. Overflow Response Plan:

1. Know where overflows and back-ups within the facilities owned and operated by the Permittee occur;
2. Respond to each overflow or back-up to determine additional actions such as clean up; and
3. Locations where basement back-ups and/or sanitary sewer overflows occur shall be evaluated as soon as practicable for excessive inflow/infiltration, obstructions or other causes of overflows or back-ups as set forth in the System Evaluation Plan.

D. System Evaluation Plan:

1. Summary of existing SSO and Excessive I/I areas in the system and sources of contribution;
2. Evaluate plans to reduce I/I and eliminate SSOs;
3. Special provisions for Pump Stations and force mains and other unique system components; and
4. Construction plans and schedules for correction.

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E. Reporting and Monitoring Requirements:

1. Program for SSO detection and reporting; and
2. Program for tracking and reporting basement back-ups, including general public complaints.

F. Third Party Notice Plan:

1. Describes how, under various overflow scenarios, the public, as well as other entities, would be notified of overflows within the Permittee's system that may endanger public health, safety or welfare;
2. Identifies overflows within the Permittee's system that would be reported, giving consideration to various types of events including events with potential widespread impacts;
3. Identifies who shall receive the notification;
4. Identifies the specific information that would be reported including actions that will be taken to respond to the overflow;
5. Includes a description of the lines of communication; and
6. Includes the identities and contact information of responsible POTW officials and local, county, and/or state level officials.

For additional information concerning USEPA CMOM guidance and Asset Management please refer to the following web site addresses.  
[http://www.epa.gov/npdes/pubs/cmom\\_guide\\_for\\_collection\\_systems.pdf](http://www.epa.gov/npdes/pubs/cmom_guide_for_collection_systems.pdf) and  
[http://water.epa.gov/type/watersheds/wastewater/upload/guide\\_smallsystems\\_assetmanagement\\_bestpractices.pdf](http://water.epa.gov/type/watersheds/wastewater/upload/guide_smallsystems_assetmanagement_bestpractices.pdf)

**Attachment H**  
**Standard Conditions**  
**Definitions**

**Act** means the Illinois Environmental Protection Act, 415 ILCS 5 as Amended.

**Agency** means the Illinois Environmental Protection Agency.

**Board** means the Illinois Pollution Control Board.

**Clean Water Act** (formerly referred to as the Federal Water Pollution Control Act) means Pub. L 92-500, as amended. 33 U.S.C. 1251 et seq.

**NPDES** (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 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 measurements, 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.

**Aliquot** 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 at the time of sampling or the total stream flow since the collection of the previous aliquot.

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- (2) **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.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in 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 this permit.
- (4) **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.
- (5) **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 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 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.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **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 reissuing, 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.

(9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), 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 assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters 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 recordings 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. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA 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 date(s) 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 this 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) **Signatory 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 permits, 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.
- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position 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.
- (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(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. Notice is required when:
  - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
  - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
  - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- (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) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
- (d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this 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 limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (f) **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 time; 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 reoccurrence 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) Any upset which exceeds any effluent limitation in the permit.
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
- (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
- (h) **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) **Bypass.**
- (a) Definitions.
    - (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
    - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  - (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
  - (c) Notice.
    - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
    - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
  - (d) Prohibition of bypass.
    - (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
      - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
      - (iii) The permittee submitted notices as required under paragraph (13)(c).
    - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
  - (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
  - (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
    - (2) The permitted facility was at the time being properly operated; and
    - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
    - (4) The permittee complied with any remedial measures required under paragraph (4).
  - (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
- (15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
- (a) Transfers by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

- (b) Automatic transfers. As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:
  - (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
  - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
  - (3) 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.
- (16) All manufacturing, commercial, mining, and silvicultural 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 pollutant 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 acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
    - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
    - (4) The level established by the Agency in this permit.
  - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) 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 Sections 301 or 306 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 (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
  - (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
  - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
  - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 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 limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
- (23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance 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.
- (25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.
- (28) 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.