

NPDES Permit No. IL0047741

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: July 31, 2026

Issue Date: July 28, 2021

Effective Date: August 1, 2021

Modification Date: September 10, 2021

2nd Modification Date: April 07, 2022

Name and Address of Permittee:

Metropolitan Water Reclamation District of Greater Chicago
100 East Erie Street
Chicago, Illinois 60611

Facility Name and Address:

MWRDGC - James Kirie WRP
701 West Oakton Street
Des Plaines, Illinois 60018
(Cook County)

Receiving Waters: Higgins Creek

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 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.

Darin E. LeCrone, P.E.
Manager, Permit Section
Division of Water Pollution Control

DEL:JAR:21092201

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Effluent Limitations, Monitoring, and Reporting

FINAL

Discharge Number(s) and Name(s): 001 WRP Main Outfall

Load limits computed based on a design average flow (DAF) of 52 MGD.

From the modification 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, providing monthly average flows are 52 MGD or less. For monthly average flows greater than 52 MGD see page 4.

| Parameter | LOAD LIMITS lbs/day | | | CONCENTRATION LIMITS MG/L | | | Sample Frequency | Sample Type |
|-----------------------------|--|----------------|---------------|-------------------------------|------------------------------|---------------|------------------|----------------|
| | Monthly Average | Weekly Average | Daily Maximum | Monthly Average | Weekly Average | Daily Maximum | | |
| Flow (MGD) | | | | | | | Continuous | |
| CBOD ₅ ** *** | 1735 | | 8674 | 4 | | 20 | 3 Days/Week | Composite |
| Suspended Solids*** | 2168 | | 10408 | 5 | | 24 | 3 Days/Week | Composite |
| pH | Shall be in the range of 6 to 9 Standard Units | | | | | | 5 Days/Week | Grab |
| Fecal Coliform** | Monthly geometric mean shall not exceed 200 per 100 mL, nor shall more than 10% of the samples during the month exceed 400 per 100 mL; 605,702 million coliform per day. (May through October) | | | | | | 5 Days/Week | Grab |
| Chlorine Residual** | | | | | | 0.038 | 5 Days/Week | Grab |
| Ammonia Nitrogen: (as N) | | | | | | | | |
| March-May/Sept.-Oct. | 911 | 2255 | 3383 | 2.1 | 5.2 | 7.8 | 5 Days/Week | Composite |
| June-August | 694 | 1735 | 4814 | 1.6 | 4.0 | 11.1 | 5 Days/Week | Composite |
| Nov.-Feb. | 1735 | ---- | 3643 | 4.0 | ---- | 8.4 | 5 Days/Week | Composite |
| Chloride | Monitor Only | | | | | | 1 Day/Week | Composite |
| Total Nitrogen (as N) | Monitor Only | | | | | | 1 Day/Week | Composite |
| Total Phosphorus (as P)**** | 434 | | | 1.0 | | | 5 Days/Week | Composite |
| TOC | Report | | | | | | * | Composite |
| Dissolved Phosphorus | Monitor Only | | | | | | 1 Day/Month | Composite |
| Nitrate/Nitrite | Monitor Only | | | | | | 1 Day/Month | Composite |
| Total Kjeldahl Nitrogen | Monitor Only | | | | | | 1 Day/Month | Composite |
| Alkalinity | Monitor Only | | | | | | 1 Day/Month | Grab |
| Specific Conductivity | Monitor Only | | | | | | 1 Day/Month | Grab |
| Temperature | Monitor Only | | | | | | 1 Day/Month | Single Reading |
| | | | | Monthly Average not less than | Weekly Average not less than | Daily Minimum | | |
| Dissolved Oxygen | | | | | | | | |
| March - July | | | | N/A | 6.0 | 5.0 | 5 Days/Week | Grab |
| August - February | | | | 5.5 | 4.0 | 3.5 | 5 Days/Week | Grab |

*Carbonaceous BOD₅ (CBOD₅) or total organic carbon (TOC) may be measured to comply with CBOD₅. Testing shall be in accordance with 40 CFR 136. If TOC is measured, TOC shall be sampled 3 days per week and reported on the DMR as a monthly average and daily maximum. The TOC results shall be converted to CBOD₅ using the equation, $\text{Log CBOD}_5 = \text{Log TOC} \times 1.60 - 1.14$, and reported on the DMR as CBOD₅.

**See Special Conditions 8 and 29. During those months in which no chlorine is used, the Permittee is required to report on DMRs "No Chlorine Used".

***BOD₅ 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 used for this calculation and 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 CBOD₅ concentration to determine the effluent BOD₅ concentration, BOD₅ may be measured directly, or TOC may be measured and converted to BOD₅ using the equation $\text{Log BOD}_5 = \text{Log TOC} * 1.67 - 1.12$. 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.

****See Special Condition 20.

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 samples exceeding 400 per 100 mL.

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

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

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

Total Nitrogen shall be reported on the DMR as a monthly average and daily maximum value. Total Nitrogen is the sum total of Total Kjeldahl Nitrogen, Nitrate, and Nitrite.

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

Chloride shall be monitored 1 day per week from December through April and reported on the DMR as a monthly average and daily maximum value.

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Effluent Limitations, Monitoring, and Reporting

FINAL

Discharge Number(s) and Name(s): 001 WRP Main Outfall

Load limits computed based on a design average flow (DAF) of 52 MGD (design maximum flow (DMF) of 110 MGD).

From the modification 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, providing monthly average flows are greater than 52 MGD.

LOAD LIMITS lbs/day
 DAF (DMF)*

CONCENTRATION
 LIMITS MG/L

| Parameter | LOAD LIMITS lbs/day | | | CONCENTRATION LIMITS MG/L | | | Sample Frequency | Sample Type | |
|------------------------------|---|----------------|------------------|-------------------------------|------------------------------|---------------|------------------|-------------|----------------|
| | Monthly Average | Weekly Average | Daily Maximum | Monthly Average | Weekly Average | Daily Maximum | | | |
| Flow (MGD) | | | | | | | Continuous | | |
| CBOD ₅ ** | 4337 (9174) | | 8674 (18348) | 10 | | 20 | 3 Days/Week | Composite | |
| Suspended Solids**** | 5204 (11009) | | 10408 (22018) | 12 | | 24 | 3 Days/Week | Composite | |
| pH | Shall be in the range of 6 to 9 Standard Units | | | | | | | 5 Days/Week | Grab |
| Fecal Coliform*** | Monthly geometric mean shall not exceed 200 per 100 mL, nor shall more than 10% of the samples during the month exceed 400 per 100 mL; 605,702 million coliform per day (832,841 million coliform per day). (May through October) | | | | | | | 5 Days/Week | Grab |
| Chlorine Residual*** | | | | | | | 0.038 | 5 Days/Week | Grab |
| Ammonia Nitrogen: (as N) | | | | | | | | | |
| March-May/Sept.-Oct. | 911 (1927) | 2255 (4771) | 3383 (7156) | 2.1 | 5.2 | 7.8 | 5 Days/Week | Composite | |
| June-August | 694 (1468) | 1735 (3670) | 4814 (10183) | 1.6 | 4.0 | 11.1 | 5 Days/Week | Composite | |
| Nov.-Feb. | 1735 (3670) | ---- | 3643 (7706) | 4.0 | ---- | 8.4 | 5 Days/Week | Composite | |
| Chloride | Monitor Only | | | | | | | 1 Day/Week | Composite |
| Total Nitrogen (as N) | Monitor Only | | | | | | | 1 Day/Week | Composite |
| Total Phosphorus (as P)***** | 434 (917) | | | | | | 1.0 | 5 Days/Week | Composite |
| TOC | Report | | | | | | | ** | Composite |
| Dissolved Phosphorus | | | | | | | | 1 Day/Month | Composite |
| Nitrate/Nitrite | | | | | | | | 1 Day/Month | Composite |
| Total Kjeldahl Nitrogen | | | | | | | | 1 Day/Month | Composite |
| Alkalinity | | | | | | | | 1 Day/Month | Grab |
| Specific Conductivity | | | | | | | | 1 Day/Month | Grab |
| Temperature | | | | | | | | 1 Day/Month | Single Reading |
| Dissolved Oxygen | | | | Monthly Average not less than | Weekly Average not less than | Daily Minimum | | | |
| March - July | | | | N/A | 6.0 | 5.0 | 5 Days/Week | Grab | |
| August - February | | | | 5.5 | 4.0 | 3.5 | 5 Days/Week | Grab | |

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

**Carbonaceous BOD₅ (CBOD₅) or total organic carbon (TOC) may be measured to comply with CBOD₅. Testing shall be in accordance with 40 CFR 136. If TOC is measured, TOC shall be sampled 3 days per week and reported on the DMR as a monthly average and daily maximum. The TOC results shall be converted to CBOD₅ using the equation, Log CBOD₅ = Log TOC*1.60-1.14, and reported on the DMR as CBOD₅.

***See Special Conditions 8 and 29. During those months in which no chlorine is used, the Permittee is required to report on DMRs "No Chlorine Used".

****BOD₅ 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

used for this calculation and 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 CBOD₅ concentration to determine the effluent BOD₅ concentration, BOD₅ may be measured directly, or TOC may be measured and converted to BOD₅ using the equation $\text{Log BOD}_5 = \text{Log TOC} * 1.67 - 1.12$. 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.

*****See Special Condition 20.

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 samples exceeding 400 per 100 mL.

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

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

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

Total Nitrogen shall be reported on the DMR as a monthly average and daily maximum value. Total Nitrogen is the sum total of Total Kjeldahl Nitrogen, Nitrate, and Nitrite.

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

Chloride shall be monitored 1 day per week from December through April and reported on the DMR as a monthly average and daily maximum value.

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Effluent Limitations, Monitoring, and Reporting

FINAL

Discharge Number(s) and Name(s): 111 CSO at Central Road

From the modification 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:

| <u>Parameter</u> | | <u>CONCENTRATION</u> | | <u>Sample Frequency*</u> | <u>Sample Type</u> |
|---------------------|-----------|------------------------|----------------------|--------------------------|--------------------|
| | | <u>Monthly Average</u> | <u>Daily Maximum</u> | | |
| Total Flow (MG) | See Below | | | Daily | |
| BOD ₅ ** | | Report | | Daily When Discharging | Grab |
| Suspended Solids | | Report | | Daily When Discharging | Grab |
| Fecal Coliform | | Report | Report | Daily When Discharging | Grab |
| TOC | | Report | Report | ** | Grab |

Occurrence date of discharge(s) shall be reported as the Discharge Monitoring Report (DMR), with estimation of discharge duration.

Report the number of days of discharge in the comments section of the DMR.

BOD₅ and Suspended Solids shall be reported on the DMR as a monthly average concentration.

Fecal Coliform shall be reported on the DMR as a monthly geometric mean and daily maximum value.

*If the CSO duration is too short to allow for sampling logistics, then specify so on the DMR.

**BOD₅ or total organic carbon (TOC) may be measured to comply with BOD₅. Testing shall be in accordance with 40 CFR 136. If TOC is measured, the results shall be converted to BOD₅ using the equation, $\text{Log BOD}_5 = \text{Log TOC} * 1.67 - 1.12$, and reported on the DMR as BOD₅. The TOC data shall also be reported on the DMR as a monthly average and sampled daily when discharging if used to comply with BOD₅.

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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 ₅ * | 3 days/week | Composite |
| Suspended Solids | 3 days/week | Composite |
| Total Phosphorus (as P) | 5 days/week | Composite |
| Total Nitrogen (as N) | 1 day/week | Composite |
| TOC | * | 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.

BOD₅ and Suspended Solids shall be reported on the DMR as a monthly average concentration.

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

Total Nitrogen shall be reported on the DMR as a monthly average and daily maximum value. Total Nitrogen is the sum total of Total Kjeldahl Nitrogen, Nitrate, and Nitrite.

*BOD₅ or total organic carbon (TOC) may be measured to comply with BOD₅. Testing shall be in accordance with 40 CFR 136. If TOC is measured, the results shall be converted to BOD₅ using the equation, $\text{Log BOD}_5 = \text{Log TOC} * 1.67 - 1.12$, and reported on the DMR as BOD₅. The TOC data shall also be reported on the DMR as a monthly average and sampled 3 days per week if used to comply with BOD₅.

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Special Conditions

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.

SPECIAL CONDITION 6. 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 7. This Permit may be modified to include requirements for the Permittee on a continuing basis to evaluate and detail its efforts to effectively control sources of infiltration and inflow into the sewer system and to submit reports to the IEPA if necessary.

SPECIAL CONDITION 8. Fecal Coliform limits for Discharge Number 001 are effective May thru October. Sampling of Fecal Coliform is only required during this time period.

The total residual chlorine limit is applicable at all times. If the Permittee is chlorinating for any purpose during the months of November through April, sampling is required on a daily grab basis. Sampling frequency for the months of May through October shall be as indicated on effluent limitations, monitoring and reporting page of this Permit.

SPECIAL CONDITION 9.

A. Publicly Owned Treatment Works (POTW) Pretreatment Program General Provisions

1. The Permittee shall implement and enforce its approved Pretreatment Program which was approved on June 19, 1985 and all approved subsequent modifications thereto. The Permittee shall maintain legal authority adequate to fully implement the Pretreatment Program in compliance with Federal (40 CFR 403), State, and local laws and regulations. All definitions in this section unless specifically otherwise defined in this section, are those definitions listed in 40 CFR 403.3. USEPA Region 5 is the Approval Authority for the administration of pretreatment programs in Illinois. The Permittee shall:
 - a. Develop and implement procedures to ensure compliance with the requirements of a pretreatment program as specified in 40 CFR 403.8 (f)(2).
 - b. Carry out independent inspection and monitoring procedures at least once per year, which will determine whether each significant industrial user (SIU) is in compliance with applicable pretreatment standards;
 - c. Evaluate whether each SIU needs a slug control plan or other action to control slug discharges. If needed, the SIU slug control plan shall include the items specified in 40 CFR 403.8(f)(2)(vi). For IUs identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional SIUs must be evaluated within 1 year of being designated an SIU;
 - d. Update its inventory of Industrial Users (IUs) at least annually and as needed to ensure that all SIUs are properly identified, characterized, and categorized;
 - e. Receive and review self monitoring and other IU reports to determine compliance with all pretreatment standards and requirements, and obtain appropriate remedies for noncompliance by any IU with any pretreatment standard and/or requirement;
 - f. Investigate instances of noncompliance, collect and analyze samples, and compile other information with sufficient care as to produce evidence admissible in enforcement proceedings, including judicial action;
 - g. Require development, as necessary, of compliance schedules by each industrial user to meet applicable pretreatment standards; and,
 - h. Maintain an adequate revenue structure and staffing level for continued operation of the Pretreatment Program.
2. The Permittee shall issue/reissue permits or equivalent control mechanisms to all SIUs prior to expiration of existing permits or prior to commencement of discharge in the case of new discharges. The permits at a minimum shall include the elements listed in 40 CFR § 403.8(f)(1)(iii)(B).
3. The Permittee shall develop, maintain, and enforce, as necessary, local limits to implement the general and specific prohibitions in 40 CFR § 403.5 which prohibit the introduction of any pollutants which cause pass through or interference and the introduction of specific pollutants to the waste treatment system from any source of nondomestic discharge.
4. In addition to the general limitations expressed in Paragraph 3 above, applicable pretreatment standards must be met by all industrial users of the POTW. These limitations include specific standards for certain industrial categories as determined by Section 307(b) and (c) of the Clean Water Act, State limits, or local limits, whichever are more stringent.

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5. The USEPA and IEPA individually retain the right to take legal action against any industrial user and/or the POTW for those cases where an industrial user has failed to meet an applicable pretreatment standard by the deadline date regardless of whether or not such failure has resulted in a permit violation.
6. The Permittee shall establish agreements with all contributing jurisdictions, as necessary, to enable it to fulfill its requirements with respect to all IUs discharging to its system.
7. Unless already completed, the Permittee shall within six (6) months of the effective date of this Permit submit to USEPA and IEPA a proposal to modify and update its approved Pretreatment Program to incorporate Federal revisions to the general pretreatment regulations. The proposal shall include all changes to the approved program and the sewer use ordinance which are necessary to incorporate the revisions of the Pretreatment Streamlining Rule (which became effective on November 14, 2005), which are considered required changes, as described in the Pretreatment Streamlining Rule Fact Sheet 2.0: Required changes, available at:

https://www.epa.gov/sites/production/files/2015-10/documents/pretreatment_streamlining_required_changes.pdf. This includes any necessary revisions to the Permittee's Enforcement Response Plan (ERP).

- a. The permittee will review and modify, as appropriate, its existing industrial pretreatment program to minimize combined sewer overflow impacts related to discharges to the collection system from non-domestic users. This review shall include: (1) An inventory of nondomestic discharges to the combined sewers system, focusing on those discharges with the greatest potential to impact CSOs (2) Assessment of the impact of these discharges on CSOs, and (3) Evaluation of feasible modifications to the pretreatment program to minimize CSO impacts, including the prohibition of batch discharges during wet weather events.
 - b. The Permittee shall maintain all current pollution prevention (P2) activities with the Illinois Waste Management and Research Center (WMRC)/ University of Illinois Sustainable Technology Center (ISTC). Reports on pollution prevention activities shall be included in the annual pretreatment report submitted to the Agency.
8. The Permittee submitted a technical re-evaluation dated December 29, 2014 and an amended version dated August 31, 2017 which were approved by USEPA on December 18, 2017. The Permittee may revise the technical re-evaluation of its local limitations consistent with U.S. EPA's Local Limits Development Guidance (July 2004) and shall submit any proposed revisions to its local limits to IEPA and U.S. EPA Region 5 for review and approval. U.S. EPA Region 5 will request Permittee to submit the evaluation and any proposed revisions to its local limits on the spreadsheet "Region 5 Pretreatment Limit Spreadsheet Illinois/Indiana" found at: <https://www.epa.gov/npdes-permits/illinois-mpdes-permits>. To demonstrate technical justification for new local industrial user limits or justification for retaining existing limits, the following information must be submitted to U.S. EPA:
 - a. Total plant flow
 - b. Domestic/commercial pollutant contributions for pollutants of concern
 - c. Industrial pollutant contributions and flows
 - d. Current POTW pollutant loadings, including loadings of conventional pollutants
 - e. Actual treatment plant removal efficiencies, as a decimal (primary, secondary, across the wastewater treatment plant)
 - f. Safety factor to be applied
 - g. Identification of applicable criteria:
 - i. NPDES permit conditions
 - Specific NPDES effluent limitations
 - Water-quality criteria
 - Whole effluent toxicity requirements
 - Criteria and other conditions for sludge disposal
 - ii. Biological process inhibition
 - Nitrification
 - Sludge digester
 - iii. Collection system problems
 - h. The Permittee's sludge disposal methods (land application, surface disposal, incineration, landfill)
 - i. Sludge flow to digester
 - j. Sludge flow to disposal
 - k. % solids in sludge to disposal, not as a decimal
 - l. % solids in sludge to digester, not as a decimal
 - m. Plant removal efficiencies for conventional pollutants
 - n. If revised industrial user discharge limits are proposed, the method of allocating available pollutants loads to industrial users
 - o. A comparison of maximum allowable headworks loadings based on all applicable criteria listed in g, above
 - p. Pollutants that have caused:
 - i. Violations or operational problems at the POTW, including conventional pollutants
 - ii. Fires and explosions
 - iii. Corrosion
 - iv. Flow obstructions
 - v. Increased temperature in the sewer system

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- vi. Toxic gases, vapors or fumes that caused acute worker health and safety problems
 - vii. Toxicity found through Whole Effluent Toxicity testing
 - viii. Inhibition
 - q. Pollutants designated as "monitoring only" in the NPDES permit
 - r. Supporting data, assumptions, and methodologies used in establishing the information a through q above
9. Modifications of your Pretreatment Program shall be submitted in accordance with 40 CFR § 403.18, which established conditions for substantial and non-substantial modifications. All requests should be sent in electronic format to r5npdes@epa.gov, Attention: NPDES Program Branch.

B. Reporting and Records Requirements

1. The Permittee shall provide an annual report briefly describing the permittee's pretreatment program activities over the previous calendar year. Permittees who operate multiple plants may provide a single report providing all plant-specific reporting requirements are met. Such report shall be submitted electronically no later than June 30th of each year to R5pretreatment@epa.gov with "IL0047741 Annual Report" as the subject of the email and shall be in the format set forth in IEPA's POTW Pretreatment Report Package which contains information regarding:
 - a. An updated listing of the Permittee's significant industrial users, indicating additions and deletions from the previous year, along with brief explanations for deletions. The list shall specify which categorical Pretreatment standards, if any, are applicable to each Industrial User.
 - b. A descriptive summary of the compliance activities including numbers of any major enforcement actions, (i.e., administrative orders, penalties, civil actions, etc.), and the outcome of those actions. This includes an assessment of the compliance status of the Permittee's industrial users and the effectiveness of the Permittee's Pretreatment Program in meeting its needs and objectives.
 - c. A description of all substantive changes made to the Permittee's Pretreatment Program. Changes which are "substantial modifications" as described in 40 CFR § 403.18(c) must receive prior approval from the USEPA.
 - d. Results of sampling and analysis of POTW influent, effluent, and sludge.
 - e. A summary of the findings from the priority pollutants sampling. As sufficient data becomes available the IEPA may modify this Permit to incorporate additional requirements relating to the evaluation, establishment, and enforcement of local limits for organic pollutants. Any permit modification is subject to formal due process procedures pursuant to State and Federal law and regulation. Upon a determination that an organic pollutant is present that causes interference or pass through, the Permittee shall establish local limits as required by 40 CFR § 403.5(c).
2. The Permittee shall maintain all pretreatment data and records for a minimum of three (3) years. This period shall be extended during the course of unresolved litigation or when requested by the IEPA or the Regional Administrator of USEPA. Records shall be available to USEPA and the IEPA upon request.
3. The Permittee shall establish public participation requirements of 40 CFR 25 in implementation of its Pretreatment Program. The Permittee shall at least annually, publish the names of all IU's which were in significant noncompliance (SNC), as defined by 40 CFR § 403.8(f)(2)(viii), in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the Permittee or based on any more restrictive definition of SNC that the POTW may be using.
4. The Permittee shall provide written notification to the USEPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, Attention: NPDES Programs Branch and to the Deputy Counsel for the Division of Water Pollution Control, IEPA, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 within five (5) days of receiving notice that any Industrial User of its sewage treatment plant is appealing to the Circuit Court any condition imposed by the Permittee in any permit issued to the Industrial User by Permittee. A copy of the Industrial User's appeal and all other pleadings filed by all parties shall be mailed to the Deputy Counsel within five (5) days of the pleadings being filed in Circuit Court.

C. Monitoring Requirements

1. The Permittee shall monitor its influent, effluent and sludge and report concentrations of the following parameters on Discharge Monitoring Report (DMR) electronic forms due August 25th, unless otherwise specified by the IEPA, and include them in its annual report. Influent and effluent samples shall be taken at weekly intervals at the indicated reporting limit or better and consist of a 24-hour composite unless otherwise specified below. Sludge samples shall be taken of final sludge on a monthly basis and consist of a grab sample reported on a dry weight basis.

| STORET CODE | PARAMETER | Minimum reporting limit |
|----------------|---|----------------------------|
| 01097 | Antimony | 0.07 mg/L |
| 01002 | Arsenic | 0.05 mg/L |
| 01007 | Barium | 0.5 mg/L |
| 01012 | Beryllium | 0.005 mg/L |
| 01027 | Cadmium | 0.001 mg/L |
| 01032 | Chromium (hex) (grab not to exceed 24 hours)* | 0.01 mg/L |

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| | | |
|-------|---|------------|
| 01034 | Chromium (total) | 0.05 mg/L |
| 01042 | Copper | 0.005 mg/L |
| 00720 | Cyanide (total) (grab)**** | 5.0 µg/L |
| 00722 | Cyanide* (grab) (available ***** or amenable to chlorination)**** | 5.0 µg/L |
| 00951 | Fluoride* | 0.1 mg/L |
| 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 (effluent 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 |
| 01059 | Thallium | 0.3 mg/L |
| 01092 | Zinc | 0.025 mg/L |

* Influent and effluent only

**Minimum reporting limit of 1 ng/L = 1 part per trillion when utilizing Method 1631E and 1 µg/L = 1 part per billion when utilizing Method 3112 and SW-846.

***Utilize USEPA Method 1631E and the digestion procedure described in Section 11.1.1.2 of 1631E, other approved methods may be used for influent (composite) and sludge.

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

*****USEPA Method OIA-1677 or Standard Method SM 4500-CN G, effective 12 months from the effective date of this permit.

The minimum reporting limit for each parameter is specified by Illinois EPA as the regulatory authority.

The minimum reporting limit for each parameter shall be greater than or equal to the lowest calibration standard and within the acceptable calibration range of the instrument.

The minimum reporting limit is the value below which data are to be reported as non-detects.

The statistically-derived laboratory method detection limit for each parameter shall be less than the minimum reporting limit required for that parameter.

All sample containers, chemical and thermal preservation, holding times, analyses, method detection limit determinations and quality assurance/quality control requirements shall be in accordance with 40 CFR Part 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. Where constituents are commonly measured as other than total, the phase is so indicated.

2. The Permittee shall conduct an analysis for the one hundred and ten (110) organic priority pollutants identified in 40 CFR 122 Appendix D, Table II as amended. This monitoring shall be done annually and reported on monitoring report forms provided by the IEPA and shall consist of the following:
 - a. The influent and effluent shall be sampled and analyzed for the one hundred and ten (110) organic priority pollutants. The sampling shall be done during a day when industrial discharges are expected to be occurring at normal to maximum levels.

Samples for the analysis of acid and base/neutral extractable compounds, pesticides, and PCBs shall be 24-hour composites.

Six (6) grab samples shall be collected each monitoring day to be analyzed for volatile organic compounds. A single analysis for volatile pollutants (Method 624.1) may be run for each monitoring day by compositing equal volumes of each grab sample in the laboratory right before the analysis and loading the composite sample vial in the automated purge and trap system.

Wastewater samples must be handled, prepared, and analyzed by gas chromatograph/electro capture detector in accordance with USEPA Method 608.3 and GC/MS in accordance with USEPA Methods 624.1 and 625.1 of 40 CFR 136 as amended.
 - b. The sludge shall be sampled and analyzed for the one hundred and ten (110) organic priority pollutants. A sludge sample shall be collected concurrent with a wastewater sample and taken as final sludge.

Sampling and analysis shall conform to USEPA Methods 608.3, 624.1 and 625.1 unless an alternate method has been approved by IEPA.
 - c. Sample collection, preservation and storage shall conform to approved USEPA procedures and requirements.

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3. In addition, the Permittee shall monitor any new toxic substances as defined by the Clean Water Act, as amended, following notification by the IEPA or USEPA.
4. Permittee shall report any noncompliance with effluent or water quality standards in accordance with Standard Condition 12(f) of this Permit.
5. Analytical detection limits shall be in accordance with 40 CFR 136. Minimum detection limits for sludge analyses shall be in accordance with 40 CFR 503.

D. Pretreatment Reporting

USEPA Region 5 is the Approval Authority for administering the pretreatment program in Illinois. All requests for modification of pretreatment program elements should be submitted in redline/strikeout format and must be sent to USEPA at r5npdes@epa.gov.

Permittee shall upon notice from USEPA, modify any pretreatment program element found to be inconsistent with 40 CFR 403.

- E. The Permittee shall report names of all significant contributing industries annually to both IEPA and USEPA. The report shall include the flow and the Standard Industrial Classification and/or North American Industrial Classification systems for each major contributing industry and be submitted with the annual report required in Special Condition 9. The Permittee shall furnish industrial waste data for any specific industrial group that IEPA or USEPA requests, where such requests are reasonable in scope. Otherwise, at the request of IEPA or USEPA the Permittee shall provide access to files and guidance to IEPA or USEPA personnel for reviewing data related to industrial users.
- F. To the extent different requirements are imposed by the Permittee's approved pretreatment program and this Permit, the stricter requirements shall be applicable.

SPECIAL CONDITION 10. 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 electronically on forms provided by IEPA titled "Fiscal Report Form For NPDES Permittees" to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 10" as the subject of the email. Forms are available on the following webpage: <https://www2.illinois.gov/epa/topics/forms/water-forms/Pages/wastewater-compliance.aspx>.

SPECIAL CONDITION 11. 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 LC₅₀ Bioassay using fathead minnows (*Pimephales promelas*).
 2. Invertebrate 48-hour static LC₅₀ Bioassay using *Ceriodaphnia*.
- B. Testing Frequency - The above tests shall be conducted using 24-hour composite samples unless otherwise authorized by the IEPA. Sample collection and testing must be conducted in the 18th, 15th, 12th, and 9th month prior to the expiration date of this Permit. When possible, bioassay sample collection should coincide with sample collection for metals analysis or other parameters that may contribute to effluent toxicity.
- C. Reporting - Results shall be reported according to EPA/821-R-02-012, Section 12, Report Preparation, and shall be and submitted electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 11" as the subject of the email 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 tested 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 one (1) week of becoming available to the Permittee. Should any of the additional bioassays result in toxicity to ≥50% of organisms tested in the 100% effluent treatments, the Permittee must contact the IEPA within one (1) day of the results becoming available to the Permittee and begin the toxicity identification and reduction evaluation process as outlined below.
- E. Toxicity Identification and Reduction Evaluation - Should any of the additional bioassays result in toxicity to ≥50% of organisms tested in the 100% effluent treatment, the Permittee must contact the IEPA within one (1) day of the results becoming available to the Permittee and begin the toxicity identification evaluation process in accordance with Methods for Aquatic Toxicity Identification Evaluations, EPA/600/6-91/003. The IEPA may also require, upon notification, that the Permittee prepare a plan for toxicity reduction evaluation to be developed in accordance with Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants, EPA/833B-99/002, which 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 for toxicity reduction evaluation within ninety (90) days following notification by the IEPA. The Permittee shall implement the plan within ninety (90) days or other such date as contained in a notification letter received from the IEPA.

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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, the IEPA may modify this Permit to include numerical limitations for specific toxic pollutants. Modifications under this condition shall follow public notice and opportunity for hearing.

SPECIAL CONDITION 12. Discharge Number 002 is an emergency high level overflow located in the influent pump station that would discharge overland directly to Higgins Creek, if activated. Discharges from this outfall are prohibited. The Permittee shall maintain continuous electronic monitors capable of detecting all discharges from each prohibited discharge outfall (wet well bubbler data) or shall inspect each listed prohibited discharge outfall listed above within 24 hours of receiving 0.25 inches of precipitation or greater within a 24 hour period as recorded at the nearest national Weather Service Reporting Station. Permittee shall utilize chalk or block devices or other discharge confirming devices approved by the Agency to enhance visual monitoring. These prohibited discharges, if they occur, are subject to conditions A-E listed below.

A Definitions

"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 discharge. Severe property damage does not mean economic loss caused by delays in production.

B Notice

- 1 Anticipated discharge. If the Permittee knows in advance of the need for a prohibited discharge from Discharge Number 002, it shall submit prior notice, if possible at least ten days before the date of the discharge.
- 2 Unanticipated discharge. The Permittee shall submit notice of an unanticipated discharge as required in Standard Condition 12(f) of this Permit (24-hour notice).

C Limitation on IEPA enforcement discretion. The IEPA may take enforcement action against a Permittee for prohibited discharges from Discharge Number 002, unless:

- 1 Discharge was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 2 There was no feasible alternative to the discharge, 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 discharge which occurred during normal periods of equipment downtime or preventive maintenance; and
- 3 The Permittee submitted notices as required under Standard Condition 12(f) of this Permit.

D Emergency discharges when discharging, shall be monitored daily by grab sample for BOD₅, Suspended Solids and Fecal Coliform. The Permittee shall submit the monitoring results on Discharge Monitoring Report forms using one such form for each month in which discharging occurs. The Permittee shall specify the number of discharges per month that occur and shall report this number in the quantity daily maximum column. The Permittee shall report the highest concentration value of BOD₅, Suspended Solids and Fecal Coliform discharged in the concentration daily maximum column. BOD₅ or total organic carbon (TOC) may be measured to comply with BOD₅. Testing shall be in accordance with 40 CFR 136. If TOC is measured, the results shall be converted to BOD₅ using the equation, $\text{Log BOD}_5 = \text{Log TOC} \times 1.67 - 1.12$, and reported on the DMR as BOD₅. The TOC data shall also be reported on the DMR as a daily maximum and sampled daily when discharging if used to comply with BOD₅.**E** The above limitations on enforcement discretion apply only with respect to IEPA. They do not serve as a limitation on the ability of any other governmental agency or person to bring an enforcement action in accordance with the Federal Clean Water Act.

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 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 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 and state regulations governing sewage sludge use or disposal.

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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" and submitted electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 13" as the subject of the email. Forms are available on the following webpage: <https://www2.illinois.gov/epa/topics/forms/water-forms/Pages/wastewater-compliance.aspx>.

SPECIAL CONDITION 14.

AUTHORIZATION OF
COMBINED SEWER AND TREATMENT PLANT DISCHARGES

The IEPA has determined that at least a portion of the collection system consists of combined sewers. References to the collection system and the sewer system refer only to those parts of the system which are owned and operated by the Permittee unless otherwise indicated. The Permittee is authorized to discharge from the overflow/bypass listed below provided the diversion structure is located on a combined sewer and the following terms and conditions are met:

| <u>Discharge Number</u> | <u>Location</u> | <u>Receiving Water</u> |
|-------------------------|-----------------|------------------------|
| 111 | Central Road | Weller's Creek |

A. CSO Monitoring, Reporting and Notification Requirements

- The Permittee shall monitor the frequency of discharge (number of discharges per month) and estimate the duration (in hours) of each discharge from each outfall listed in this Special Condition. Estimates of storm duration and total rainfall shall be provided for each storm event in which a CSO occurred.

| <u>Start Date</u> | <u>Rainfall Duration (hrs.)</u> | <u>Rainfall Amount (in.)</u> | <u>CSO Outfall #</u> | <u>Outfall Description</u> | <u>Estimated Duration of CSO Discharge (hrs.)</u> | <u>Estimated Volume of CSO Discharge (MG)</u> |
|-------------------|---------------------------------|------------------------------|----------------------|----------------------------|---|---|
|-------------------|---------------------------------|------------------------------|----------------------|----------------------------|---|---|

For frequency reporting, all discharges from the same storm, or occurring within 24 hours, shall be reported as one. The date that a discharge commences shall be recorded for each outfall. Results shall be reported on the "NPDES CSO Discharge Monitoring Report Form" or other approved format* and submitted electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 14.A" as the subject of the email by the 15th of February, May, August, and November for the previous quarter, (October – December, January – March, April – June, and July – September). Forms are available on the following webpage: <https://www2.illinois.gov/epa/topics/forms/water-forms/Pages/wastewater-compliance.aspx>. In addition to the above required information, these reports shall include estimates of the pounds of BOD discharged, pounds of suspended solids discharged through CSO's on, or scheduled to be connected to the legs of TARP tributary to the James C. Kirie Water Reclamation Plant. The report shall also include estimates of the pounds of BOD, pounds of suspended solids, and volume of combined sewage treated at the James C. Kirie Water Reclamation Plant. *Requires written approval from IEPA.

B. CSO Treatment Requirements

- All combined sewer overflows and treatment plant bypasses shall be given sufficient treatment to prevent pollution and the violation of applicable water quality standards. Sufficient treatment shall consist of the following:
 - All dry weather flows and the first flush of storm flows shall be transported to the main STP and shall meet all applicable effluent standards and the effluent limitations required for the main STP outfall. Additional flows, but not less than ten times the average dry weather flow for the design year, shall receive the equivalent of primary treatment and disinfection with adequate retention time; and,
 - Any additional treatment, necessary to comply with applicable water quality standards and the federal Clean Water Act, including any amendments made by the Wet Weather Water Quality Act of 2000.
- All CSO discharges authorized by this Permit shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203 and to prevent depression of oxygen levels below the applicable water quality standards.
- Overflows during dry weather are prohibited. Dry weather overflows, if discovered, shall be reported to the IEPA pursuant to Standard Condition 12(f) of this Permit (24 hour notice).
- The collection system shall be operated to optimize transport of wastewater flows and to minimize CSO discharges.
- The treatment system shall be operated to maximize treatment of wastewater flows.

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Special ConditionsC. Pollution Prevention Activities

1. The Permittee's Pollution Prevention activities are identified in Special Condition 9, Part A.7.

D. Nine Minimum Controls

1. The Permittee shall comply with the nine minimum controls contained in the National CSO Control Policy published in the Federal Register on April 19, 1994. The nine minimum controls are:
 - a. Proper operation and maintenance programs for the sewer system and the CSOs;
 - b. Maximum use of the collection system for storage;
 - c. Review and modification of pretreatment requirements to assure CSO impacts are minimized;
 - d. Maximization of flow to the POTW for treatment;
 - e. Prohibition of CSOs during dry weather;
 - f. Control of solids and floatable materials in CSOs;
 - g. Pollution prevention programs which focus on source control activities;
 - h. Public notification to ensure that citizens receive adequate information regarding CSO occurrences and CSO impacts; and,
 - i. Monitoring to characterize impacts and efficiency of CSO controls.

Any previously-prepared CSO pollution prevention plan (PPP) for this collection system shall be reviewed, and revised if necessary, by the Permittee to address the items contained in Chapter 8 of the U.S. EPA guidance document, Combined Sewer Overflows, Guidance For Nine Minimum Controls, and any items contained in previously-sent review documents from the IEPA concerning the PPP. Combined Sewer Overflows, Guidance For Nine Minimum Controls is available on line at <http://www.epa.gov/npdes/pubs/owm0030.pdf>. The PPP (or revised PPP) shall be presented to the general public at a public information meeting conducted by the Permittee annually during the term of this Permit. The Permittee shall submit documentation that the pollution prevention plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 14.D" as the subject of the email and posted to the permittees website within twelve (12) months of the effective date of this Permit and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and a completed "CSO Pollution Prevention Plan Certification". Forms are available on the following webpage: <https://www2.illinois.gov/epa/topics/forms/water-forms/Pages/wastewater-permits.aspx>. Following the public meeting, the Permittee shall implement the pollution prevention plan and shall maintain a current pollution prevention plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. The pollution prevention plan revisions shall be submitted electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 14.D" as the subject of the email and posted to the permittees website one (1) month from the revision date.

E. Sensitive Area Considerations

1. Pursuant to Section II.C.3 of the federal CSO Control Policy of 1994, sensitive areas are any water likely to be impacted by a CSO discharge which meet one or more of the following criteria: (1) designated as an Outstanding National Resource Water; (2) found to contain shellfish beds; (3) found to contain threatened or endangered aquatic species or their habitat; (4) used for primary contact recreation; (5) National Marine Sanctuaries; or, (6) within the protection area for a drinking water intake structure.

Within one (1) month of the effective date of this Permit, the Permittee shall submit electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 14.E" as the subject of the email and post to the permittees website documentation indicating which of the outfalls listed in this Special Condition either do, or do not discharge to sensitive areas. Such documentation shall include information regarding the use of the receiving water for primary contact activities (swimming, water skiing, jet skiing, etc.). If the Permittee believes that it is not possible for primary contact recreation to occur in the areas impacted or potentially impacted by the CSOs listed in this Special Condition, then justification as to why primary contact recreation is not possible shall be submitted. Adequate justification shall include, but is not limited to: (1) inadequate water depth; (2) presence of physical obstacles sufficient to prevent access to or for primary contact recreation; and, (3) uses of adjacent land sufficient to discourage primary contact activities. The IEPA will make a determination based on this documentation and other information available to the IEPA. Evidence of existing use of waterway for primary contact recreation activities will likely negate such potential "no-use" justifications.

Should the IEPA conclude that any of the CSOs listed in this Special Condition discharge to a sensitive area, the IEPA will notify the Permittee in writing. Within three (3) months of the date of notification, or such other date contained in the notification letter, the Permittee shall submit two (2) copies of either a schedule to relocate, control, or treat discharges from these outfalls. If none of these options are possible, the Permittee shall submit adequate justification as to why these options are not possible. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy.

F. Operational and Maintenance Plans

1. The Permittee shall implement measures to reduce, to the greatest extent practicable, the total loading of pollutants and

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floatables entering the receiving stream to ensure that the Permittee ultimately achieves compliance with water quality standards. These measures shall include, but not be limited to developing and implementing a CSO O & M plan, tailored to the permittee's collection and waste treatment systems, which shall include mechanisms and specific procedures where applicable to ensure:

- a. Collection system inspection on a scheduled basis;
- b. Sewer, catch basin, and regulator cleaning and maintenance on a scheduled basis;
- c. Inspections are made and preventive maintenance is performed on all pump/lift stations;
- d. Collection system replacement, where necessary;
- e. Detection and elimination of illegal connections;
- f. Detection, prevention, and elimination of dry weather overflows;
- g. The collection system is operated to maximize storage capacity and the combined sewer portions of the collection system are operated to delay storm entry into the system; and,
- h. The treatment and collection systems are operated to maximize treatment.

The IEPA received a CSO operational and maintenance plan "CSO O&M plan" dated July 20, 2018 prepared for this sewerage system. The Permittee shall fully implement the plan and review and revise, if needed, the CSO O&M plan to reflect system changes. The CSO O&M plan shall be presented to the general public at a public information meeting conducted by the Permittee within nine (9) months of the effective date of this Permit or within nine (9) months of the CSO system being modified. The Permittee shall submit documentation that the CSO O&M plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 14.F" as the subject of the email and posted to the permittees website within twelve (12) months of the effective date of this Permit or within three (3) months of the public meeting and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and a completed "CSO Operational Plan Checklist and Certification". Forms are available on the following webpage: <https://www2.illinois.gov/epa/topics/forms/water-forms/Pages/wastewater-permits.aspx>. Following the public meeting, the Permittee shall maintain a current CSO O&M plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. The CSO O&M plan and all updates shall be submitted electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 14.F" as the subject of the email and posted to the permittees website one (1) month from the revision date.

G. Sewer Use Ordinances

1.
 - a. The Permittee shall implement and enforce all conditions and requirements of the Infiltration/Inflow Control Program (IICP) contained in Article 8 of the Watershed Management Ordinance. The steps used to implement the IICP shall be included in the CSO O&M plan contained in Paragraph F of this Special Condition.
 - b. The Permittee shall report to the IEPA's Compliance Assurance Section on an annual basis the progress obtained in the satellite entities' efforts to meet the following goals: 1) Prevention of water pollution; 2) Elimination of basement sewage backups and adverse surcharging conditions that cause health hazards and financial losses; 3) Minimization of extraneous flows transported to the Permittee's facilities. Also included in this report shall be the results of the District's efforts to reduce and effectively control sources of infiltration and inflow. The report shall be submitted by November 15th of each year and shall include the most recent October 1 through September 30 time period.
 - c. In the event that local sewer system owners have excessive I/I (any wet weather flows exceeding 150 gpcpd 24-hour average with peak flow not to exceed 100 gpcpd times an allowable peaking factor in accordance with the Illinois Recommended Standards for Sewage Works) in their separate sewer systems that cause or contribute to basement backups and/or sanitary sewer overflows, the Permittee shall require that the local sewer system owner implement measures in addition to those required under the IICP in an effort to reduce the excessive I/I. Such additional remedies may include sewer system evaluation studies, sewer rehabilitation or replacement, inflow source removal, and restrictions on the issuance of additional sewer connection permits. A summary of such additional measures shall be included with the IICP Report.

H. Compliance with Water Quality Standards

1.
 - a. Pursuant to Section 301 of the federal Clean Water Act and 40 CFR § 122.4, discharges from the outfalls listed in this Special Condition shall not cause or contribute to violations of applicable water quality standards or cause use impairment in the receiving waters. The Permittee, no later than March 31st of each year, shall submitted electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 14.H.1.a" as the subject of the email and posted to the permittees website documentation of water quality data for the waterway systems within its jurisdiction for the previous calendar year. The Permittee shall also work with the IEPA and Municipalities with CSO outfall structures connected to

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TARP, or planned to be connected to TARP, to develop and implement a plan to assess, and if necessary, abate, impacts from CSO discharges.

- b. The Permittee completed post construction water quality monitoring for the Kirie TARP in 2011.
- c. Should the results of the water quality monitoring plan, or if information becomes available that causes IEPA to conclude that the discharges from any of the CSOs (treated or untreated) authorized to discharge under this Permit are causing or contributing to violations of water quality standards or are causing use impairment in the receiving water(s) (and so do not comply with the provisions of Paragraph H.1.a, above), the Permittee shall revise and submit electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 14.H.1.c" as the subject of the email and post to the permittees website a CSO Long-Term Control Plan (LTCP) that includes measures for assuring that the discharges from the CSOs (treated or untreated) authorized in this Permit comply with the provisions of Paragraph G.1.a above. The LTCP shall include a schedule for implementation and provisions for re-evaluating compliance with applicable standards and regulations after complete implementation.

If IEPA notifies the Permittee in writing that it has concluded that discharges from any of the CSOs are causing or contributing to violations of water quality standards or are causing use impairment in the receiving waters, then the Permittee shall revise and submit electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 14.H.1.c" as the subject of the email and post to the permittees website the revised LTCP within twelve (12) months of receiving the IEPA written notice. The revised LTCP shall include measures necessary for assuring that the discharges from the CSOs (treated or untreated) authorized in this Permit comply with the provisions of Paragraph H.1.a above.

Following submittal of the revised LTCP, the Permittee shall respond to any initial IEPA review letter in writing within ninety (90) days of the date of such a review letter, and within thirty (30) days of any subsequent review letter(s), if any. The Permittee may be required to implement the LTCP, or another remedy for addressing CSOs, through an enforcement action, permit modification or other enforceable mechanism.

2. A public notification program in accordance with Section II.B.8 of the federal CSO Control Policy of 1994 shall be developed employing a process that actively informs the affected public. The program shall include at a minimum public notification of CSO occurrences and CSO impacts, with consideration given to including mass media and/or Internet notification. The Permittee shall post and maintain signs in waters likely to be impacted by CSO discharges at the point of discharge and at points where these waters are used for primary contact recreation. The sign's message should be visible from both shoreline and water vessel approach (if appropriate), respectively. Provisions shall be made to include modifications of the program when necessary and notification to any additional member of the affected public. The program shall be presented to the general public at a public information meeting conducted by the Permittee. The Permittee shall conduct the public information meeting providing a summary and status of the CSO control program annually during the term of this Permit. The Permittee shall submit documentation that the public information meeting was held, shall submit a summary of all significant issues raised by the public and the Permittee's response to each issue and shall identify any modifications to the program as a result of the public information meeting electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 14.H.2" as the subject of the email within 60 days of holding the public meeting. The Permittee shall submit copies of the public notification program electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 14.H.2" as the subject of the email within 30 days of development or revision. The most recent CSO Public Notification Plan was dated December 2009.
3. If any of the CSO discharge points listed in this Special Condition are eliminated, or if additional CSO discharge points, not listed in this Special Condition, are discovered, the Permittee shall notify the IEPA in writing within one (1) month of the respective outfall elimination or discovery. Such notification shall be in the form of a request for the appropriate modification of this NPDES Permit.

I. Summary of Compliance Dates in this CSO Special Condition

1. The following summarizes the dates that submittals contained in this Special Condition are due at the IEPA:

| | |
|--|--|
| IICP Report, and CSO Monitoring Data Report (Paragraphs A.1 and G.1) | Every November 15 th |
| Water Quality Data (Paragraph H.1) | Every March 31 st |
| Elimination of a CSO or Discovery of Additional CSO locations (Paragraph H.3) | 1 month from discovery or elimination |
| Documentation of CSO locations (Paragraph E.1, Sensitive Areas) | 6 months from effective date of this Permit |
| Conduct OMP Information Meeting (Paragraph F.1) No Submittal Due with this Milestone | 9 months from the effective date of the Permit |
| Submit OMP Certification (Paragraphs F.1) | 12 months from the effective date of this Permit |
| Submit Pollution Prevention Report (Paragraph C.1) | Every June 30 th |
| Conduct PN Public Information Meeting (Paragraph H.2) No Submittal Due with this Milestone | Annually |
| Submit PN Information Meeting Summary (Paragraph H.2) | 60 days after the public meeting |

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Special ConditionsJ. Reopening and Modifying this Permit

1. The IEPA may initiate a modification for this Permit at any time to include requirements and compliance dates which have been submitted in writing by the Permittee and approved by the IEPA, or other requirements and dates which are necessary to carry the provisions of the Illinois Environmental Protection Act, the Clean Water Act, or regulations promulgated under those Acts. Public Notice of such modifications and opportunity for public hearing shall be provided.

SPECIAL CONDITION 15. 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 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, <https://www2.illinois.gov/epa/topics/water-quality/surface-water/netdmr/pages/quick-answer-guide.aspx>.

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 16. This Permit contains provisions implementing the federal Combined Sewer Overflow (CSO) Control Policy (published in the Federal Register on April 19, 1994). The Permit contains the elements of the Nine Minimum Controls. Authorization is provided in this Permit for discharge from one CSO into Weller's Creek. This CSO will discharge only when precipitation events, including snow melt, cause the available capacity in TARP to be exceeded.

SPECIAL CONDITION 17. The provisions of 40 CFR Section 122.41 (m) & (n) are incorporated herein by reference.

SPECIAL CONDITION 18. 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 35 Ill. Adm. Code 306.304. As part of the process to ultimately achieve compliance through the elimination of 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) update the existing Capacity, Management, Operations, and Maintenance (CMOM) plan at least annually and maintain it at the facility for review during Agency Field Operations Section inspections. The CMOM shall be submitted electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 18" as the subject of the email and posted to the permittees website by March 31 of each year. 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 and/or sewer hydraulic modeling, as necessary;
5. Identification and prioritization of structural deficiencies in the system owned and operated by the Permittee. Include preventative maintenance programs to prevent and/or eliminate collection system blockages from roots or grease, and prevent corrosion or negative effects of hydrogen sulfide which may be generated within collection system;
6. Operational control, including documented system control procedures, scheduled inspections and testing, list of scheduled frequency of cleaning (and televising as necessary) of sewers;

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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.
 4. Identify the root cause of the overflow or basement backup, and document to files;
 5. Identify actions or remediation efforts to reduce risk of reoccurrence of these overflows or basement backups in the future, and document to files.
- 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. Evaluate the effectiveness and performance in efforts to reduce excessive I/I in the collection system;
 4. Special provisions for Pump Stations and force mains and other unique system components; and
 5. Construction plans and schedules for correction.
- 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 and
http://water.epa.gov/type/watersheds/wastewater/upload/guide_smallsystems_assetmanagement_bestpractices.pdf

SPECIAL CONDITION 19. This Permit may be modified to include alternative or additional final effluent limitations pursuant to an approved Total Maximum Daily Load (TMDL) Study, an approved Nutrient Assessment Reduction Plan, or an approved trading program.

SPECIAL CONDITION 20. A phosphorus monthly average concentration effluent limitation of 1.0 mg/L and associated loading limitations shall become effective five (5) years from the effective date of this permit. In order to achieve a phosphorus effluent limit of 1.0 mg/L, the Permittee shall submit progress reports in compliance with the following schedule:

- | | |
|--|--|
| A. Assess Key Process Parameters for System Design; Initiate Design Selection | 6 months from effective date of this Permit |
| B. Interim Report on System Design and Selection | 12 months from effective date of this Permit |
| C. Interim Report on System Design and Selection | 18 months from effective date of this Permit |
| D. Complete System Design; Initiate Bid and Award | 24 months from effective date of this Permit |
| E. Commence Construction of Selected System; | 27 months from effective date of this Permit |
| F. Interim Report on Construction Activities and Progress | 30 months from effective date of this Permit |

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|--|--|
| G. Second Interim Report on Construction Activities and Progress | 36 months from effective date of this Permit |
| H. Third Interim Report on Construction Activities and Progress | 42 months from effective date of this Permit |
| I. Fourth Interim Report on Construction Activities and Progress | 48 months from effective date of this Permit |
| J. Complete Construction; Begin Optimization of Phosphorus Removal | 54 months from effective date of this Permit |
| K. Achieve Compliance with Final Phosphorus Effluent Limitations | 60 months from effective date of this Permit |

In addition, the IEPA may initiate a modification of the schedule set forth in this permit at any time, to include other dates which are necessary to carry out the provisions of the Environmental Protection Act, the Federal Clean Water Act or regulations promulgated under those Acts or compliance dates which have been submitted in writing by the Permittee and approved by the IEPA. Public Notice of such modifications and opportunity for public hearing shall be provided consistent with 40 CFR 122.63.

The Permittee shall submit a report for each number item in the compliance schedule, indicating, a) the date the item was completed, or b) that the item was not completed. All reports shall be submitted electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 20" as the subject of the email

SPECIAL CONDITION 21: The Permittee shall participate in the Lower Des Plaines Watershed Group (LDWG). The Permittee shall work with other watershed members of the LDWG to determine the most cost effective means to remove dissolved oxygen (DO) and offensive condition impairments in the Lower Des Plaines Watershed to the extent feasible. The Permittee shall participate in the LDWG for the completion of the Bioassessment Monitoring Program Plan of the Lower Des Plaines Watershed Bioassessment Quality Assurance Project Plan dated July 27, 2018 (hereinafter the Plan) which will include biological, chemical and physical monitoring of the Lower Des Plaines River Watershed.

- A. The LDWG will conduct the following activities in accordance with the Plan during the term of this permit:
1. Conduct stream monitoring in Lower Mainstem Des Plaines River in 2018;
 2. Conduct stream monitoring in Upper Mainstem and tributaries of the Des Plaines River in 2019;
 3. Conduct stream monitoring in Hickory Creek Watershed in 2020;
 4. Conduct stream monitoring in remaining tributaries of the Des Plaines River in 2021; and
 5. Assess stream monitoring and develop recommendations for future stream monitoring in 2022.
- B. The Permittee shall submit an annual progress report on the activities identified in (A) above to the Agency by March 31 of each year. The Permittee may work cooperatively with the LDWG to prepare a single annual progress report that is common among LDWG members.
- C. In its application for renewal of this permit, the Permittee shall consider and incorporate recommended LDWG activities listed in any annual progress report or Nutrient Assessment Reduction Plan that the Permittee will implement during the next permit term.

SPECIAL CONDITION 22: The Permittee shall monitor the wastewater effluent for Total Phosphorus, Dissolved Phosphorus, Nitrate/Nitrite, Total Kjeldahl Nitrogen (TKN), Ammonia, Total Nitrogen (calculated), Alkalinity, Specific Conductivity, Chloride and Temperature at least once a month beginning on the effective date of this permit. The Permittee shall monitor the wastewater influent for Total Phosphorus at least once a month. The results shall be submitted on electronic Discharge Monitoring Report Forms (NetDMRs) to IEPA unless otherwise specified by the IEPA.

SPECIAL CONDITION 23: The Permittee shall, within 18 months of the effective date of this permit, prepare and submit electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 23" as the subject of the email and post to the permittees website 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 this limit on a monthly, seasonal and annual average basis. The feasibility report shall also be shared with the Lower Des Plaines Watershed Group. Previously submitted feasibility studies that did not include an alternative effluent limit of 0.5 mg/L and 0.1 mg/L may be amended to identify supplemental treatment technologies necessary to achieve 0.5 mg/L and 0.1 mg/L.

SPECIAL CONDITION 24: The Permittee shall develop and submit to the Agency a Phosphorus Discharge Optimization Plan within 18 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 electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 24" as the subject of the email and post to the permittees website 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.

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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 25:

- A. Subject to paragraph (B) below, an effluent limit of 0.5 mg/L Total Phosphorus 12 month rolling geometric mean (calculated monthly) basis (hereinafter "the Limit"), shall be met by the Permittee by January 1, 2030, unless the Permittee demonstrates that meeting such Limit is not technologically or economically feasible in one of the following manners:
 1. the Limit is not technologically feasible through the use of biological phosphorus removal (BPR) process(es) at the treatment facility; or
 2. the Limit would result in substantial and widespread economic or social impact. Substantial and widespread economic impacts must be demonstrated using applicable USEPA guidance, including but not limited to any of the following documents:
 - a. Interim Economic Guidance for Water Quality Standards, March 1995, EPA-823-95-002;
 - b. Combined Sewer Overflows – Guidance for Financial Capability Assessment and Schedule Development, February 1997, EPA-832—97-004;
 - c. Financial Capability Assessment Framework for Municipal Clean Water Act Requirements, November 24, 2014; and
 - d. any additional USEPA guidance on affordability issues that revises, supplements or replaces those USEPA guidance documents; or
 3. the Limit can only be met by chemical addition for phosphorus removal at the treatment facility in addition to those processes currently contemplated; or
 4. the Limit is demonstrated not to be feasible by January 1, 2030, but is feasible within a longer timeline, then the Limit shall be met as soon feasible and approved by the Agency; or
 5. the Limit is demonstrated not to be achievable, then an effluent limit that is achievable by the Permittee (along with associated timeline) will apply instead, except that the effluent limit shall not exceed 0.6 mg/L Total Phosphorus 12 month rolling geometric mean (calculated monthly).
- B. The Limit shall be met by the Permittee by January 1, 2030, except in the following circumstances:
 1. If the Permittee develops a written plan, preliminary engineering report, facility plan or project plan no later than January 1, 2025, to rebuild or replace the secondary treatment process(es) of the treatment facility, the Limit shall be met by December 31, 2035; or
 2. If the Permittee decides to construct/operate biological nutrient removal (BNR) process(es), incorporating nitrogen reduction, the Limit shall be met by December 31, 2035; or
 3. If the Permittee decides to use chemical addition for phosphorus removal instead of BPR, the Limit and the effluent limit of 1.0 mg/L Total Phosphorus monthly average shall be met by December 31, 2025; or
 4. If the Permittee has already installed chemical addition for phosphorus removal instead of BPR, and has a 1.0 mg/L Total Phosphorus monthly average effluent limit in its permit, or the Permittee is planning to install chemical addition with an IEPA construction permit that is issued on or before July 31, 2018, the 1.0 mg/L Total Phosphorus monthly average effluent limit (and associated compliance schedule) shall apply, and the Limit shall not be applicable; or
 5. The NARP determines that a limit lower than the Limit is necessary and attainable. The lower limit and timeline identified in the NARP shall apply to the Permittee; or
 6. If the Permittee participates in a watershed group that is developing a NARP for an impairment related to phosphorus or a risk eutrophication, and IEPA determines that the group has the financial and structural capability to develop the NARP by the deadline specified in the NARP provisions below.
- C. The Permittee shall identify and provide adequate justification of any exception identified in paragraph (A) or circumstance identified in paragraph (B), regarding meeting the Limit. The justification shall be submitted to the Agency at the time of renewal of this permit or by December 31, 2023, whichever date is first. Any justification or demonstration performed by the Permittee pursuant to paragraph (A) or circumstance pursuant to paragraph (B) must be reviewed and approved by the Agency. The Agency will renew or modify the NPDES permit as necessary. No date deadline modification or effluent limitation modification for any of the exceptions or circumstances specified in paragraphs (A) or (B) will be effective until it is included in a modified or reissued NPDES permit.
- D. For purposes of this permit, the following definitions are used:
 1. BPR (Biological Phosphorus Removal) is defined herein as treatment processes which do not require use of supplemental treatment processes at the treatment facilities before or after the biological system, such as but not limited to, chemical addition, carbon supplementation, fermentation, or filtration. The installation of a back-up chemical phosphorus removal system is allowable and does not invalidate the status of a WRP's BPR removal system or change the compliance date of January 1, 2030. The use of filtration or additional equipment to meet other effluent limits is not prohibited, but those processes will not be considered part of the BPR process for purposes of this permit, and
 2. BNR (Biological Nutrient Removal) is defined herein as treatment processes used for nitrogen and phosphorus removal from wastewater before it is discharged. BNR treatment processes, as defined herein, do not require use of supplemental treatment

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processes at the treatment facilities before or after the biological system, such as but not limited to, chemical addition, carbon supplementation, fermentation or filtration. The use of filtration or additional equipment to meet other effluent limits is not prohibited, but those processes will not be considered part of the BNR process for purposes of this permit.

- E. The 0.5 mg/L Total Phosphorus 12 month rolling geometric mean (calculated monthly) effluent limit applies to the effluent from the treatment plant.

SPECIAL CONDITION 26: The Agency has determined that the Permittee's treatment plant effluent is located upstream of a waterbody or stream segment that has been determined to have a phosphorus related impairment. This determination was made upon reviewing available information concerning the characteristics of the relevant waterbody/segment and the relevant facility (such as quantity of discharge flow and nutrient load relative to the stream flow).

A phosphorus related impairment means that the downstream waterbody or segment is listed by the Agency as impaired due to dissolved oxygen and/or offensive condition (algae and/or aquatic plant growth) impairments that is related to excessive phosphorus levels.

The Permittee shall develop, or be a part of a watershed group that develops, a Nutrient Assessment Reduction Plan (NARP) that will meet the following requirements:

- A. The NARP shall be developed and submitted to the Agency by December 31, 2024. This requirement can be accomplished by the Permittee, by participation in an existing watershed group or by creating a new group. The NARP shall be supported by data and sound scientific rationale.
- B. The Permittee shall cooperate with and work with other stakeholders in the watershed to determine the most cost-effective means to address the phosphorus related impairment. If other stakeholders in the watershed will not cooperate in developing the NARP, the Permittee shall develop its own NARP for submittal to the Agency to comply with this condition.
- C. In determining the target levels of various parameters necessary to address the phosphorus related impairment, the NARP shall either utilize the recommendations by the Nutrient Science Advisory Committee or develop its own watershed-specific target levels.
- D. The NARP shall identify phosphorus input reductions by point source discharges and non-point source discharges in addition to other measures necessary to remove phosphorus related impairments in the watershed. The NARP may determine, based on an assessment of relevant data, that the watershed does not have an impairment related to phosphorus, in which case phosphorus input reductions or other measures would not be necessary. Alternatively, the NARP could determine that phosphorus input reductions from point sources are not necessary, or that phosphorus input reductions from both point and nonpoint sources are necessary, or that phosphorus input reductions are not necessary and that other measures, besides phosphorus input reductions, are necessary.
- E. The NARP shall include a schedule for the implementation of the phosphorus input reductions by point sources, non-point sources and other measures necessary to remove phosphorus related impairments. The NARP schedule shall be implemented as soon as possible, and shall identify specific timelines applicable to the Permittee.
- F. The NARP can include provisions for water quality trading to address the phosphorus related impairments in the watershed. Phosphorus/Nutrient trading cannot result in violations of water quality standards or applicable antidegradation requirements.
- G. The Permittee shall request modification of the permit within 90 days after the NARP has been completed to include necessary phosphorus input reductions identified within the NARP. The Agency will modify the NPDES permit, if necessary.
- H. If the Permittee does not develop or assist in developing the NARP, and such a NARP is developed for the watershed, the Permittee will become subject to effluent limitations necessary to address the phosphorus related impairments. The Agency shall calculate these effluent limits by using the NARP and any applicable data. If no NARP has been developed, the effluent limits shall be determined for the Permittee on a case-by-case basis, so as to ensure that the Permittee's discharge will not cause or contribute to violations of the dissolved oxygen or narrative water quality standards.

SPECIAL CONDITION 27: The equations to convert TOC to CBOD₅ and BOD₅ must be revalidated prior to the expiration date of the permit, and a request to continue TOC measurement must be submitted with the NPDES renewal application including all data and other necessary information to support your request.

SPECIAL CONDITION 28: The Permittee shall develop, and submit for approval, a sewershed Chloride Reduction Plan with the objective of decreasing chloride loading within MWRDGC's James Kirie WRP combined sewer service area within 9 months of the effective date of this Permit. The plan shall include, but not be limited to; an inventory of the chloride concentration of the sewershed, prioritization of the sewershed, and BMPs to be implemented. The plan shall be implemented upon Agency approval. The Permittee may develop this Program cooperatively with NPDES Permittees and the Lower Des Plaines Watershed Group (LDWG) to decrease public agency chloride application rates used for winter road safety. The Permittee shall submit electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 28" as the subject of the email an annual report on the annual implementation of the Program identifying the practices deployed, chloride application rates, and estimated reductions achieved compared to a baseline condition. The report shall be provided to the Agency by March 31 of each year reflecting the Chloride Abatement Program performance for the preceding year (example: 2020-21 winter season report shall be submitted no later than March 31, 2022). The Permittee may work cooperatively with the LDWG to prepare a single annual progress report that is common among permittees within MWRDGC's James Kirie WRP combined sewer service area.

SPECIAL CONDITION 29: Schedule for Chlorine Residual Effluent Limitations

Compliance is required with the 0.038 mg/L daily maximum chlorine residual effluent limit two years (2) years from the effective date of this Permit. From the effective date of this Permit until compliance with the 0.038 mg/L daily maximum chlorine residual effluent limit is achieved, the 0.05 mg/L daily maximum chlorine residual effluent limit applies.

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The Permittee shall achieve compliance with the final effluent limitations as specified in this Permit for Discharge Number(s) 001 by completion of the effluent limit described above in accordance with the following compliance schedule:

| <u>ITEM</u> | <u>COMPLETION DATE</u> |
|--|--|
| A. Interim progress report | 6 months from the effective date of this Permit |
| B. Procurement of equipment | 12 months from the effective date of this Permit |
| C. Achieve compliance with the 0.038 mg/L daily maximum chlorine residual effluent limit | 24 months from the effective date of this Permit |

This Permit may be modified, with Public Notice, to include revised compliance dates set out in this Permit.

In addition, the IEPA may initiate a modification of the compliance schedule set out in this Permit at any time, to include other dates which are necessary to carry out the provisions of the Illinois Environmental Protection Act, the Federal Clean Water Act or regulations promulgated under those Acts. Public Notice of such modification and opportunity for public hearing shall be provided.

Reporting

The Permittee shall submit electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0047741 Special Condition 29" as the subject of the email a report no later than fourteen (14) days following the completion dates indicated for each lettered item in the compliance schedule, indicating, a) the date the item was completed, or b) that the item was not completed.

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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;

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- (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

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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

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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.