

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

ARCHER DANIELS MIDLAND	)	
COMPANY,	)	
Petitioner,	)	
	)	
v.	)	PCB 24-
	)	
ILLINOIS ENVIRONMENTAL	)	(Permit Appeal – Ninety Day
PROTECTION AGENCY,	)	Extension)
Respondent.	)	

**NOTICE OF FILING**

To: See attached Service List

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board Petitioner Archer Daniels Midland Company’s **MOTION FOR ADDITIONAL EXTENSION OF NPDES PERMIT APPEAL PERIOD**, a copy of which is herewith served upon you.

Dated: October 1, 2024

ARCHER DANIELS MIDLAND COMPANY

By: /s/Anne L. Wahlig

Susan M. Franzetti  
Anne L. Wahlig  
NIJMAN FRANZETTI LLP  
10 South LaSalle Street Suite 3400  
Chicago, IL 60603  
(312) 251-5590  
[sf@nijmanfranzetti.com](mailto:sf@nijmanfranzetti.com)  
[aw@nijmanfranzetti.com](mailto:aw@nijmanfranzetti.com)

**SERVICE LIST**

Don Brown, Clerk of the Board  
Illinois Pollution Control Board  
60 E. Van Buren Street, Suite 630  
Chicago, IL 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Stefanie N. Diers  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Ave., E.  
P.O. Box 19726  
Springfield, IL 62794  
[stefanie.diers@illinois.gov](mailto:stefanie.diers@illinois.gov)

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that a true copy of the foregoing Notice of Filing and Petitioner Archer Daniels Midland Company's Request for Additional Extension of NPDES Appeal Period was electronically filed on October 1, 2024 with the following:

Don Brown, Clerk of the Board  
Illinois Pollution Control Board  
60 E. Van Buren Street, Suite 630  
Chicago, IL 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

and that copies were sent via e-mail on October 1, 2024 to the parties on the service list.

Dated: October 1, 2024

/s/Anne L. Wahlig

Susan M. Franzetti  
Anne L. Wahlig  
Nijman Franzetti LLP  
10 S. LaSalle Street, Suite 3400  
Chicago, IL 60603  
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COMPANY,	)	
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ILLINOIS ENVIRONMENTAL	)	(Permit Appeal – Ninety Day
PROTECTION AGENCY,	)	Extension)
Respondent.	)	

**MOTION FOR ADDITIONAL EXTENSION OF NPDES PERMIT APPEAL PERIOD**

Archer Daniels Midland Company (“ADM”), by and through its attorney, submits this Motion for Additional Extension of NPDES Permit Appeal Period, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) (the “Act”) and 35 Ill. Adm. Code §105.208, requesting the Illinois Pollution Control Board (“Board”) to grant an additional extension of the NPDES permit appeal from October 9, 2024 to November 14, 2024, which equates to the full one hundred twenty-five (125) day appeal period allowed under the Board’s regulations and the Act (the original thirty-five day appeal deadline plus an additional ninety days). In support hereof, ADM respectfully states as follows:

1. On or about July 11, 2024, the Illinois EPA issued to ADM a National Pollutant Discharge Elimination System (“NPDES”) Permit for ADM’s North Water Treatment Plant. *See* Attachment 1.
2. Petitioner received the NPDES permit on or about July 12, 2024. Accordingly, the original deadline for the NPDES permit appeal was August 16, 2024.
3. On August 14, 2024, ADM petitioned the Board to extend the permit appeal deadline, with the consent of the Illinois EPA.

4. On August 22, 2024, the Board issued an order granting the motion and extending the permit appeal deadline to October 9, 2024.

5. On September 30, 2024, counsel for ADM contacted the Illinois EPA to request its consent to this additional extension of time because ADM had not received a response from the Illinois EPA to its request to modify a provision of the renewed July 11, 2024 NPDES Permit. On October 1, 2024, Illinois EPA's counsel responded that a meeting between ADM and the Agency will be needed to discuss ADM's request but that meeting cannot be scheduled until after October 20, 2024. Illinois EPA, by its counsel, agreed to this request for an additional extension of the permit appeal period to November 15, 2024, which is an additional ninety days from the original permit appeal deadline of August 16, 2024. *See Attachment 2.*

6. The requested extension of the permit appeal deadline may eliminate the need for a hearing in this matter and will allow the parties to meet and confer in an attempt to resolve this matter.

WHEREFORE, for the reasons stated above, ADM requests that the Board, in the interest of administrative and judicial economy, grant this Motion for Additional Extension of NPDES Appeal Period to November 14, 2024.

Respectfully submitted,

ARCHER DANIELS MIDLAND COMPANY

Petitioner,

By: /s/Anne L. Wahlig  
One of its attorneys

Susan M. Franzetti  
Anne L. Wahlig  
Nijman Franzetti LLP  
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[aw@nijmanfranzetti.com](mailto:aw@nijmanfranzetti.com)

# **ATTACHMENT 1**



217/782-0610

July 11, 2024

Archer Daniels Midland Company  
4666 Faries Parkway  
Decatur, Illinois 62521

Re: Archer Daniels Midland Company  
North Water Treatment Plant  
NPDES Permit No. IL0060755  
Bureau ID# W1150150021  
Final Permit

Gentlemen:

Attached is the final NPDES Permit for your discharge. The Permit as issued covers discharge limitations, monitoring, and reporting requirements. Failure to meet any portion of the Permit could result in civil and/or criminal penalties. The Illinois Environmental Protection Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge.

Pursuant to the Final NPDES Electronic Reporting Rule, all permittees must report DMRs electronically unless a waiver has been granted by the Agency. The Agency utilizes NetDMR, a web based application, which allows the submittal of electronic Discharge Monitoring Reports instead of paper Discharge Monitoring Reports (DMRs). More information regarding NetDMR can be found on the Agency website, <https://epa.illinois.gov/topics/water-quality/surface-water/netdmr.html>. If your facility has received a waiver from the NetDMR program, a supply of preprinted paper DMR Forms will be sent to your facility. Additional information and instructions will accompany the preprinted DMRs. Please see the attachment regarding the electronic reporting rule.

The attached Permit is effective as of the date indicated on the first page of the Permit. Until the effective date of any re-issued Permit, the limitations and conditions of the previously-issued Permit remain in full effect. You have the right to appeal any condition of the Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

Should you have questions concerning the Permit, please contact Shu-Mei Tsai at 217/782-0610.

Sincerely,

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

DEL:SMT:24032101.smt

Attachment: Final Permit

cc: Compliance Assurance Section  
Champaign Region  
Records  
Fiscal Services



NPDES Permit No. IL0060755

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: July 31, 2029

Issue Date: July 11, 2024  
Effective Date: August 01, 2024

Name and Address of Permittee:

Archer Daniels Midland Company  
4666 Faries Parkway  
Decatur, Illinois 62521

Facility Name and Address:

North Water Treatment Plant  
5655 Rea's Bridge Road  
Decatur, Illinois 62521  
(Macon County)

Discharge Number and Name:

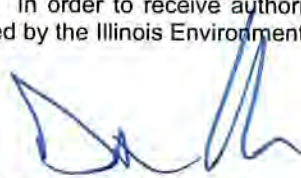
001 Filter Backwash and Clarifier Sludge Blowdown  
002 Filter Backwash and Clarifier Sludge Blowdown  
003 Filter Backwash and Clarifier Sludge Blowdown  
004 Filter Backwash and Clarifier Sludge Blowdown  
005 Filter Backwash and Clarifier Sludge Blowdown

Receiving Waters:

Lake Decatur  
Lake Decatur  
Lake Decatur  
Lake Decatur  
Lake Decatur

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of Ill. Adm. Code, Subtitle C and/or Subtitle D, Chapter 1, 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 standard conditions and attachments 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:SMT:24032101.smt

NPDES Permit No. IL0060755

Effluent Limitations and Monitoring

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

- Outfalls: 001 Filter Backwash and Clarifier Sludge Blowdown (DAF = 0.3 MGD)
- 002 Filter Backwash and Clarifier Sludge Blowdown (DAF = 0.3 MGD)
- 003 Filter Backwash and Clarifier Sludge Blowdown (DAF = 0.3 MGD)
- 004 Filter Backwash and Clarifier Sludge Blowdown (DAF = 0.3 MGD)
- 005 Filter Backwash and Clarifier Sludge Blowdown (DAF = 0.3 MGD)

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/L		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Flow (MGD)	See Special Condition 1				1/Month	Continues
pH	See Special Condition 2				1/Month	Grab
Total Suspended Solids			15.0	30.0	1/Month	Grab
Total Residual Chlorine	See Special Condition 6			0.05	1/Month	Grab

Special Conditions

SPECIAL CONDITION 1. Flow shall be measured in units of Million Gallons per Day (MGD) and reported as a monthly average and a daily maximum value on the monthly Discharge Monitoring Report. The monthly average shall consist of the summation of the daily flows divided by the number of days the facility discharged during that month.

SPECIAL CONDITION 2. The pH shall be in the range 6.5 to 9. The monthly minimum and monthly maximum values shall be reported on the DMR form.

SPECIAL CONDITION 3. 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 4. 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://epa.illinois.gov/topics/water-quality/surface-water/netdmr.html>

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 25<sup>th</sup> 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 5. If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

SPECIAL CONDITION 6. All samples for total residual chlorine (TRC) shall be analyzed by an applicable method contained in 40 CFR 136, equivalent in accuracy to low-level amperometric titration. Any analytical variability of the method used shall be considered when determining the accuracy and precision of the results obtained.

SPECIAL CONDITION 7. To receive the renewal authorization to discharge under this permit, the applicant must complete and submit Application Forms 1, and 2C for all existing discharge, a Form 2D for any new discharge, and a Form F for stormwater discharge. Pursuant to 40 CFR 122.21(c)(1), permittees must submit a renewal application at least 180 days prior to expiration of the current permit.

## Attachment H

## Standard Conditions

## Definitions

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

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

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

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

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

**USEPA** means the United States Environmental Protection Agency.

**Daily Discharge** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

**Maximum Daily Discharge Limitation** (daily maximum) means the highest allowable daily discharge.

**Average Monthly Discharge Limitation** (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**Average Weekly Discharge Limitation** (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

**Best Management Practices** (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Aliquot** means a sample of specified volume used to make up a total composite sample.

**Grab Sample** means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

**24-Hour Composite Sample** means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

**8-Hour Composite Sample** means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

**Flow Proportional Composite Sample** means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency upon request, copies of records required to be kept by this permit.
- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:
  - (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records

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- must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) **Monitoring and records.**
- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  - (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
  - (c) Records of monitoring information shall include:
    - (1) The date, exact place, and time of sampling or measurements;
    - (2) The individual(s) who performed the sampling or measurements;
    - (3) The date(s) analyses were performed;
    - (4) The individual(s) who performed the analyses;
    - (5) The analytical techniques or methods used; and
    - (6) The results of such analyses.
  - (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
- (a) **Application.** All permit applications shall be signed as follows:
    - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
    - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
    - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
  - (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - (1) The authorization is made in writing by a person described in paragraph (a); and
    - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
    - (3) The written authorization is submitted to the Agency.
  - (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
  - (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:
 

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- (12) **Reporting requirements.**
- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when:
    - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
    - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
  - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
  - (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
  - (c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
  - (d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
  - (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
    - (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).

# **ATTACHMENT 2**

**From:** [Diers, Stefanie](#)  
**To:** [Susan Franzetti](#)  
**Cc:** [Anne Wahlig](#)  
**Subject:** RE: Correction to NPDES Permit No IL0060755 for pH limit change from 6-9 to 6-10  
**Date:** Tuesday, October 1, 2024 8:17:47 AM  
**Attachments:** [image001.png](#)

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Hi Susan. I talked to Agency staff and I think there needs to be a meeting on the permit. From talking to them I am not sure they agree with your client's position.

We are agreeable to the full 90 days. I would suggest that you send dates for a meeting, so a discussion can take place. Darin will be on vacation until October 20, so we will need dates after that.

Thanks,

Stefanie

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