

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

CHEVRON ENVIRONMENTAL	)	
MANAGEMENT COMPANY,	)	
	)	
Petitioner,	)	PCB 25-_____
	)	Permit Appeal
v.	)	NPDES Permit No. IL0002305
	)	Bureau ID# W1970500007
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

TO: Division of Legal Counsel	Clerk
Illinois Environmental Protection Agency	Illinois Pollution Control Board
1021 North Grand Avenue East	100 West Randolph Street, Suite 11-500
P.O. Box 19276	Chicago, Illinois 60601-3218
Springfield IL 62794-9276	
epa.dlc@illinois.gov	
Charles.Matoesian@Illinois.gov	
Stefanie.Diers@Illinois.gov	

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Request for 90-Day Extension of Appeal Period of Chevron Environmental Management Company, a copy of which is herewith served upon you.

Dated: Oct. 22, 2024      Respectfully submitted,

**CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY**

By: /s/ Alexander J. Bandza

A. Bruce White, Esq.  
Alexander J. Bandza, Esq.  
BARNES & THORNBURG LLP  
One N. Wacker Drive, Suite 4400  
Chicago, IL 60606-2833  
(312) 357-1313  
Bruce.White@btlaw.com  
abandza@btlaw.com

*Attorneys for Chevron Environmental Management Company*

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Respondent.	)	

**APPEARANCE**

I hereby file my appearance in this proceeding, on behalf of Chevron Environmental Management Company.

Dated: Oct. 22, 2024      Respectfully submitted,

**CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY**

By: /s/ Alexander J. Bandza  
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**APPEARANCE**

I hereby file my appearance in this proceeding, on behalf of Chevron Environmental Management Company.

Dated: Oct. 22, 2024      Respectfully submitted,

**CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY**

By: /s/ A. Bruce White  
A. Bruce White, Esq.  
BARNES & THORNBURG LLP  
One N. Wacker Drive, Suite 4400  
Chicago, IL 60606-2833  
(312) 357-1313  
Bruce.White@btlaw.com

*Attorney for Chevron Environmental Management Company*

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ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**REQUEST FOR 90-DAY EXTENSION OF APPEAL PERIOD**

NOW COMES the Petitioner, Chevron Environmental Management Company (“Chevron”), by its attorneys, Barnes & Thornburg LLP, and, pursuant to the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to February 3, 2025, which is ninety days from the calculated date of Chevron’s receipt of the Illinois Environmental Protection Agency’s (“Illinois EPA”) final decision on the issuance of the National Pollution Discharge Elimination System (“NPDES”) permit no. IL0002305 to Chevron (“Permit”) as it relates to discharges at the Former Texaco Lockport Refinery (“Facility”). In support thereof, Chevron respectfully states as follows:

1. On or about Tuesday, September 24, 2024, Illinois EPA issued the Permit to Chevron. (**Ex. A.**) Chevron’s consultant received the Permit in the U.S. Mail without signature.
2. Pursuant to Ill. Adm. Code 101.300(c)(4), the presumed date of service of the Permit is four days later, or Saturday, September 28, 2024. However, pursuant to Ill. Adm. Code 101.300(a), the computation of time will run until the next business day “if the last day is a Saturday, Sunday, or national or State legal holiday,” which means that Monday, September 30,

2024 is the presumed date of service.

3. Pursuant to Ill. Adm. Code 105.206(a), a petition for an appeal of the Permit must be filed within 35 days after the date of service of the Illinois EPA's final decision.

4. 35 days after Monday, September 30, 2024, is Monday, November 4, 2024.

5. Illinois EPA has consented to a 90-day extension of the appeal period (**Ex. B**), which would permit Chevron to file a petition with respect to the Permit on or before Sunday, February 2, 2025. However, pursuant to Ill. Adm. Code 101.300(a), the computation of time will run until the next business day "if the last day is a Saturday, Sunday, or national or State legal holiday," which means that Monday, February 3, 2025, is the petition deadline.

6. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period to petition the Board.

Dated: Oct. 22, 2024      Respectfully submitted,

**CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY**

By: /s/ Alexander J. Bandza

A. Bruce White, Esq.

Alexander J. Bandza, Esq.

BARNES & THORNBURG LLP

One N. Wacker Drive, Suite 4400

Chicago, IL 60606-2833

(312) 357-1313

Bruce.White@btlaw.com

abandza@btlaw.com

*Attorneys for Chevron Environmental Management Company*

**CERTIFICATE OF E-MAIL SERVICE**

I, the undersigned, certify the following:

- That I have served the attached Request for 90-Day Extension of Appeal Period by e-mail upon the Illinois Environmental Protection Agency at the e-mail address of epa.dlc@illinois.gov, Charles.Matoesian@Illinois.gov, and Stefanie.Diers@Illinois.gov.
- That my e-mail address is abandza@btlaw.com.
- That the number of pages in the e-mail transmission is 4.
- That the e-mail transmission took place before 5:00 p.m. on the date of Oct. 22, 2024.

/s/ Alexander J. Bandza

*An Attorney for Chevron Environmental Management Company*

**EXHIBIT A**



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JAMES JENNINGS, INTERIM DIRECTOR

217/782-0610

September 24, 2024

Chevron Environmental Management Company  
301 West Second Street  
Lockport, Illinois 60441

Re: Chevron Environmental Management Company  
NPDES Permit No. IL0002305  
Bureau ID# W1970500007  
Final Permit

Permittee:

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.

We have reviewed your comment letter dated May 13, 2024 to the public noticed permit and the monitoring requirements are being included based on an evaluation of existing data by the Permit Section and Standards Unit staff. We offer the following responses:

1. Mercury sampling is being included in the permit as it was not sampled previously using the appropriate test method. The test method to be used is identified in Special Condition 10 of the permit.
2. Ammonia limits are being included for each outfall because both outfalls have detectable levels. Limits and monitoring requirements are being required to verify compliance with state water quality limits.
3. Iron limits and monitoring requirements are being retained in the permit because discharges contain detectable levels.

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:22102001.smt

Attachment: Final Permit

cc: Records Unit  
Compliance Assurance Section  
Des Plaines Region  
Fiscal Services  
CMAP  
DRSCW

2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
115 S. LaSalle Street, Suite 2203, Chicago, IL 60603  
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120  
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000

595 S. State Street, Elgin, IL 60123 (847) 608-3131  
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760



NPDES Permit No. IL0002305

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: September 30, 2029

Issue Date: September 24, 2024

Effective Date: October 01, 2024

Name and Address of Permittee:

Chevron Environmental Management Company  
301 West Second Street  
Lockport, Illinois 60441

Facility Name and Address:

Chevron Environmental Management Company  
301 West Second Street  
Lockport, Illinois 60441  
(Will County)

Discharge Number and Name:

002 North Stormwater Pond  
003 Wastewater Treatment Unit

Receiving Waters:

Illinois and Michigan Canal  
Chicago Sanitary and Ship Canal

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:22102001.smt

NPDES Permit No. IL0002305

Effluent Limitations and Monitoring

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

Outfall: 002 North Stormwater Pond (Average Flow = 0.245 MGD)

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE	
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM			
The discharge consists of the following:							
1. Clean Tank and New Pipeline Hydrotest Water							
2. Firewater Blowdown							
3. Groundwater							
4. Equipment and Vehicle Washwater							
5. Stormwater Runoff							
Flow (MGD)	See Special Condition 1.				1/Month	Measured or Estimated	
pH	See Special Condition 2.				1/Month	Grab	
Oil and Grease	See Special Condition 3.		15.0	30.0	1/Month	Composite	
Iron (Total)			2.0	4.0	1/Month	Grab	
Ammonia			30-Day Average	Weekly Average	Daily Maximum	1/Month	Grab
Spring (March – May)			1.2		2.7		
Summer (June – August)			0.9	2.3	3.0		
Fall (September – October)			1.2		2.7		
Winter (November – February)			2.8		4.0		
Mercury	See Special Condition 10.				1/Month	Grab	
Stormwater	See Special Condition 12.						

NPDES Permit No. IL0002305

Effluent Limitations and Monitoring

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

Outfall: 003 Wastewater Treatment Unit (DAF = 0.151 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			
The discharge consists of the following:							
1. Landfill Leachate							
2. CAMU Leachate							
3. Recovered Groundwater							
4. Steam Out/Wash Out Water							
5. New and Existing Pipeline Hydrotest Water							
6. Service Water							
7. Equipment and Vehicle Washwater							
8. Stormwater Runoff**							
Flow (MGD)	See Special Condition 1.				1/Month	Measured or Estimated	
pH	See Special Condition 2.				1/Month	Grab	
Oil and Grease	See Special Condition 3.		15	30	1/Month	Composite*	
CBOD <sub>5</sub>			20	40	1/Month	Composite	
Total Suspended Solids			25	50	1/Month	Composite	
Iron (total)			2.0	4.0	1/Month	Grab	
Ammonia			30-Day Average	Weekly Average	Daily Maximum	1/Month	Grab
Spring (March – May)			3.9	9.8	15.0		
Summer (June – August)			2.4	6.1	15.0		
Fall (September – October)			3.9	9.8	15.0		
Winter (November – February)			6.3		15.0		
Mercury	See Special Condition 10.		Monitor Only		1/Month	Grab	
PNAs	See Special Condition 11.		Monitor Only		1/Quarter	Grab	
Stormwater	See Special Condition 12.						

NPDES Permit No. IL0002305

Special Conditions

SPECIAL CONDITION 1. Flow shall be estimated or 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 for the effluent from Outfall 002 shall be in the range 6.5 to 9.0. The pH for the effluent from Outfall 003 shall be in the range 6.0 to 9.0. The minimum and maximum pH values recorded during each outfall's specified monitoring period shall be reported on the DMR form.

SPECIAL CONDITION 3. The composites for oil, fats, and greases shall consist of sample aliquots of approximately equal volume, a minimum of 100 milliliters, be collected at regular time intervals over a eight-hour period (three aliquots total). A single sample formed by combining all the aliquots, and the solvent rinse of the container, would then be analyzed. The results of the single analysis is then reported for oil, fats, and grease.

SPECIAL CONDITION 4. 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 5. 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, <http://www.epa.state.il.us/water/net-dmr/index.html>.

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

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

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

SPECIAL CONDITION 6. The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

SPECIAL CONDITION 7. 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 8. The provisions of 40 CFR 122.41 m and n are applicable to this permit.

SPECIAL CONDITION 9. 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 10. Utilize USEPA Method 1631E and the digestion procedure described in Section 11.1.1.2 of 1631E. 1.0 ng/L = 1 part per trillion.

SPECIAL CONDITION 11. The permittee shall sample the discharge from outfall 003 on a quarterly basis and analyze said sample for the following list of parameters:

Acenaphthene	Chrysene
Acenaphthylene	Dibenzo (a,h) anthracene
Anthracene	Flouranthene
Benzo (a) anthracene	Flourene

NPDES Permit No. IL0002305

Special Conditions

Benzo (a) pyrene	Indeno (1,2,3-cd) pyrene
3,4 Benzofluoranthene	Naphthalene
Benzo (ghi) perylene	Phenanthrene
Benzo (K) fluoranthene	Pyrene

Quarterly sampling shall be performed in the months of March, June, September and December with sample results submitted with the following months DMR submittal.

All sample collection, preservation and storage times will conform to 40 CFR 136. The analysis for the above parameters shall meet the detection level as established for accepted test procedures listed in Method 625 40 CFR 136.

SPECIAL CONDITION 12. The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for stormwater which is treated in the existing treatment facilities for purposes of this permit reissuance, and no pollution prevention plan will be required for such stormwater. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a stormwater discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated stormwater discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

SPECIAL CONDITION 13. To receive the renewal authorization to discharge under this permit, the applicant must complete and submit Application Forms 1, and 2F for stormwater discharge, and a Form 2D for any new 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****Standard Condition****Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) **Monitoring and records.**

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
- (c) Records of monitoring information shall include:
  - (1) The date, exact place, and time of sampling or measurements;
  - (2) The individual(s) who performed the sampling or measurements;
  - (3) The date(s) analyses were performed;
  - (4) The individual(s) who performed the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of such analyses.
- (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

(11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.

(a) **Application.** All permit applications shall be signed as follows:

- (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

(b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a

person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a); and
  - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
  - (3) The written authorization is submitted to the Agency.
- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

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

(12) **Reporting requirements.**

(a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.

Notice is required when:

- (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
- (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
- (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

(b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.

(d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.



- (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
  - (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
  - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
  - (2) Any upset which exceeds any effluent limitation in the permit.
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
- (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
- (h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Bypass.**
- (a) **Definitions.**
    - (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
    - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  - (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
- (c) **Notice.**
- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
  - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
- (d) **Prohibition of bypass.**
- (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
    - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (iii) The permittee submitted notices as required under paragraph (13)(c).
  - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) **Definition.** Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
  - (b) **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
  - (c) **Conditions necessary for a demonstration of upset.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
    - (2) The permitted facility was at the time being properly operated; and
    - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
    - (4) The permittee complied with any remedial measures required under paragraph (4).
  - (d) **Burden of proof.** In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.



- (15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
- (a) Transfers by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
  - (b) Automatic transfers. As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:
    - (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
    - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
    - (3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    - (1) One hundred micrograms per liter (100 ug/l);
    - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
    - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
    - (4) The level established by the Agency in this permit.
  - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
  - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
  - (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
  - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
  - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
- (23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.
- (28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.



United States  
Environmental Protection Agency

Office of Enforcement and  
Compliance Assurance

September 2015

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## Final NPDES Electronic Reporting Rule

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On 24 September 2015, Administrator Gina McCarthy signed the final National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule for publication in the Federal Register. The publication of this rule is the latest step in an extensive multi-year outreach effort with EPA's state, tribal and territorial partners. This rule will replace most paper-based Clean Water Act (CWA) NPDES permitting and compliance monitoring reporting requirements with electronic reporting.

### Purpose of the Final Rule

This final rule is designed to save authorized state, tribe, or territorial NPDES programs considerable resources, make reporting easier for NPDES-regulated entities, streamline permit renewals, ensure full exchange of basic NPDES permit data between states and EPA, improve environmental decision-making, and better protect human health and the environment.

This final rule requires that NPDES regulated entities electronically submit the following permit and compliance monitoring information instead of using paper reports:

- Discharge Monitoring Reports (DMRs);
- Notices of Intent to discharge in compliance with a general permit; and
- Program reports.

Authorized NPDES programs will also electronically submit NPDES program data to EPA to ensure that there is consistent and complete reporting nationwide, and to expedite the collection and processing of the data, thereby making it more accurate and timely. Importantly, while the rule changes the method by which information is provided (i.e., electronic rather than paper-based), it does not increase the amount of information required from NPDES regulated entities facilities under existing regulations.

### Overview of Benefits

EPA anticipates that the final rule will save significant resources for states, tribes, and territories as well as EPA and NPDES permittees, while resulting in a more complete, accurate, and nationally-consistent set of data about the NPDES program. With full implementation (5 years after the effective date), the anticipated savings are:

- Authorized State NPDES programs: \$22.6 million annually,
- NPDES regulated entities: \$0.5 million annually, and
- EPA: \$1.2 million annually.

As an example demonstrating the benefits of electronic reporting is the State of Ohio's electronic reporting program for Discharge Monitoring Reports, which has a 99.9 percent adoption rate. This program has increased data quality and improved environmental protection, while also saving significant time and resources (e.g., Ohio was able to shift resources from five full-time staff to less than one to support the DMR program). The benefits of this final rule should allow NPDES-authorized programs in states, tribes, and territories to shift precious resources from data management activities to those more targeted to solving water quality issues.

Separate from this rulemaking, to promote transparency and accountability, EPA intends to make this more complete set of data available to the public, providing communities and citizens with information on facility and government performance. This can serve to elevate the importance of permitting and compliance information and environmental performance within regulated entities, providing opportunities for them to quickly address any potential environmental problems.

The final rule will also lighten the reporting burden currently placed on the states. Upon successful implementation, the final rule would provide states with regulatory relief from reporting associated with the Quarterly Non-Compliance Report, the Annual Non-Compliance Report, the Semi-Annual Statistical Summary Report, and the biosolids information required to be submitted to EPA annually by states.

### **Implementation**

EPA will phase in the requirements of the rule over a five year period following the effective date of the final rule.

#### Phase 1 – One year after effective date of final rule

In Phase 1, EPA will begin to electronically receive information from authorized states, tribes, and territories regarding inspections, violation determinations, and enforcement actions. EPA, states, tribes, and territories will electronically receive Discharge Monitoring Report (DMR) information from NPDES permittees – the largest volume of data for the NPDES program. Also included in Phase 1 are the Sewage Sludge/Biosolids Annual Program Reports for the 42 states where EPA implements the Federal Biosolids Program.

Additionally, one year after the effective date of the final rule, authorized NPDES programs will submit an implementation plan for meeting the Phase 2 data requirements for EPA to review.

#### Phase 2—Five years after effective date of final rule

For Phase 2, EPA and authorized state NPDES programs have five years to begin electronically collecting, managing, and sharing the remaining set of NPDES program information. This information includes: general permit reports (e.g. Notice of Intent to be covered (NOI); Notice of Termination (NOT); No Exposure Certification (NOE); Low Erosivity Waiver and Other Waivers from Stormwater Controls (LEW)); Sewage Sludge/Biosolids Annual Program Report (where the state is

the authorized NPDES biosolids program); and all other remaining NPDES program reports. These program reports include:

- Sewage Sludge/Biosolids Annual Program Reports [40 CFR 503] (for the 8 states that implement the Federal Biosolids Program)
- Concentrated Animal Feeding Operation (CAFO) Annual Program Reports [40 CFR 122.42(e)(4)]
- Municipal Separate Storm Sewer System (MS4) Program Reports [40 CFR 122.34(g)(3) and 122.42(c)]
- Pretreatment Program Reports [40 CFR 403.12(i)]
- Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs [40 CFR 403.12(e) and (h)]
- Sewer Overflow/Bypass Event Reports [40 CFR 122.41(l)(4), (l)(6) and (7), (m)(3)]
- CWA Section 316(b) Annual Reports [40 CFR 125 Subpart J]

#### **How the final rule addresses comments**

In response to concerns about implementation raised during the comment periods, the final rule provides authorized NPDES programs more flexibility to implement the final rule by providing them up to three additional years to electronically collect, manage, and share their data. Authorized NPDES Programs will also have more flexibility in how they can grant electronic reporting waivers.

#### **Further Information**

For additional information, please contact Messrs. John Dombrowski, Director, Enforcement Targeting and Data Division (202-566-0742) or Carey A. Johnston (202-566-1014), Office of Compliance (mail code 2222A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC, 20460; e-mail addresses: [dombrowski.john@epa.gov](mailto:dombrowski.john@epa.gov) or [johnston.carey@epa.gov](mailto:johnston.carey@epa.gov).

#### **Useful Final Rule Link:**

Email sign up for outreach events

<https://public.govdelivery.com/accounts/USAEPAOECA/subscriber/new?>

**EXHIBIT B**



**Bandza, Alexander**

---

**From:** Matoesian, Charles <Charles.Matoesian@Illinois.gov>  
**Sent:** Thursday, October 17, 2024 10:56 AM  
**To:** Bandza, Alexander  
**Cc:** White, Bruce; Diers, Stefanie; Matoesian, Charles  
**Subject:** [EXTERNAL] RE: Lockport Chevron NPDES Permit IL0002305

**Caution: This email originated from outside the Firm.**

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Hello,

The Agency does not object to a 90 day extension for this matter. Thank you.

Charles Matoesian

---

**From:** Bandza, Alexander <ABandza@btlaw.com>  
**Sent:** Thursday, October 17, 2024 10:46 AM  
**To:** Matoesian, Charles <Charles.Matoesian@Illinois.gov>  
**Cc:** White, Bruce <Bruce.White@btlaw.com>; Diers, Stefanie <Stefanie.Diers@Illinois.gov>  
**Subject:** [External] RE: Lockport Chevron NPDES Permit IL0002305

Mr. Matoesian:

Thank you. By our calculations, the appeal deadline is 10/29. **Thus we would appreciate receiving your email concurrence in our request for a 90-day extension, so that we can file a motion for extension, by COB Monday 10/21.**

Alex

**Alexander Bandza** | Partner  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400, Chicago, IL 60606  
Direct: (312) 214-5633 | Mobile: (708) 404-7061



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**From:** Matoesian, Charles <[Charles.Matoesian@Illinois.gov](mailto:Charles.Matoesian@Illinois.gov)>  
**Sent:** Thursday, October 17, 2024 10:20 AM  
**To:** Bandza, Alexander <[ABandza@btlaw.com](mailto:ABandza@btlaw.com)>  
**Cc:** White, Bruce <[Bruce.White@btlaw.com](mailto:Bruce.White@btlaw.com)>; Matoesian, Charles <[Charles.Matoesian@Illinois.gov](mailto:Charles.Matoesian@Illinois.gov)>; Diers, Stefanie <[Stefanie.Diers@Illinois.gov](mailto:Stefanie.Diers@Illinois.gov)>  
**Subject:** [EXTERNAL] RE: Lockport Chevron NPDES Permit IL0002305

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Mr. Bandza:

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I will pass your request on to management. How soon do you need a reply? Thank you.

Charles Matoesian

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**From:** Bandza, Alexander <[ABandza@btlaw.com](mailto:ABandza@btlaw.com)>  
**Sent:** Thursday, October 17, 2024 10:08 AM  
**To:** Matoesian, Charles <[Charles.Matoesian@Illinois.gov](mailto:Charles.Matoesian@Illinois.gov)>  
**Cc:** White, Bruce <[Bruce.White@btlaw.com](mailto:Bruce.White@btlaw.com)>  
**Subject:** [External] Lockport Chevron NPDES Permit IL0002305

Mr. Matoesian:

I received your name from Shu-Mei Tsai, permit writer for the above-captioned and attached permit. I am following up to my voicemail just now concerning an extension of the appellate period.

We are requesting the full 90-day extension under 35 IAC 105.208 to extend the time for appeal of the above-captioned permit to the IPCB. We believe the additional time may assist us in continuing discussions to narrow the issues and potentially resolve this matter. My information is below, and would appreciate the chance to connect with you to discuss this extension and how best to memorialize and file the same. Please feel free to contact me at any time.

Thank you.

Alex

**Alexander Bandza** | Partner  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 4400, Chicago, IL 60606  
Direct: (312) 214-5633 | Mobile: (708) 404-7061



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