

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF ROCHELLE,)	
)	
Petitioner,)	
)	
v.)	PCB 25-_____
)	Permit Appeal
ILLINOIS ENVIRONMENTAL)	NPDES Permit No. IL0030741
PROTECTION AGENCY,)	Bureau ID# W1410500001
)	
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 City of Rochelle, a copy of which is herewith served upon you.

Dated: Dec. 3, 2024 Respectfully submitted,

CITY OF ROCHELLE

By: /s/ Fredric P. Andes

Erika K. Powers, Esq.
BARNES & THORNBURG LLP
One N. Wacker Drive, Suite 4400
Chicago, IL 60606-2833
(312) 214-8310
Erika.Powers@btlaw.com
Fredric.Andes@btlaw.com

Attorneys for City of Rochelle

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CITY OF ROCHELLE,)	
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Petitioner,)	
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v.)	PCB 25-_____
)	Permit Appeal
ILLINOIS ENVIRONMENTAL)	NPDES Permit No. IL0030741
PROTECTION AGENCY,)	Bureau ID# W141050001
)	
Respondent.)	
)	

REQUEST FOR 90-DAY EXTENSION OF APPEAL PERIOD

NOW COMES the Petitioner, the City of Rochelle (the “City”) 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 March 3, 2025, which is ninety days from the calculated date of the City’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. IL0030741 to the City (the “Permit”) as it relates to discharges at the City of Rochelle Water Reclamation facility. In support thereof, the City respectfully states as follows:

1. On or about Tuesday, October 29, 2024 (the “Date of Service”), Illinois EPA issued the Permit to the City. (**Ex. A.**)
2. 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.
3. 35 days after Tuesday, October 29, 2024, is Tuesday, December 3, 2024.
4. Illinois EPA has consented to a 90-day extension of the appeal period (**Ex. B.**),

which would permit the City to file a petition with respect to the Permit on or before Monday, March 3, 2025.

5. 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: Dec. 3, 2024 Respectfully submitted,

CITY OF ROCHELLE

By: /s/ Fredric P. Andes

Erika K. Powers, Esq.
Frederic P. Andes, Esq.
BARNES & THORNBURG LLP
One N. Wacker Drive, Suite 4400
Chicago, IL 60606-2833
(312) 214-8310
Erika.Powers@btlaw.com
Fredric.Andes@btlaw.com

Attorneys for City of Rochelle

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 Fredric.Andes@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 Dec. 3, 2024.

/s/ Fredric P. Andes

An Attorney for the City of Rochelle

EXHIBIT A



217/782-0610

October 29, 2024

City of Rochelle
333 Lincoln Highway
P.O. Box 456
Rochelle, Illinois 61068

Re: City of Rochelle
City of Rochelle Water Reclamation
NPDES Permit No. IL0030741
Bureau of Water ID: W1410500001
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.

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://www2.illinois.gov/epa/topics/water-quality/surface-water/netdmr/pages/quick-answer-guide.aspx>. 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.

Sincerely,

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

BDF: kar02082024

Attachment: Final Permit

cc: Records
Compliance Assurance Section
Des Plaines Region
Billing

NPDES Permit No. IL0030741

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

Renewed (NPDES) Permit

Expiration Date: November 30, 2029

Issue Date: October 29, 2024

Effective Date: December 01, 2024

Name and Address of Permittee:

City of Rochelle
333 Lincoln Highway
P.O. Box 456
Rochelle, Illinois 61068

Facility Name and Address:

City of Rochelle Water Reclamation
888 Treatment Plant Drive
Rochelle, Illinois 61068
(Ogle County)

Receiving Waters: Kyte River

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

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the Permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.



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

BDF: kar02082024

NPDES Permit No. IL0030741

Effluent Limitations, Monitoring, and Reporting

FINAL

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

Load limits computed based on a design average flow (DAF) of 4.87 MGD (design maximum flow (DMF) of 8.76 MGD).

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

Parameter	LOAD LIMITS lbs/day			CONCENTRATION			Sample Frequency	Sample Type
	DAF (DMF)*			LIMITS mg/L				
Flow (MGD)	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Continuous	
CBOD ₅ ** ⁽¹⁾	406 (731)		812 (1461)	10		20	1 Day/Week	Composite
Suspended Solids ⁽¹⁾	487 (877)		975 (1753)	12		24	1 Day/Week	Composite
pH	Shall be in the range of 6 to 9 Standard Units						1 Day/Week	Grab
Fecal Coliform***	Daily Maximum shall not exceed 400 per 100 mL (May through October)						2 Days/Week	Grab
Chlorine Residual***						0.038	2 Days/Week	Grab
Ammonia Nitrogen: as (N)								
March-May, Sept.-Oct.	37 (66)	93 (168)	106 (190)	0.9	2.3	2.6	2 Days/Week	Composite
June-August	49 (88)		122 (219)	1.2		3.0	2 Days/Week	Composite
Nov.-Feb.	118 (212)		232 (416)	2.9		5.7	2 Days/Week	Composite
Total Phosphorus (as P)						Monitor Only	1 Day/Month	Composite
Total Nitrogen (as N)						Monitor Only	1 Day/Month	Composite
Copper	1.2 (2.1)		1.9 (3.4)	0.0285		0.0468	1 Day/Week	Composite
PFAS							****	****
				Monthly Average not less than	Weekly Average not less than	Daily Minimum		
Dissolved Oxygen								
March-July				—	6.25	5.0	2 Days/Week	Grab
August-February				6.0	4.5	4.0	2 Days/Week	Grab

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

**Carbonaceous BOD₅ (CBOD₅) testing shall be in accordance with 40 CFR 136.

***See Special Condition 10.

****See Special Condition 22 & 23

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 daily maximum value.

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

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

⁽¹⁾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 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 or laboratory analysis for the determination of BOD₅ may be used. 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.

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Influent Monitoring, and Reporting

The influent to the plant shall be monitored as follows:

Parameter	Sample Frequency	Sample Type
Flow (MGD)	Continuous	
BOD ₅	1 Day/Week	Composite
Suspended Solids	1 Day/Week	Composite

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

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

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

Biosolids Monitoring, and Reporting

<u>Parameter</u>	<u>Sample Frequency</u>	<u>Sample Type</u>
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PFAS*

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*See Special Condition 22.

NPDES Permit No. IL0030741

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 and 303.

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

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

The Permittee is required to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA 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 7. The provisions of 40 CFR Section 122.41(m) & (n) are incorporated herein by reference.

SPECIAL CONDITION 8. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

SPECIAL CONDITION 9. This Permit may be modified to include alternative or additional final effluent limitations pursuant to an approved Total Maximum Daily Load (TMDL) Study or upon completion of an alternate Water Quality Study.

SPECIAL CONDITION 10. Fecal Coliform limits for Discharge Number 001 are effective May thru October. Sampling of Fecal Coliform is only required during this time period.

Any use of chlorine to control slime growths, odors or as an operational control, etc. shall not exceed the limit of 0.038 mg/L (daily maximum) total residual chlorine in the effluent

If the Permittee is chlorinating for any purpose during the months of November through April on a daily basis, sampling is required two days per week. If the Permittee is chlorinating for any purpose during the months of November through April on a sporadic basis, sampling is required on a daily grab basis until residual chlorine levels stabilize. 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 11. The Permittee shall conduct semi-annual monitoring of the effluent and report concentrations (in mg/L) of the following listed parameters. Monitoring shall begin three (3) months from the effective date of this permit. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted on Discharge Monitoring Report Forms to IEPA unless otherwise specified by the IEPA. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

STORET CODE	PARAMETER	Minimum reporting limit
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Special Conditions

01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01027	Cadmium	0.001 mg/L
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00720	Cyanide (total) (grab)***	5.0 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 (grab)**	1.0 ng/L*
01067	Nickel	0.005 mg/L
00556	Oil (hexane soluble or equivalent) (Grab Sample only)	5.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
01077	Silver (total)	0.003 mg/L
01092	Zinc	0.025 mg/L

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

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

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

*1.0 ng/L = 1 part per trillion.

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

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

****USEPA Method OIA-1677.

The Permittee shall provide a report briefly describing the permittee's pretreatment activities and an updated listing of the Permittee's significant industrial users. The list should specify which categorical pretreatment standards, if any, are applicable to each Industrial User. Permittees who operate multiple plants may provide a single report. Such report shall be submitted within twelve (12) months of the effective date of this Permit to the following addresses:

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

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

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

SPECIAL CONDITION 13. 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:

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Special Conditions

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 mailed to IEPA, Bureau of Water, Compliance Assurance Section or emailed to EPA.PrmtSpecCondtns@Illinois.gov 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.

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

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

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

Planned Changes. The Permittee shall give notice to the IEPA on the semi-annual report of any changes in sludge use and disposal.

The Permittee shall retain records of all sludge monitoring, and reports required by the Sludge Permit as referenced in Standard Condition 25 for a period of at least five (5) years from the date of this Permit.

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

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

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

NPDES Permit No. IL0030741

Special Conditions

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

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

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

SPECIAL CONDITION 15. The Permittee has undergone a Monitoring Reduction review and the influent and effluent sample frequency has been reduced for parameters due to sustained compliance. The IEPA may require that the influent and effluent sampling frequency for these parameters be increased without Public Notice. This provision does not limit EPA's authority to require additional monitoring, information or studies pursuant to Section 308 of the CWA.

SPECIAL CONDITION 16. Consistent with permit modification procedures in 40 CFR 122.62 and 63, 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 17. The Permittee shall work towards the goals of achieving no discharges from sanitary sewer overflows or basement back-ups and ensuring that overflows or back-ups, when they do occur do not cause or contribute to violations of applicable standards or cause impairment in any adjacent receiving water. Overflows from sanitary sewers are expressly prohibited by this permit and by Ill. Adm. Code 306.304. 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) develop, implement and submit to the IEPA a Capacity, Management, Operations, and Maintenance (CMOM) plan which includes an Asset Management strategy within thirty-six (36) months of the effective date of this Permit or review and revise any existing plan accordingly. The Permittee shall modify the Plan to incorporate any comments that it receives from IEPA and shall implement the modified plan as soon as possible. The Permittee should work as appropriate, in consultation with affected authorities at the local, county, and/or state level to develop the plan components involving third party notification of overflow events. The Permittee may be required to construct additional sewage transport and/or treatment facilities in future permits or other enforceable documents should the implemented CMOM plan indicate that the Permittee's facilities are not capable of conveying and treating the flow for which they are designed.

The CMOM plan shall include the following elements:

A. Measures and Activities:

1. A complete map and system inventory for the collection system owned and operated by the Permittee;
2. Organizational structure; budgeting; training of personnel; legal authorities; schedules for maintenance, sewer system cleaning, and preventative rehabilitation; checklists, and mechanisms to ensure that preventative maintenance is performed on equipment owned and operated by the Permittee;
3. Documentation of unplanned maintenance;
4. An assessment of the capacity of the collection and treatment system owned and operated by the Permittee at critical junctions and immediately upstream of locations where overflows and backups occur or are likely to occur; use flow monitoring 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;
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.

Special Conditions

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 18. The Permittee shall maintain and implement a Phosphorus Discharge Optimization Plan. 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 "IL0030741 Special Condition 18 as the subject of the email by March 31 of each year. As part of the plan, the Permittee shall evaluate a range of measures for reducing phosphorus discharges from the treatment plant, including possible source reduction measures, operational improvements, and minor facility modifications that will optimize reductions in phosphorus discharges from the wastewater treatment facility. The Permittee's evaluation shall include, but not be limited to, an evaluation of the following optimization measures:

A. WWTF influent reduction measures.

1. Evaluate the phosphorus reduction potential of users.
2. Determine which sources have the greatest opportunity for reducing phosphorus (i.e., industrial, commercial, institutional, municipal and others).
 - a. Determine whether known sources (i.e., restaurant and food preparation) can adopt phosphorus minimization and water conservation plans.
 - b. Evaluate implementation of local limits on influent sources of excessive phosphorus.

B. WWTF effluent reduction measures.

1. Reduce phosphorus discharges by optimizing existing treatment processes.
 - a. Adjust the solids retention time for either nitrification, denitrification, or biological phosphorus removal.
 - b. Adjust aeration rates to reduce dissolved oxygen and promote simultaneous nitrification-denitrification.

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- 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 19. The Permittee shall, within thirty-six (36) months of the effective date of this permit, prepare and submit to the Agency a feasibility study 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 1.0 mg/L, 0.5 mg/L, and 0.1 mg/L on a monthly, seasonal and annual average basis. The study shall evaluate the construction and O & M costs of the application of these limits on an annual average basis.

SPECIAL CONDITION 20. 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 be at risk of eutrophication due to phosphorus levels in the waterbody. 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 waterbody or segment is at risk of eutrophication if there is available information that plant, algal or cyanobacterial growth is causing or will cause violation of a water quality standard.

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 risk of eutrophication. 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 risk of eutrophication, 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 from point sources and non-point sources in addition to other measures necessary to remove the risk of eutrophication characteristics that will cause or may cause violation of a water quality standard. The NARP may determine, based on an assessment of relevant data, that the watershed does not have a risk of eutrophication 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 and other measures. 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 risk of eutrophication characteristics 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 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 risk of eutrophication. 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 offensive condition water quality standards.

SPECIAL CONDITION 21.

- 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 "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

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- 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 or facility 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.
 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.
 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. 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 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 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 22. PFAS Testing and Reporting

1. PFAS Sample Frequency and Type of Sample.

<u>Sampling Point</u>	<u>Sample Frequency</u>	<u>Sample Type</u>	<u>Report</u>
Effluent	Quarterly*	Grab***	ng/L
Influent	Quarterly*	Grab***	ng/L
Biosolids	Semiannually**	Grab	ug/kg

* Quarterly sampling – Testing done during the first quarter (January – March) must be reported on the April Electronic Discharge Monitoring Report (NetDMR), testing done in the second quarter (April – June) must be reported on the July NetDMR. testing done

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in the third quarter (July – September) must be reported on the October NetDMR, and testing done in the fourth quarter (October – December) must be reported on the January NetDMR.

** Semiannually sampling – Testing done during the first half of each year (January through June) must be reported on the July NetDMR and sampling taken during the second half of each year (July through December) must be reported on the January NetDMR.

*** If the permittee prefers to collect a composite sample instead of a grab sample, the composite sample shall be a manual composite consisting of a minimum of 4 separate grab samples that will be manually mixed at the lab for analysis. Composite samples shall not be collected using the typical automatic composite sampling equipment. All samples shall be collected during dry weather flow, during normal business hours.

2. Influent and Effluent test results must be reported in nanograms per liter (ng/L) as a daily maximum concentration. Biosolids test results must be reported in micrograms per kilograms (ug/kg) as a daily maximum load.
3. Monitoring for Per- and polyfluoroalkyl Substances (PFAS) shall be performed using USEPA 3rd draft test method 1633 or subsequent draft test method. Upon USEPA's final approval and incorporation under 40 CFR 136, the approved method shall be used for PFAS testing.
4. The Minimum Level (ML) of Detection identified in paragraph 6) of this Special Condition is based on the USEPA's 3rd Draft Method 1633, dated December 2022. The permittee shall use these minimum levels of detection until they are replaced by subsequent draft methods, or a final method is defined under 40 CFR 136. At that time of update the permittee shall use the revised minimum level of detection values as part of this permit.
5. Following two years of quarterly sampling, the permittee may request a reduction in testing frequency, or an elimination of testing, by filing an NPDES permit modification request with the Agency. Quarterly sampling shall continue until such time as the Agency modifies the NPDES permit to either reduce or eliminate the quarterly sampling requirement.
6. Specific PFAS constituents that must be tested for, and reported on, are listed in the following table:

Target Analyte Name	Abbreviation	CAS Number	STORET	Minimum Level (ML) of Detection	
Perfluoroalkyl carboxylic acids				Aqueous (ng/L)	Solids (ng/g)
Perfluorobutanoic acid	PFBA	375-22-4	51522	2.0	0.8
Perfluoropentanoic acid	PFPeA	2706-90-3	51623	2.0	0.4
Perfluorohexanoic acid	PFHxA	307-24-4	51624	2.0	0.2
Perfluoroheptanoic acid	PFHpA	375-85-9	51625	2.0	0.2
Perfluorooctanoic acid	PFOA	335-67-1	51521	2.0	0.2
Perfluorononanoic acid	PFNA	375-95-1	51626	2.0	0.2
Perfluorodecanoic acid	PFDA	335-76-2	51627	2.0	0.2
Perfluoroundecanoic acid	PFUnA	2058-94-8	51628	2.0	0.2
Perfluorododecanoic acid	PFDaA	307-55-1	51629	2.0	0.2
Perfluorotridecanoic acid	PFTrDA	72629-94-8	51630	2.0	0.2
Perfluorotetradecanoic acid	PFTeDA	376-06-7	51631	2.0	0.2
Perfluoroalkyl sulfonic acids					
Acid Forms					
Perfluorobutanesulfonic acid	PFBS	375-73-5	52602	2.0	0.2
Perfluoropentanesulfonic acid	PFPeS	2706-91-4	52610	2.0	0.2
Perfluorohexanesulfonic acid	PFHxS	355-46-4	52605	2.0	0.2

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Perfluoroheptanesulfonic acid	PFHpS	375-92-8	52604	2.0	0.2
Perfluorooctanesulfonic acid	PFOS	1763-23-1	52606	2.0	0.2
Perfluorononanesulfonic acid	PFNS	68259-12-1	52611	2.0	0.2
Perfluorodecanesulfonic acid	PFDS	335-77-3	52603	2.0	0.2
Perfluorododecanesulfonic acid	PFDoS	79780-39-5	52632	2.0	0.2
Fluorotelomer sulfonic acids					
1H,1H, 2H, 2H-Perfluorohexane sulfonic acid	4:2FTS	757124-72-4	52605	5.0	0.8
1H,1H, 2H, 2H-Perfluorooctane sulfonic acid	6:2FTS	27619-97-2	62606	10	0.8
1H,1H, 2H, 2H-Perfluorodecane sulfonic acid	8:2FTS	39108-34-4	52603	10	0.8
Perfluorooctane sulfonamides					
Perfluorooctanesulfonamide	PFOSA	754-91-6	51525	2.0	0.2
N-methyl perfluorooctanesulfonamide	NMeFOSA	31506-32-8	52641	2.0	0.2
N-ethyl perfluorooctanesulfonamide	NEtFOSA	4151-50-2	52642	2.0	0.2
Perfluorooctane sulfonamidoacetic acids					
N-methyl perfluorooctanesulfonamidoacetic acid	NMeFOSAA	2355-31-9	51644	2.0	0.2
N-ethyl perfluorooctanesulfonamidoacetic acid	NEtFOSAA	2991-50-6	51643	2.0	0.2
Perfluorooctane sulfonamide ethanols					
N-methyl perfluorooctanesulfonamidoethanol	NMeFOSE	24448-09-7	51642	10	2
N-ethyl perfluorooctanesulfonamidoethanol	NEtFOSE	1691-99-2	51641	20	2
Per- and Polyfluoroether carboxylic acids					
Hexafluoropropylene oxide dimer acid	HFPO-DA	13252-13-6	52612	5.0	0.8
4,8-Dioxa-3H-perfluorononanoic acid	ADONA	919005-14-4	52636	5.0	0.8
Perfluoro-3-methoxypropanoic acid	PFMPA	377-73-1	PF002	2.0	0.4
Perfluoro-4-methoxybutanoic acid	PFMBA	863090-89-5	PF006	2.0	0.4
Nonafluoro-3,6-dioxaheptanoic acid	NFDHA	151772-58-6	52626	5.0	0.4
Ether sulfonic acids					
9-Chlorohexadecafluoro-3-oxanonane-1-sulfonic acid	9Cl-PF3ONS	756426-58-1	PF003	5.0	0.8
11-Chloroeicosafluoro-3-oxaundecane-1-sulfonic acid	11Cl-PF3OUdS	763051-92-9	PF004	5.0	0.8
Perfluoro(2-ethoxyethane)sulfonic acid	PFEESA	113507-82-7	52629	2.0	0.4
Fluorotelomer carboxylic acids					
3-Perfluoropropyl propanoic acid	3:3FTCA	356-02-5	PF001	10	1.0
2H,2H,3H,3H-Perfluorooctanoic acid	5:3FTCA	914637-49-3	PF007	20	5.0
3-Perfluoroheptyl propanoic acid	7:3FTCA	812-70-4	PF005	20	5.0

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SPECIAL CONDITION 23. PFAS Reduction Program:

1) PFAS Inventory:

- a) The Permittee shall develop an inventory of those of facilities which may have the potential to contribute or discharge PFAS into the sanitary sewer system. At a minimum, facilities which fall under one or more of the following SIC (NAICS) codes must be considered for inclusion in this inventory:

1020 (212230), 1041 (212221), 1094 (212291), 1311 (211120), 2221 (313210), 2262 (313310), 2273 (314110), 2295 (313320), 2297 (313230), 2299 (313110), 2385 (314999), 2392 (314999), 2394 (314910), 2621 (322121), 2656 (322219), 2671 (322220), 2672 (322220), 2673 (322220), 2752 (323111), 2796 (323120), 2813 (325120), 2819 (211130, 325130, 325180), 2821 (325211), 2822 (325212), 2824 (325220), 2841 (325611), 2842 (325612), 2843 (325613), 2844 (325611), 2851 (325510), 2869 (325110, 325193, 325199), 2899 (325199, 325510, 325998), 2911 (324110), 2992 (324191), 3011 (326211), 3081 (326113), 3082 (326121), 3083 (326130), 3089 (326121), 3111 (316110), 3231 (323215, 327310), 3471 (332813), 3479 (332812), 3497 (332999), 3577 (334418), 3589 (333318), 3629 (335999), 3643 (335931), 3651 (334310), 3663 (334220), 3672 (334412), 3674 (334413), 3679 (334419), 3841 (333249), 3861 (333316), 4581 (488119), 4953 (562211, 562212, 562213, 562219), 5169 (424690), 5719 (442291), 7217 (561740), 7641 (811420), 9711 (928110).

- b) Examples of other activities that may not have specific SIC codes, but have the potential to contribute or discharge PFAS into the sewer system, and therefore must also be included when developing the inventory list are:
- i) Landfill leachate,
 - ii) Firefighting training facilities,
 - iii) Any other activities that the permittee determines are known or expected sources of PFAS.
- c) The following information must be included for each facility that is included in the inventory:
- i) The facility name and address,
 - ii) List of SIC code(s), or other reasons, which require the facility to be placed on the inventory list,
 - iii) Identification of wastewater discharges from the industrial facility which may have the potential to contribute or discharge PFAS into the sanitary sewer system,
 - iv) Actual or estimated monthly average flow rate in gallons per day (gpd) of wastewater being discharged to the sanitary sewer system by the facility for the previous year.
- d) The Permittee must submit an initial inventory report within 12 months of the permit effective date. Subsequent annual updated reports of the inventory list will be due 12 months from the previous report due date for the term of the permit.

Information on the initial and subsequent updated inventory reports must include:

- i) The name, address, and NPDES permit number of the Permittee,
- ii) The name and address of each facility on the inventory list,
- iii) List of SIC code(s), or other reasons, for each facility which resulted in the facility to be placed on the inventory list,
- iv) Identification of wastewater discharges at each facility which may have the potential to contribute or discharge PFAS into the sanitary sewer system,
- v) Actual or estimated monthly average flow rate in gallons per day (gpd) of wastewater being discharged to the sewer system during the previous year for each facility on the inventory list.

Annual updated reports should identify only those sites currently discharging wastewater to the sanitary sewer.

2) PFAS Reduction Initiative:

- a) Within 24 months from the effective date of the permit the Permittee shall develop and implement a PFAS reduction initiative.

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The reduction initiative must include PFAS loading reduction plans for facilities identified in the inventory under paragraph 1) of this Special Condition.

- b) The PFAS loading reduction plans referred to above must include, for facilities identified in the inventory, the following Best Management Practices (BMPs):
 - i) Evaluation of the potential for the facility to use products containing PFAS or have knowledge or suspect wastewater being discharged to the sewer system to contain PFAS.
 - ii) Evaluation of Pollution prevention/source reduction opportunities which may include:
 - (1) Product elimination or substitution when a reasonable alternative to using PFAS is available in the industrial process,
 - (2) Accidental discharge minimization by optimizing operations and good housekeeping practices,
 - (3) Equipment decontamination or replacement (such as in metal finishing facilities) where PFAS products have historically been used to prevent discharge of legacy PFAS following the implementation of product substitution.
 - iii) Identification of the measures being taken to reduce PFAS loading from the facility, and any available information, including facility wastewater testing for PFAS, and/or the loading reduction achieved.
- c) PFAS loading reduction plans must be reevaluated and updated on an annual basis. The updated plans must identify any changes made since the previous plan was submitted.
- d) The Permittee is required to submit a PFAS reduction report annually to the Illinois Environmental Protection Agency at the addresses identified under paragraph 3) of this permit with the first report due 36 months from the permit effective date. Subsequent annual reports shall be due 12 months following the previous report's due date.

PFAS reduction reports must include the following information:

- i) The name, address, and NPDES permit number of the Permittee,
 - ii) The name and address for each facility on the most current inventory list,
 - iii) The current PFAS loading reduction plans for each facility on the PFAS inventory list. Updated plans should include all changes made since the previous plan was submitted.
- 3) The Permittee shall submit the reports identified under paragraphs 1) and 2) of this Special Condition electronically or in writing to one of the following addresses:

- a) EPA.PrmtSpecCondtns@Illinois.gov
- b) Illinois Environmental Protection Agency
Bureau of Water
Compliance Assurance Section
Mail Code #19
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Attachment**Standard Condition 42803****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:
- 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;
 - Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - 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.**
- Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - 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.
 - Records of monitoring information shall include:
 - The date, exact place, and time of sampling or measurements;
 - The individual(s) who performed the sampling or measurements;
 - The date(s) analyses were performed;
 - The individual(s) who performed the analyses;
 - The analytical techniques or methods used; and
 - The results of such analyses.
 - 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.
- Application.** All permit applications shall be signed as follows:
 - 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;
 - For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - 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:
 - The authorization is made in writing by a person described in paragraph (a); and
 - 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
 - The written authorization is submitted to the Agency.
 - 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.
 - 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.**
- 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:
 - 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
 - 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).
 - 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.
 - 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.
 - Transfers.** This permit is not transferable to any person except after notice to the Agency.
 - 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

Final NPDES Electronic Reporting Rule

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 or johnston.carey@epa.gov.

Useful Final Rule Link:

Email sign up for outreach events

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

EXHIBIT B

Surdell, Ian

From: Matoesian, Charles <Charles.Matoesian@Illinois.gov>
Sent: Monday, December 2, 2024 8:39 AM
To: Andes, Fredric
Cc: Powers, Erika; Surdell, Ian; Diers, Stefanie; Matoesian, Charles
Subject: [EXTERNAL] RE: Question re Appeal Deadline for City of Rochelle

Caution: This email originated from outside the Firm.

Fredric:

The regulation would take precedence so the appropriate date would be 35 days from receipt. Also, I can confirm that we do not object to the requested extension.

Thank you.
Charles

From: Andes, Fredric <Fredric.Andes@btlaw.com>
Sent: Sunday, December 1, 2024 9:45 AM
To: Diers, Stefanie <Stefanie.Diers@Illinois.gov>; Matoesian, Charles <Charles.Matoesian@Illinois.gov>
Cc: Powers, Erika <Erika.Powers@btlaw.com>; Surdell, Ian <Ian.Surdell@btlaw.com>
Subject: [External] Question re Appeal Deadline for City of Rochelle

Stefanie and Charles: I hope that your holiday weekend has gone well. Sorry to bother you with a question – hopefully you won't see this till you're back on Monday... We are getting ready to file our request for an extension of the permit appeal deadline for Rochelle, as discussed last week. (And if you could send back your e-mail confirmation that IEPA does not object, we'd appreciate it.) I'm writing because we're a little unclear on the actual deadline. The permit document itself says that it's 35 days from the permit issuance date. But the applicable reg, 35 IAC 105.206, says 35 days from the date of receipt by the permittee. Since the permit was sent by mail, that would give us several more days. I still think that we can file by Tuesday, Dec. 3, but I do want to make sure that we're calculating correctly and making accurate statements in our papers as to what the deadline is. Can you clarify? Thanks much.

Fredric P. Andes | Partner
Barnes & Thornburg LLP
One North Wacker Drive Suite 4400, Chicago, IL 60606
Direct: (312) 214-8310 | Mobile: (773) 354-3100



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