

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

AUG 18 2004

STATE OF ILLINOIS
Pollution Control Board

METROPOLITAN WATER RECLAMATION)
DISTRICT OF GREATER CHICAGO,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)

Respondent.)

05-31
PCB 04-

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Division of Legal Counsel
Illinois Environmental Protection
Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

PLEASE TAKE NOTICE that on Wednesday, August 18, 2004, we filed the attached **Petition for NPDES Permit Appeal and Appearance** with the Clerk of the Pollution Control Board, a copy of which is herewith served upon you.

METROPOLITAN WATER RECLAMATION
DISTRICT OF GREATER CHICAGO

BY: *Michael G. Rosenberg*
Michael G. Rosenberg, its Attorney

Michael G. Rosenberg/Ronald M. Hill
Metropolitan Water Reclamation
District of Greater Chicago
100 East Erie Street
Chicago, IL 60611
(312) 751-6583

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CERTIFICATE OF SERVICE

I, Sheila Roberts, being duly sworn on oath, certify that I caused a copy of the attached Petitioner's **Petition for NPDES Permit Appeal, PCB 04-__ and Appearance**, to be sent via first class U.S. Mail to the below named at their addresses as shown, with proper postage prepaid, from 100 E. Erie Street, Chicago, Illinois, at or near the hour of 4:00 p.m., this 18th day of August, 2004.

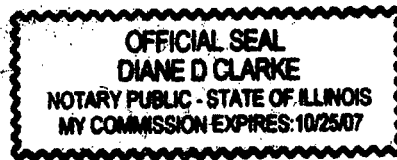
Ms. Dorothy M. Gunn
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Sheila Roberts

**SUBSCRIBED and SWORN to before
me this 18th day of August, 2004.**

Diane D. Clarke
Notary Public



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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

METROPOLITAN WATER RECLAMATION)
DISTRICT OF GREATER CHICAGO,)

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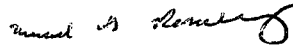
Respondent.)

05-31
PCB 04

APPEARANCE

I hereby file my appearance in this proceeding on behalf of the Metropolitan Water Reclamation District of Greater Chicago.

Metropolitan Water Reclamation District
of Greater Chicago



Michael G. Rosenberg, Attorney

DATED: August 18, 2004

Metropolitan Water Reclamation
District of Greater Chicago
Michael G. Rosenberg
Ronald M. Hill
100 East Erie Street
Chicago, Illinois 60611
(312)751-6588

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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AUG 18 2004

STATE OF ILLINOIS
Pollution Control Board

METROPOLITAN WATER RECLAMATION)
DISTRICT OF GREATER CHICAGO,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)

Respondent.)

05-31
PCB 04-

PETITION FOR NPDES PERMIT APPEAL

Petitioner, Metropolitan Water Reclamation District of Greater Chicago ("District"), by its Attorney, Michael G. Rosenberg, petitions the Illinois Pollution Control Board ("Board") under Section 40(a) of the Illinois Environmental Protection Act, 415 ILCS § 5/40(a), to grant the District a hearing to contest the monitoring and reporting requirements for fecal coliform, the requirement to sample for WAD cyanide in sludge, and the minimum detection limits for oil (hexane soluble or equivalent) and selenium in the NPDES permit (NPDES No. IL0047741) issued by the Illinois Environmental Protection Agency ("Agency") on July 19, 2004. In support hereof, the District states as follows:

1. The District applied to the Agency for reissuance of its existing permit to discharge from its James C. Kirie Water Reclamation Plant ("Kirie WRP"), located at 701 West Oakton Street, Des Plaines, Illinois 60018. The Agency subsequently prepared a draft permit, and the District submitted written comments and objections thereto. The Agency issued a final permit on July 19, 2004. A copy of the final permit is marked Exhibit "A" and attached hereto.

2. As will be discussed herein, the District is challenging the monitoring and reporting requirements for fecal coliform, the requirement to sample sludge for WAD cyanide, and the minimum detection limits for oil (hexane soluble or equivalent) and selenium. The District's Petition is based upon the fact that such permit conditions are not necessary to accomplish the purposes of the Illinois Environmental Protection Act ("Act") and Board regulations, or otherwise arbitrary and capricious.

3. The Kirie Plant is one of seven treatment plants operated by the District. The Kirie Plant is a state of the art wastewater treatment facility incorporating a two-stage secondary process as well as an advanced tertiary system for the removal of water-borne pollutants. The average design capacity of the Kirie Plant is 52 million gallons per day (mgd) and the maximum design capacity is 110 mgd. The Kirie WRP discharges to Higgins Creek.

4. On pages 2 and 3 of the permit, the following effluent limit and reporting requirements are set forth for fecal coliform:

<u>LOAD LIMITS lbs/day</u> <u>DAF (DMF)*</u>	<u>CONCENTRATION</u> <u>LIMITS MG/L</u>	Sample Frequency	Sample Type
Fecal Coliform*** Daily Maximum shall not exceed 200 per 100 mL (May through October)	200 per 100 mL	5 days/week	Grab

*** See Special Condition 8. No more than 10% of the samples during the month shall exceed 400 Per 100 ml.

Fecal Coliform shall be reported on the DMR as monthly geometric mean and daily maximum. No more than 10% of the samples during the month shall exceed 400 per 100 ml.

5. The above referenced conditions are confusing and should be changed to clearly reflect the fact that it is not the daily maximum that must meet the 200 per 100 mL limit, but the monthly geometric mean that is not to exceed 200 per 100 mL. This

interpretation is consistent with the prior permit and complies with the Act and Board regulations.

6. Special Condition 9(C)(1) of the permit requires that the Kirie WRP influent, effluent and sludge be monitored for 19 different parameters, including WAD cyanide. It is inappropriate to analyze sludge for WAD cyanide and such tests are not necessary to accomplish the purposes of the Illinois Environmental Protection Act ("Act") and Board regulations.

7. Special Condition 9(C)(1) provides for a minimum detection limit ("MDL") of 1.0 mg/L for oil (hexane soluble or equivalent). The USEPA has established a derived MDL of 1.4 mg/L for oil. The District Egan's lab, which will perform the analysis in question, has the capability to attain an MDL of 1.2 mg/L. Compliance with the USEPA's derived MDL of 1.4 mg/L is sufficient to accomplish the purposes of the Illinois Environmental Protection Act ("Act") and Board regulations, and the more stringent MDL of 1.0 mg/L is both unnecessary and impractical.

8. Special Condition 9(C)(1) further provides for an MDL of 0.002 mg/L for selenium. An MDL of 0.002 mg/L for selenium is impractical to achieve and will not accomplish the purposes of the Illinois Environmental Protection Act ("Act") and Board regulations. The District's Egan lab can achieve an MDL for selenium of 0.003 mg/L. Therefore, the District is requesting that the MDL for selenium be raised to 0.005 mg/L, which will provide an additional margin for accuracy and reliability.

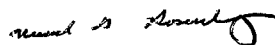
WHEREFORE, the Metropolitan Water Reclamation District of Greater Chicago requests the Board to authorize a hearing and remand the decision to the Agency to reissue the

NPDES permit consistent with the concerns addressed in this Petition. Specifically, this relief should include the following:

1. Ordering that the fecal coliform limit of 200 per 100 mL contained on page 3 of the permit is the monthly geometric mean, not the daily maximum;
2. Ordering that under Special Condition 9(C)(1), monitoring for WAD cyanide be limited to the influent and effluent, and not include sludge; and
3. Ordering that the MDL for oil (hexane soluble or equivalent) be changed to 1.2 mg/L, and the MDL for selenium be changed to 0.005 mg/L.

Respectfully submitted,

Metropolitan Water Reclamation District
of Greater Chicago



Michael G. Rosenberg, Attorney

DATED: August 18, 2004

Metropolitan Water Reclamation
District of Greater Chicago
Michael G. Rosenberg
Ronald M. Hill
100 East Erie Street
Chicago, Illinois 60611
(312) 751-6583

THIS FILING IS SUBMITTED ON RECYCLED PAPER

NPDES Permit No. IL0047741

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: July 31, 2009

Issue Date: July 19, 2004

Effective Date: August 1, 2004

Name and Address of Permittee:

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


Facility Name and Address:

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

Receiving Waters: Higgins Creek

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of the Ill. Adm. Code, Subtitle C, Chapter I, and the Clean Water Act (CWA), the above-named Permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

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


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

SAK:MRA:03101001.bah

Exhibit "A"

NPDES Permit No. IL0047741

Effluent Limitations, Monitoring, and Reporting

FINAL

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

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

Excess flow facilities (if applicable) shall not be utilized until the main treatment facility is receiving its maximum practical flow.

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, providing monthly average flows are 52 MGD or less. For monthly average flows greater than 52 MGD see next page:

Parameter	LOAD LIMITS lbs/day DAF (DMF)*			CONCENTRATION LIMITS MG/L			Sample Frequency	Sample Type	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum			
Flow (MGD)							Continuous		
CBOD ₅ **	1,735 (3,670)		8,674 (18,348)	4		20	3 days/week	Composite	
Suspended Solids	2,168 (4,587)		10,408 (22,018)	5		24	3 days/week	Composite	
Dissolved Oxygen	Shall not be less than 6 mg/L						5 days/week	Grab	
pH	Shall be in the range of 6 to 9 Standard Units						5 days/week	Grab	
Fecal Coliform***	Daily Maximum shall not exceed 200 per 100 mL (May through October)						5 days/week	Grab	
Chlorine Residual****							0.05	5 days/week	Grab
Ammonia Nitrogen as (N)									
March-May/Sept.-Oct.	911 (1,927)	2,299 (4,862)	3,383 (7,156)	2.1	5.3	7.8	5 days/week	Composite	
June-August	694 (1,468)	1,735 (3,670)	4,814 (10,183)	1.6	4.0	11.1	5 days/week	Composite	
Nov.-Feb.	1,735 (3,670)	---	3,643 (7,706)	4.0	---	8.4	5 days/week	Composite	
Copper	13 (27)		21 (44)	0.029		0.048	5 days/week	Composite	
Weak Acid Dissociable Cyanide	4.3 (9.2)		8.7 (18)	0.01		0.02	5 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 8. No more than 10% of the samples during the month shall exceed 400 Per 100 ml.

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

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 monthly geometric mean and daily maximum. No more than 10% of the samples during the month shall exceed 400 per 100 ml.

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

Chlorine Residual shall be reported on DMR as daily maximum.

Dissolved oxygen shall be reported on DMR as minimum.

Effluent Limitations, Monitoring, and Reporting

FINAL

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

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

Excess flow facilities (if applicable) shall not be utilized until the main treatment facility is receiving its maximum practical flow.

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, providing monthly average flows are greater than 52 MGD:

Parameter	LOAD LIMITS lbs/day DAF (DMF)*			CONCENTRATION LIMITS MG/L			Sample Frequency	Sample Type	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum			
Flow (MGD)							Continuous		
CBOD ₅ **	4,337 (9,174)		8,674 (18,348)	10		20	3 days/week	Composite	
Suspended Solids	5,204 (11,009)		10,408 (22,018)	12		24	3 days/week	Composite	
Dissolved Oxygen	Shall not be less than 6 mg/L						5 days/week	Grab	
pH	Shall be in the range of 6 to 9 Standard Units						5 days/week	Grab	
Fecal Coliform***	Daily Maximum shall not exceed 200 per 100 mL (May through October)						5 days/week	Grab	
Chlorine Residual****							0.05	5 days/week	Grab
Ammonia Nitrogen as (N)									
March-May/Sept.-Oct.	911 (1,927)	2,299 (4,862)	3,383 (7,156)	2.1	5.3	7.8	5 days/week	Composite	
June-August	694 (1,468)	1,735 (3,670)	4,814 (10,183)	1.6	4.0	11.1	5 days/week	Composite	
Nov.-Feb.	1,735 (3,670)	—	3,643 (7,706)	4.0	—	8.4	5 days/week	Composite	
Copper	13 (27)		21 (44)	0.029		0.048	5 days/week	Composite	
Weak Acid Dissociable Cyanide	4.3 (9.2)		8.7 (18)	0.01		0.02	5 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 8. No more than 10% of the samples during the month shall exceed 400 Per 100 ml.

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

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 monthly geometric mean and daily maximum. No more than 10% of the samples during this month shall exceed 400 per 100 mL.

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

Chlorine Residual shall be reported on DMR as daily maximum.

Dissolved oxygen shall be reported on DMR as minimum.

NPDES Permit No. IL0047741

Effluent Limitations, Monitoring, and Reporting

FINAL

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

These flow facilities shall not be utilized until the collection system and treatment facility is receiving its maximum practical flow.

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		CONCENTRATION LIMITS mg/L		Sample Frequency	Sample Type
		Monthly Average	Daily Maximum		
Total Flow (MG)	See Below			Daily	Continuous
BOD ₅		Report		Daily When Discharging	Grab
Suspended Solids		Report		Daily When Discharging	Grab
Fecal Coliform		Report	Report	Daily When Discharging	Grab

Total flow in million gallons shall be reported on the Discharge Monitoring Report (DMR) in the quantity maximum column.

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

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

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

NPDES Permit No. IL0047741

Influent Monitoring, and Reporting

The influent to the plant shall be monitored as follows:

Parameter	Sample Frequency	Sample Type
Flow (MGD)	Continuous	
BOD ₅	5 days/week	Composite
Suspended Solids	5 days/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.

Special Conditions

SPECIAL CONDITION 1. This Permit may be modified to include different final effluent limitations or requirements which are consistent with applicable laws, regulations, or judicial orders. 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 in the event of operational, maintenance or other problems resulting in possible effluent deterioration.

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

SPECIAL CONDITION 6. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

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

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

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

SPECIAL CONDITION 9.A. Publicly Owned Treatment Works (POTW) Pretreatment Program General Provisions

1. The Permittee shall implement and enforce its approved Pretreatment Program which was approved on November 18, 1985, and all approved subsequent modifications thereto. The Permittee shall maintain legal authority adequate to fully implement the Pretreatment Program in compliance with Federal (40 CFR 403), State, and local laws. The Permittee shall:
 - a. Carry out independent inspection and monitoring procedures at least once per year, which will determine whether each significant industrial user (SIU) is in compliance with applicable pretreatment standards;
 - b. Perform an evaluation, at least once every two (2) years, to determine whether each SIU needs a slug control plan. If needed, the SIU slug control plan shall include the items specified in 40 CFR § 403.8 (f)(2)(v);
 - c. Update its inventory of Industrial Users (IUs) at least annually and as needed to ensure that all SIUs are properly identified, characterized, and categorized;
 - d. Receive and review self monitoring and other IU reports to determine compliance with all pretreatment standards and requirements, and obtain appropriate remedies for noncompliance by any IU with any pretreatment standard and/or requirement;
 - e. Investigate instances of noncompliance, collect and analyze samples, and compile other information with sufficient care as to produce evidence admissible in enforcement proceedings, including judicial action;
 - f. Require development, as necessary, of compliance schedules by each industrial user for the installation of control technologies to meet applicable pretreatment standards; and,
 - g. Maintain an adequate revenue structure for continued operation of the Pretreatment Program.
2. The Permittee shall issue/reissue permits or equivalent control mechanisms to all SIUs prior to expiration of existing permits or prior to commencement of discharge in the case of new discharges. The permits at a minimum shall include the elements listed in 40 CFR § 403.8(f)(1)(iii).
3. The Permittee shall develop, maintain, and enforce, as necessary, local limits to implement the prohibitions in 40 CFR § 403.5 which prohibit the introduction of specific pollutants to the waste treatment system from any source of nondomestic discharge.

Special Conditions

4. In addition to the general limitations expressed in Paragraph 3 above, applicable pretreatment standards must be met by all industrial users of the POTW. These limitations include specific standards for certain industrial categories as determined by Section 307 (b) and (c) of the Clean Water Act, State limits, or local limits, whichever are more stringent.
5. The USEPA and IEPA individually retain the right to take legal action against any industrial user and/or the POTW for those cases where an industrial user has failed to meet an applicable pretreatment standard by the deadline date regardless of whether or not such failure has resulted in a permit violation.
6. The Permittee shall establish agreements with all contributing jurisdictions, as necessary, to enable it to fulfill its requirements with respect to all IUs discharging to its system.
7. Unless already completed, the Permittee shall within twelve months of the effective date of this Permit submit to USEPA and IEPA a proposal to modify and update its approved pretreatment program to incorporate Federal revisions to the general pretreatment regulations and to implement the federal CSO Control Policy.
 - a. Modifications of your Pretreatment Program shall be submitted in accordance with 40 CFR 403.18, which established conditions for substantial and nonsubstantial modifications.
 - b. The permittee will review and modify, as appropriate, its existing industrial pretreatment program to minimize combined sewer overflow impacts related to discharges to the collection system from non-domestic users. This review shall include: (1) An inventory of nondomestic discharges to the combined sewers system, focusing on those discharges with the greatest potential to impact CSOs (2) Assessment of the impact of these discharges on CSOs, and (3) Evaluation of feasible modifications to the pretreatment program to minimize CSO impacts, including the prohibition of batch discharges during wet weather events.
 - c. The Permittee shall: (1) address the public comments on record of its current pollution prevention (P2) activities; (2) consider new or expanded activities for promoting P2 to industrial users; (3) present its findings of (1) and (2) to a stakeholder group consisting of representatives of trade associations, environmental organizations, community organizations, industrial users and technical assistance providers; (4) obtain additional input from the stakeholder group; and (5) submit a written report within eighteen (18) months of the effective date of the Permit that summarizes the results of (1) through (4) and that includes the new and expanded activities it intends to implement and the schedule for implementation. At a minimum, new and expanded activities that shall be considered include: technical assistance and education outreach; integration into permitting, inspections and enforcement actions; and voluntary incentives. The Permittee shall initiate implementation of the pollution prevention activities report within three (3) months of IEPA approval of the report.
8. The Permittee's Pretreatment Program has been modified to incorporate a Pretreatment Program Amendment approved on November 18, 1985. The amendment became effective on the date of approval and is a fully enforceable provision of your Pretreatment Program.

Modifications of your Pretreatment Program shall be submitted in accordance with 40 CFR § 403.18, which established conditions for substantial and nonsubstantial modifications.

B. Reporting and Records Requirements

1. The Permittee shall provide an annual report briefly describing the permittee's pretreatment program activities over the previous calendar year. Permittees who operate multiple plants may provide a single report providing all plant-specific reporting requirements are met. Such report shall be submitted no later than June 30 of each year, and shall be in the format set forth in IEPA's POTW Pretreatment Report Package which contains information regarding:
 - a. An updated listing of the Permittee's industrial users.
 - b. A descriptive summary of the compliance activities including numbers of any major enforcement actions, (i.e., administrative orders, penalties, civil actions, etc.), and the outcome of those actions. This includes an assessment of the compliance status of the Permittee's industrial users and the effectiveness of the Permittee's Pretreatment Program in meeting its needs and objectives.
 - c. A description of all substantive changes made to the Permittee's Pretreatment Program. Changes which are "substantial modifications" as described in 40 CFR § 403.18(c) must receive prior approval from the Approval Authority.
 - d. Results of sampling and analysis of POTW influent, effluent, and sludge.

Special Conditions

- e. A summary of the findings from the priority pollutants sampling. As sufficient data becomes available the IEPA may modify this Permit to incorporate additional requirements relating to the evaluation, establishment, and enforcement of local limits for organic pollutants. Any permit modification is subject to formal due process procedures pursuant to State and Federal law and regulation. Upon a determination that an organic pollutant is present that causes interference or pass through, the Permittee shall establish local limits as required by 40 CFR § 403.5(c).
2. The Permittee shall maintain all pretreatment data and records for a minimum of three (3) years. This period shall be extended during the course of unresolved litigation or when requested by the IEPA or the Regional Administrator of USEPA. Records shall be available to USEPA and the IEPA upon request.
 3. The Permittee shall establish public participation requirements of 40 CFR 25 in implementation of its Pretreatment Program. The Permittee shall at least annually, publish the names of all IU's which were in significant noncompliance (SNC), as defined by 40 CFR § 403.8(f)(2)(vii), in the largest daily paper in the municipality in which the POTW is located or based on any more restrictive definition of SNC that the POTW may be using.
 4. The Permittee shall provide written notification to the Deputy Counsel for the Division of Water Pollution Control, IEPA, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 within five (5) days of receiving notice that any Industrial User of its sewage treatment plant is appealing to the Circuit Court any condition imposed by the Permittee in any permit issued to the Industrial User by Permittee. A copy of the Industrial User's appeal and all other pleadings filed by all parties shall be mailed to the Deputy Counsel within five (5) days of the pleadings being filed in Circuit Court.

C. Monitoring Requirements

1. The Permittee shall monitor its influent, effluent and sludge and report concentrations of the following parameters on monitoring report forms provided by the IEPA and include them in its annual report. Samples shall be taken at weekly intervals at the indicated detection limit or better and consist of a 24-hour composite unless otherwise specified below. Sludge samples shall be taken of final sludge and consist of a grab sample reported on a dry weight basis.

<u>STORET CODE</u>	<u>PARAMETER</u>	<u>Minimum detection limit</u>
01097	Antimony	0.07 mg/L
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01012	Beryllium	0.005 mg/L
01027	Cadmium	0.001 mg/L
01032	*Chromium (hex - grab not to exceed 24 hours)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (grab) (weak acid dissociable)	10.0 ug/L
00720	Cyanide (grab) (total)	10.0 ug/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	0.2 ug/L
01067	Nickel	0.005 mg/L
00556	*Oil (hexane soluble or equivalent) (Grab Sample only)	1.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.002 mg/L
01077	Silver (total)	0.003 mg/L
01059	Thallium	0.3 mg/L
01092	Zinc	0.025 mg/L

*(Influent and effluent only)

Unless otherwise indicated, concentrations refer to the total amount of the constituent present in all phases, whether solid, suspended or dissolved, elemental or combined including all oxidation states. Where constituents are commonly measured as other than total, the phase is so indicated.

2. The Permittee shall conduct an analysis for the one hundred and ten (110) organic priority pollutants identified in 40 CFR 122 Appendix D, Table II as amended. This monitoring shall be done annually and reported on monitoring report forms provided by the IEPA and shall consist of the following:

Special Conditions

- a. The influent and effluent shall be sampled and analyzed for the one hundred and ten (110) organic priority pollutants. The sampling shall be done during a day when industrial discharges are expected to be occurring at normal to maximum levels.

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

Five (5) grab samples shall be collected each monitoring day to be analyzed for volatile organic compounds. A single analysis for volatile pollutants (Method 624) may be run for each monitoring day by compositing equal volumes of each grab sample directly in the GC purge and trap apparatus in the laboratory, with no less than one (1) mL of each grab included in the composite.

Wastewater samples must be handled, prepared, and analyzed by GC/MS in accordance with USEPA Methods 624 and 625 of 40 CFR 136 as amended.

- b. The sludge shall be sampled and analyzed for the one hundred and ten (110) organic priority pollutants. A sludge sample shall be collected concurrent with a wastewater sample and taken as final sludge.

Sampling and analysis shall conform to USEPA Methods 624 and 625 unless an alternate method has been approved by IEPA.

- c. Sample collection, preservation and storage shall conform to approved USEPA procedures and requirements.

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

SPECIAL CONDITION 10. The Permittee has undergone a Monitoring Reduction review and the influent and effluent sample frequency has been reduced for CBOD₅ and TSS due to sustained compliance. The IEPA will require that the influent and effluent sampling frequency for these parameters be increased to 5 days/week if effluent deterioration occurs due to increased wasteload, operational, maintenance or other problems. The increased monitoring will be required Without Public Notice when a permit modification is received by the Permittee from the IEPA.

SPECIAL CONDITION 11. The Permittee shall conduct biomonitoring of the effluent from Discharge Number(s) 001.

Biomonitoring

1. 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:
- Fish - 96-hour static LC₅₀ Bioassay using fathead minnows (*Pimephales promelas*).
 - Invertebrate 48-hour static LC₅₀ Bioassay using *Ceriodaphnia*.
2. Testing Frequency - The above tests shall be conducted using 24-hour composite samples unless otherwise authorized by the IEPA. Samples must be collected in the 18th, 15th, 12th, and 9th month prior to the expiration date of this Permit.
3. Reporting - Results shall be reported according to EPA/821-R-02-012, Section 12, Report Preparation, and shall be submitted to IEPA, Bureau of Water, Compliance Assurance Section within one week of receipt from the laboratory. Reports are due to the IEPA no later than the 16th, 13th, 10th, and 7th month prior to the expiration date of this Permit.
4. Toxicity Reduction Evaluation - Should the results of the biomonitoring program identify toxicity, the IEPA may require that the Permittee prepare a plan for toxicity reduction evaluation and identification. This plan shall be developed in accordance with Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants, EPA/833B-99/002, and shall include an evaluation to determine which chemicals have a potential for being discharged in the plant wastewater, a monitoring program to determine their presence or absence and to identify other compounds which are not being removed by treatment, and other measures as appropriate. The Permittee shall submit to the IEPA its plan for toxicity reduction evaluation within ninety (90) days following notification by the IEPA. The Permittee shall implement the plan within ninety (90) days or other such date as contained in a notification letter received from the IEPA.

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

SPECIAL CONDITION 12. Discharge Number 002 is an emergency high level bypass. Discharges from this overflow are subject to the following conditions:

(1) Definitions

- (i) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) "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.

(2) 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 (3) and (4) of this section.

(3) Notice

- (i) 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.
- (ii) Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in Standard Condition 12(e) of this Permit (24-hour notice).

(4) Prohibition of bypass. Bypass is prohibited, and the IEPA 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 was 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 Standard Condition 12(e) of this Permit.

(5) Emergency Bypass when discharging, shall be monitored daily by grab sample for BOD₅ and Suspended Solids. The Permittee shall submit the monitoring results on Discharge Monitoring Report forms using one such form for each month in which bypassing occurs. The Permittee shall specify the number of discharges per month that occur and shall report this number in the quantity daily maximum column. The Permittee shall report the highest concentration value of BOD₅ and Suspended Solids discharged in the concentration daily maximum column.

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

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

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

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

The Permittee shall retain records of all sludge monitoring, and reports required by the Sludge Permit as referenced in Standard Condition 23 for a period of at least five (5) years from the date of this Permit.

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

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 14.

AUTHORIZATION OF
COMBINED SEWER AND TREATMENT PLANT DISCHARGES

The IEPA has determined that at least a portion of the collection system consists of combined sewers. The Permittee is authorized to discharge from the overflow(s)/bypass(es) listed below provided the diversion structure is located on a combined sewer and the following terms and conditions are met:

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

Treatment Requirements

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

Pollution Prevention Activities

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

Sensitive Area Considerations

7. Sensitive areas are any water likely to be impacted by a CSO discharge and meet one or more of the following conditions: (1) are designated as an Outstanding National Resource Water; (2) are found to contain either shellfish beds or threatened or endangered aquatic species or their habitat; (3) are used for primary contact recreation; or, (4) are within the protection area for a drinking water intake structure.

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For Discharge Number 111, within one (1) year of the effective date of this Permit, the Permittee shall submit documentation indicating whether or not this outfall discharges to a sensitive area. Such documentation shall include information regarding the use or potential use of the receiving water for primary contact activities (swimming, water-skiing, etc.) If the Permittee believes that it is not possible for primary recreation to occur in the vicinity of a CSO discharge, then justification as to why primary contact is not possible shall be submitted. Adequate justification includes, but is not limited to (1) inadequate water depth; (2) presence of physical obstacles sufficient to prevent access or primary contact activities; and, (3) uses of adjacent land sufficient to discourage primary activities. The IEPA will make a determination based on this documentation and other information available to the IEPA. This Permit may be reopened and modified, with Public Notice, to include additional CSO requirements for outfalls to sensitive areas. Such modification may include a schedule for relocating, controlling, or treating CSO flows to sensitive areas. If none of these are possible, the Permittee may then be required to submit justification consistent with Section II.C.3 of the National CSO Control Policy, as to why these are not possible. Should the IEPA conclude that any of the CSOs listed in this Special Condition discharge to a sensitive area, the IEPA will notify the Permittee in writing. Within three (3) months of the date of notification, or such other date contained in the notification letter, the Permittee shall submit two (2) copies of either a schedule to relocate, control, or treat discharges from these outfalls. If none of these options are possible, the Permittee shall submit adequate justification as to why these options are not possible. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy.

Operational and Maintenance Plans

8. A CSO operational and maintenance plan ("CSO O&M plan") shall be developed or revised and maintained employing a process that actively involves the affected communities. The CSO O&M plan shall be presented to the general public at a public information meeting conducted by the Permittee within twelve (12) months of the effective date of this Permit. The Permittee shall submit documentation that the CSO O&M plan complies with the requirements of this Permit and that the public information meeting was held. Such submittal shall be submitted to the IEPA within fifteen (15) months of the effective date of this Permit and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the "CSO Operational Plan Checklist and Certification", one (1) with original signatures. Following the public meeting, the Permittee shall implement the CSO O&M plan within one (1) year and shall maintain a current CSO O&M plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. The CSO O&M plan shall be submitted to the IEPA upon written request.

The objectives of the CSO O&M plan are to reduce the total loading of pollutants and floatables entering the receiving stream and to ensure that the Permittee ultimately achieves compliance with water quality standards. These plans, tailored to the local government's collection and waste treatment systems, shall include mechanisms and specific procedures where applicable to ensure:

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

Sewer Use Ordinances

9. a. The Permittee shall implement and enforce all conditions and requirements of the Sewer Summit Agreement between the Permittee and tributary communities that are the responsibility and/or under the jurisdiction of the District in the Agreement. The steps used to implement the Sewer Summit Agreement shall be included in the OMP contained in Paragraph 8 of this Special Condition.

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- b. The Permittee shall report to the IEPA's Compliance Assurance Section on an annual basis the progress obtained in its efforts to meet the goals of the Sewer Summit Agreement between the Permittee and tributary communities of 1) Prevention of water pollution; and 2) Elimination of basement sewage backups and adverse surcharging conditions that cause health hazards and financial losses. Also included in this report shall be the results of the District's efforts to reduce and effectively control sources of infiltration and inflow. The report shall be submitted by November 15th of each year and shall include the most recent October 1 through September 30 time period.

Compliance with Water Quality Standards

10. Pursuant to Section 301 of the federal Clean Water Act and 40 CFR § 122.4, discharges from the outfalls listed in this Special Condition shall not cause or contribute to violations of applicable water quality standards or cause use impairment in the receiving waters. The Permittee, no later than December 1 of each year, shall submit documentation of water quality data for the waterway systems within its jurisdiction. The Permittee shall also work with the IEPA and Municipalities with CSO outfall structures connected to TARP, or planned to be connected to TARP, to develop and implement a plan to assess, and if necessary, abate, impacts from CSO discharges.

Within six (6) months of the completion of TARP, the Permittee shall develop and submit to IEPA at least two (2) copies of a plan to determine whether or not the CSOs in the TARP service area have the potential to cause or contribute to either violations of applicable water quality standards or use impairment in the Chicago area waterways. Such a plan should be developed with input from other CSO communities within the service area and may include input from the general public. Once submitted, the Permittee shall submit a written response to any IEPA comments within sixty (60) days of receiving such comments. This plan shall be implemented within six (6) months of IEPA approval, or such other date as contained in the IEPA approval letter.

Monitoring, Reporting and Notification Requirements

11. Beginning on the effective date of this Permit, the Permittee shall monitor the frequency of discharge (number of discharges per month) and estimate the duration (in hours) for Discharge Number 111. Estimates of storm duration and total rainfall shall be provided for each storm event.

For frequency reporting, all discharges from the same storm, or occurring within 24 hours, shall be reported as one. The date that a discharge commences shall be recorded for each outfall. Reports shall be submitted to the IEPA by November 15th of each year and cover the most recent October 1 to September 30 period. In addition to the above required information, these reports shall include estimates of the pounds of BOD discharged, pounds of suspended solids discharged through CSO's on, or scheduled to be connected to the legs of TARP tributary to the James C. Kirie Water Reclamation Plant. The report shall also include estimates of the pounds of BOD, pounds of suspended solids, and volume of combined sewage treated at the James C. Kirie Water Reclamation Plant.

12. A public notification program in accordance with Section II.B.8 of the federal CSO Control Policy of 1994 shall be developed employing a process that actively informs the affected public. The program shall include at a minimum public notification of CSO occurrences and CSO impacts, shall include mass media and/or Internet notification. The Permittee shall also address the issues raised in the letter from IEPA sent to MWRDGC on June 4, 2003 regarding the public notification plan for other CSOs within the Permittee's service area. These issues are:
1. Including a discussion of who the affected public is in the plan;
 2. Coordination of the Permittee with the City of Chicago and other suburban municipalities and agencies during plan development;
 3. Consideration of utilizing methods for public notification in addition to internet notification and a description, including the details of the internet notification plan;
 4. Consideration of actively involving organizations, associations and citizen's group whose focus relates to recreational pursuits in and along the Chicago suburban waterways in the plan development;
 5. Consideration of posting signs at CSO discharge points where the outfalls are visible and where the affected waters are accessible to the public and of posting notices at certain public places (this activity may take a cooperative effort between the Permittee, the City of Chicago, and other entities);
 6. Consideration of utilizing newspaper, radio, television announcements, mass mailings or for putting pamphlets in the utility bills for area residents, developing a telephone hotline, and continuing to notify potable water supply agencies of certain CSO events;

Special Conditions

7. A discussion of the range of alternatives available to the Permittee and a discussion of why the Permittee chose (or did not choose) various options; and,
8. A wide distribution of the notice regarding the public information meeting for the public notification plan and inclusion of this in the plan. This list includes individuals and groups that attended the hearing on any of the Permittee's NPDES permits, those on IEPA public notice list for NPDES permit matters, local groups with an interest in water recreation, public health and environment.

To the extent that these items may have been previously considered in other public notification programs, the Permittee need only provide reference to the pages in the transcript where discussed. If however, these items are brought up again in a public meeting, then a discussion of the items and the rationale for the Permittee's decision shall be included in the meeting documentation submitted to the IEPA after the public meeting.

Provisions shall be made to include modifications of the program when necessary and notification to any additional member of the affected public. The program shall be presented to the general public at a public information meeting conducted by the Permittee. The Permittee shall conduct the public information meeting within twelve (12) months of the effective date of this Permit. The Permittee shall submit documentation that the public information meeting was held, shall submit a summary of all significant issues raised by the public and the Permittee's response to each issue and shall identify any modifications to the program as a result of the public information meeting. The Permittee shall submit the public information meeting documentation to the IEPA and implement the public notification program within fifteen (15) months of the effective date of this Permit.

13. If any of the CSO discharge points listed in this Special Condition are eliminated, or if additional CSO discharge points, not listed in this Special Condition, are discovered, the Permittee shall notify the IEPA in writing within one (1) month of the respective outfall elimination or discovery. Such notification shall be in the form of a request for the appropriate modification of this NPDES Permit.

Summary of Compliance Dates in this CSO Special Condition

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

Sewer Summit Agreement Report, and CSO Monitoring Data Report (Paragraphs 9 and 11)	Every November 15th
Water Quality Data (Paragraph 10)	Every December 1st
Elimination of a CSO or Discovery of Additional CSO locations (Paragraph 13)	1 month from discovery or elimination
Initiate Pollution Prevention Activities (Paragraph 6)	3 months from IEPA approval of P2 report
Water Quality Study (Paragraph 10)	6 months from the completion of TARP
Documentation of CSO locations (Paragraph 7, Sensitive Areas)	12 months from the effective date of this Permit
Conduct OMP and PN Public Information Meeting (Paragraphs 8 and 12) No Submittal Due with this Milestone	12 months from the effective date of the Permit
Submit OMP and PN Information Meeting Summary (Paragraphs 8 and 12)	15 months from the effective date of this Permit
Submit Pollution Prevention Report (Paragraph 6)	18 months from the effective date of this Permit

All submittals listed in this paragraph shall be mailed to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Attention: CSO Coordinator, Compliance Assurance Section

All submittals hand carried shall be delivered to 1021 North Grand Avenue East.

Special Conditions

Reopening and Modifying this Permit

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

SPECIAL CONDITION 15. The Permittee shall record monitoring results on Discharge Monitoring Report 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 completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 15th day of the following month, unless otherwise specified by the permitting authority.

Discharge Monitoring Reports shall be mailed to the IEPA at the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Attention: Compliance Assurance Section, Mail Code # 19

SPECIAL CONDITION 16. 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 17. The Permittee shall report names of all significant contributing industries annually to both IEPA and USEPA. The report shall include the flow and the Standard Industrial Classification for each major contributing industry and be submitted with the annual report required in Special Condition 9. The Permittee shall furnish industrial waste data for any specific industrial group that IEPA or USEPA requests, where such requests are reasonable in scope. Otherwise, at the request of IEPA or USEPA the Permittee shall provide access to files and guidance to IEPA or USEPA personnel for reviewing data related to industrial users.

SPECIAL CONDITION 18. To the extent different requirements are imposed by the Permittee's approved pretreatment program and this Permit, the stricter requirements shall be applicable.

SPECIAL CONDITION 19. The Permittee shall furnish industrial waste data for any specific industrial group that IEPA or USEPA requests, where such requests are reasonable in scope. Otherwise, at the request of IEPA or USEPA the Permittee shall provide access to files and guidance to IEPA an USEPA personnel for reviewing data related to industrial users.

SPECIAL CONDITION 20. This Permit contains provisions implementing the federal Combined Sewer Overflow (CSO) control Policy (published in the Federal Register on April 19, 1994). The Permit contains the elements of the Nine Minimum Controls and recognizes the Tunnel and Reservoir Plan (TARP), as the control plan for the Chicago metropolitan area. Authorization is provided in this Permit for discharge from one CSO into Weller's Creek. This CSO will discharge only when precipitation events, including snow melt, cause the available capacity in TARP to be exceeded.

Standard Conditions

Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (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. 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, upon the presentation of credentials and other documents as may be required by law, to:
 - (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) **Monitoring and records.**
 - (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. This period may be extended by request of the Agency at any time.
 - (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
 - (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
 - (a) **Application.** All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph (a); and
 - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
 - (3) The written authorization is submitted to the Agency.