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MAY - 8 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AMERICAN BOTTOM CONSERVANCY)
)
Petitioner)
)
v.)
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and UNITED STATES STEEL)
CORPORATION - GRANITE CITY WORKS)
)
Respondents)

STATE OF ILLINOIS
Pollution Control Board

PCB 06- 171
(NPDES Permit Appeal)

NOTICE OF FILING

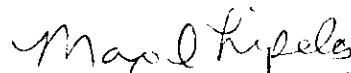
PLEASE TAKE NOTICE that on May 4, 2006, I filed with the Office of the Clerk of the Pollution Control Board the following documents:

1. PETITION FOR REVIEW OF A DECISION BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
2. MOTION FOR PRO HAC VICE ADMISSION OF MAXINE I. LIPELES
3. ENTRY OF APPEARANCE.

Copies of the above are being served, via U.S. Mail, on the following Service List:

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

United States Steel Corporation – Granite City Works
c/o National Registered Agents, Inc.
200 West Adams Street
Chicago, IL 60606



Maxine I. Lipeles, Pro Hac Vice
Counsel for Petitioners

Interdisciplinary Environmental Clinic

Washington University School of Law
One Brookings Drive – Campus Box 1120
St. Louis, MO 63130-4899
(314) 935-5837

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PCB 06- 171
(NPDES Permit Appeal)

MOTION FOR *PRO HAC VICE* ADMISSION OF MAXINE I. LIPELES

Pursuant to 35 Ill. Adm. Code § 101.400(a)(3), I, Maxine I. Lipeles, respectfully request that the Illinois Pollution Control Board authorize me to appear *pro hac vice* in the above-captioned matter on behalf of petitioner American Bottom Conservancy. The grounds for this motion are as follows:

1. I am a licensed attorney in the State of Missouri, where I was admitted to the practice of law in 1982. My attorney registration number in Missouri is 32529, and I am in good standing.

2. I am a member in good standing of the Bar of the Commonwealth of Massachusetts. I was admitted to practice in Massachusetts in 1980, my registration number is 301160, and I am on inactive status.

3. I am a member in good standing of the bars of the following federal courts: U.S. Court of Appeals for the Ninth Circuit (Oct. 26, 1981); U.S. Court of Appeals for the First Circuit (June 4, 1982); U.S. District Court for the District of Massachusetts (July 16, 1981); U.S. District Court for the Eastern District of Missouri

(Feb. 4, 1983; re-registered January 1, 2003); U.S. District Court for the Western District of Missouri (Oct. 2, 1982; inactive status).

4. No disciplinary proceedings are pending or have ever been brought against me.

5. I have never been disbarred or subject to disbarment proceedings.

6. Petitioner American Bottom Conservancy is represented by the Interdisciplinary Environmental Clinic at Washington University School of Law. I am the Director of the Clinic.

7. I am familiar with the provisions of the Illinois Code of Civil Procedure, the Illinois Supreme Court Rules, and the Rules of the Illinois Pollution Control Board and I understand and agree to be bound by them in all proceedings before the Illinois Pollution Control Board.

8. With the Board's permission, attached is my Entry of Appearance in this matter.

Wherefore, I, Maxine I. Lipeles, respectfully request permission to appear pro hac vice on behalf of petitioner American Bottom Conservancy.

Respectfully submitted,

Maxine I. Lipeles

Maxine I. Lipeles
Director, Interdisciplinary Environmental Clinic
Washington University School of Law
One Brookings Drive - Campus Box 1120
St. Louis, MO 63130-4899

Dated: May 4, 2006

Subscribed and Sworn to before me this 4th day of May, 2006

City, State, Zip: St. Louis, MO 63120

Katie O'Flynn Herr

KATIE O'FLYNN HERR
NOTARY PUBLIC - NOTARY SEAL
CITY OF ST. LOUIS, STATE OF MISSOURI
MY COMMISSION EXPIRES 08/28/07

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Pollution Control Board

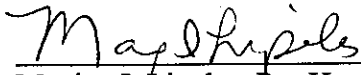
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PCB 06-171
(NPDES Permit Appeal)

ENTRY OF APPEARANCE

I hereby enter my appearance in the above-captioned proceeding, on behalf of petitioner American Bottom Conservancy.

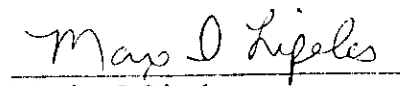
Respectfully submitted,



Maxine I. Lipeles, Pro Hac Vice
 Director, Interdisciplinary Environmental Clinic
 Washington University School of Law
 One Brookings Drive – Campus Box 1120
 St. Louis, MO 63130-4899

Certificate of Service

I, Maxine I. Lipeles, certify that on May 4, 2006, I filed the above MOTION FOR PRO HAC VICE ADMISSION OF MAXINE I. LIPELES and ENTRY OF APPEARANCE. An original and 9 copies were filed, on recycled paper, with the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, IL 60601, via U.S. Mail, and copies were served via United States Mail to the individuals on the included service list.



Maxine I. Lipeles
 Counsel for Petitioners

Interdisciplinary Environmental Clinic

Washington University School of Law
One Brookings Drive – Campus Box 1120
St. Louis, MO 63130-4899
(314) 935-5837

May 4, 2006

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PCB 06- 171
 (NPDES Permit Appeal)

PETITION FOR REVIEW OF A DECISION BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Pursuant to 415 ILCS § 5/40(e)(1) and 35 Ill. Adm. Code § 105, the American Bottom Conservancy ("Petitioner" or "ABC") hereby petitions for review of the March 31, 2006 decision of Respondent Illinois Environmental Protection Agency ("IEPA") to grant a National Pollutant Discharge Elimination System ("NPDES") permit (Permit No. IL0000329) to Respondent United States Steel Corporation – Granite City Works ("GCW") to discharge pollutants into Horseshoe Lake.

In support of this petition, Petitioner states:

Petitioner

1. American Bottom Conservancy, an Illinois not-for-profit corporation, is a volunteer, grass-roots organization based in metropolitan East St. Louis. ABC is committed to helping low-income communities protect their environment against water, air, and land pollution. It works with concerned citizens to address environmental impacts affecting Illinois citizens. ABC submitted comments on the draft permit at issue in this

proceeding.

2. American Bottom Conservancy members use Horseshoe Lake State Park for fishing, hunting, bird watching, and nature study. ABC members are concerned that the discharge by United States Steel Corporation – Granite City Works of water pollution into Horseshoe Lake impairs their ability to enjoy those activities. American Bottom Conservancy members are adversely affected by pollution discharged into Horseshoe Lake, and American Bottom Conservancy brings this appeal on behalf of its members.

Respondents

3. Respondent Illinois Environmental Protection Agency is an agency of the State of Illinois, established pursuant to Section 4 of the Environmental Protection Act, 415 ILCS 5/1, and responsible for administering the National Pollutant Discharge Elimination System permit program in the State of Illinois.

4. Respondent United States Steel Corporation – Granite City Works operates a steelmaking facility at 20th and State Streets in Granite City, Illinois.

Horseshoe Lake and Horseshoe Lake State Park

5. The United States Steel Corporation – Granite City Works facility discharges an average of 16 million gallons per day (mgd) of wastewater containing various water pollutants into Horseshoe Lake. Maximum average monthly discharge is 21 mgd and maximum daily discharge is 25 mgd.

6. Horseshoe Lake is a general use water under 35 Ill. Adm. Code § 303.201 of the state and, therefore, subject to water quality standards set forth at 35 Ill. Adm. Code § 302 Subpart B..

7. A significant portion of Horseshoe Lake is located within Horseshoe Lake State Park. (Exhibit A)

8. Members of the public use Horseshoe Lake and Horseshoe Lake State Park for recreational activities including fishing, hunting, boating, bird watching, hiking and nature walks, camping, and picnicking.

9. A portion of Horseshoe Lake State Park is a designated Waterfowl Management Area managed by the Illinois Department of Natural Resources. The Waterfowl Management Area provides nesting sites and habitat for more than 300 species of birds, many of which are migratory. (Exhibit B)

10. Since 1998, the State of Illinois has listed Horseshoe Lake under section 303(d) of the Clean Water Act, 33 U.S.C. § 1313(d), for violating applicable water quality standards. According to the 2004 version of the list – the most recent version to receive approval from the United States Environmental Protection Agency (USEPA) – Horseshoe Lake is impaired, or not meeting water quality standards, for phosphorus, pH, total suspended solids (TSS), heptachlor, polychlorinated biphenols (PCBs), zinc, excess algal growth, and the presence of non-native aquatic life.

11. United States Steel Corporation – Granite City Works discharges several of the pollutants for which Horseshoe Lake is water quality impaired, including total suspended solids, zinc, and pollutants contributing to high pH and excess algal growth.

Statement of Issues Raised

12. On December 19, 2004, IEPA gave notice that it had made a tentative decision to issue a renewal NPDES permit (Permit No. IL0000329) governing the

discharge by United States Steel Corporation – Granite City Works of pollutants into Horseshoe Lake.

13. On January 18, 2005, ABC submitted written comments to IEPA regarding the draft permit. (Exhibit C)

14. ABC's January 18, 2005 comment letter was also submitted on behalf of Health and Environmental Justice-St. Louis, Neighborhood Law Office, the Sierra Club, and the Webster Groves Nature Study Society.

15. In its January 18, 2005 comment letter, ABC and each of the above-named organizations requested that IEPA hold a public hearing regarding the draft permit.

16. After ABC engaged the Interdisciplinary Environmental Clinic to assist it with legal and technical support, and determining that IEPA had not yet decided on permit issuance, ABC (through the Clinic) sent a follow-up letter to IEPA on October 3, 2005. (Exhibit D)

17. After communicating further with IEPA's permit writing staff and determining that no decision had yet been made regarding the draft permit, ABC, through the Clinic, sent supplemental technical comments to IEPA on December 9, 2005. (Exhibit E)

18. In each of its written comment letters, ABC requested that a public hearing be held.

19. By letter dated March 7, 2006, ABC reiterated to IEPA its request that a public hearing be held regarding the draft permit. (Exhibit F)

20. In its comments, ABC raised legal and scientific issues regarding flaws in the draft permit and in IEPA's consideration of the draft permit, including the following:

a. ABC as well as other interested parties requested a public hearing during the public comment period. Collectively the several organizations that requested a public hearing represent a variety of interests. At least one of the organizations – Sierra Club – is a large membership organization representing thousands of people. Moreover, the permit authorizes the discharge of harmful pollutants into a lake that abuts a state park and is already exceeding applicable water quality standards. Under the circumstances, there exists a significant degree of public interest sufficient to trigger a public hearing, particularly in light of the regulations’ instruction that “instances of doubt shall be resolved in favor of holding the hearing.” 35 Ill. Adm. Code § 309.115(a)(1).

b. IEPA improperly calculated monthly effluent load limits. IEPA calculated monthly load limits using daily maximum flow, rather than using highest monthly average flow as is required. As a result, IEPA set monthly effluent limits at levels that are illegally high.

c. IEPA made a gross error in setting the permit’s concentration-based effluent limits for cyanide. Although the IEPA permit writer correctly calculated cyanide limits, the permit apparently and inexplicably “rounded up” to allow GCW to discharge nearly twice as much cyanide into Horseshoe Lake as the permit writer calculated. Therefore, the permit limit is excessive, and is not sufficient to protect water quality.

d. Despite GCW's history of noncompliance with cyanide limits, IEPA failed to include a compliance schedule as required by 35 Ill. Adm. Code § 309.148.

e. A special effluent limit granted to GCW by IEPA for ammonia for the month of March is improper and contrary to the regulation 35 Ill. Adm. Code § 302.212(e).

f. IEPA unlawfully failed to include effluent limits for sulfate, total phosphorus, and fecal coliform – pollutants that are present in GCW's effluent and for which the state has effluent limits and/or water quality standards.

g. IEPA unlawfully failed to require GCW to monitor its effluent for naphthalene, benzo(a)pyrene and tetrachloroethylene at Outfall 001. Although these pollutants are monitored at internal locations ("outfalls" A01 and B01), they must also be monitored where GCW discharges into Horseshoe Lake (outfall 001).

21. On March 8, 2006, IEPA purported to issue the final permit for GCW. (Exhibit G) However, IEPA did not issue a Response to Comments at that time, contrary to the requirements of 40 C.F.R. § 124.17.

22. By letter dated March 24, 2006, IEPA responded to ABC's January 18, 2005 comment letter. (Exhibit H)

23. On March 31, 2006, IEPA re-issued the final permit. (Exhibit I)

24. By letter to counsel for ABC dated April 5, 2006, IEPA admitted its error in initially issuing the permit without the Response to Comments. IEPA stated: "To

remedy this departure from applicable procedures, we reissued the permit on March 31, 2006. All comments on the record were issued prior to that date and the official date of issuance for permit #IL0000329 for purposes of establishing the 35-day third party appeal timeframe is March 31, 2006.” (Exhibit J)

25. By letter dated April 10, 2006, IEPA responded to the December 9, 2005 comments submitted by ABC, through the Clinic. (Exhibit K)

26. The final permit did not remedy the flaws discussed above that were raised by ABC in its written comments.

27. **Public Hearing:** The issuance of the permit, initially on March 8, 2006 and finally on March 31, 2006, without conducting a public hearing, tacitly denied ABC’s multiple requests for a public hearing. In its response to ABC’s January 18, 2005 comment letter, IEPA did not offer any direct explanation for this denial. (Exhibit H)

28. IEPA’s response to ABC’s January 18, 2005 letter states: “The agency regrets that you were unable to attend a scheduled meeting on the above mentioned issues on March 14, 2006.” (Exhibit H) This was a belated and disingenuous effort to re-characterize the nature of the offered meeting, and to imply that the offer of a meeting satisfied IEPA’s duty to hold a public hearing in this case.

29. The meeting proposed by IEPA for March 14, 2006 in no way satisfied IEPA’s duty to conduct a public hearing in this case. First, IEPA invited ABC to meet to discuss “environmental justice issues,” making no mention of the GCW permit. (Exhibit L). Second, IEPA issued no public notice regarding the meeting. Third, IEPA scheduled the meeting to occur in Springfield, Illinois, a location nearly 100 miles away from Granite City and therefore inaccessible to many of the local residents with concerns about

the permit. Finally, IEPA suggested that the meeting occur on March 14, 2006, a time after IEPA first issued the NPDES permit, making it impossible for IEPA to have applied any comments made during the meeting to its consideration of the draft NPDES permit.

30. **Improper Flow Calculations (Permit Condition 1):** IEPA erroneously calculated the permit's 30-day average load limits for CBOD₅, total suspended solids, iron (total), lead (total), zinc (total), cyanide (total), cyanide (available by 01A 1677), phenol, fluoride, and ammonia-nitrogen discharged from outfall 001. IEPA calculated those limits using GCW's highest maximum daily flow (25 mgd), rather than its highest monthly average flow (21 mgd). (Exhibits M, pp. 25-26, 28-32, 34, and O) An internal IEPA memo and the GCW permit application both identify 21 mgd as the highest monthly average flow. U.S. EPA's Permit Writers Manual specifies that "the average monthly limit is the highest allowable value for the average of daily discharges obtained over a calendar month." (Exhibit N p. 112)

31. By improperly using the 25 mgd for calculating GCW's 30-day average load limits, IEPA is allowing GCW to discharge at its maximum single-day rate every single day of the month. This plainly violates established EPA guidance.

32. IEPA's response to ABC's December 9, 2005 comment letter (Exhibit K, p. 2) acknowledged, without explanation, that IEPA used daily maximum flow to calculate average and maximum load limits. However, daily maximum flow may not be used to calculate a monthly average, as it inappropriately inflates the monthly load limit.

33. **Gross Error in Calculating Cyanide Limit (Permit Condition 1):** The permit's 30-day average concentration limit for cyanide (available by 01A 1677) is erroneous and excessive. IEPA properly set out to calculate concentration-based effluent

limits for cyanide with reference to the applicable water quality standard. The permit writer's notes (Exhibit M, p. 30) and two internal memoranda (Exhibit O, p. 1, and Exhibit P) all identify 0.0052 mg/L limit as the correct 30-day average limit for cyanide in order to protect the water quality standard. In transferring the cyanide limit from the permit writer's notes and two internal memoranda to the actual permit, however, IEPA nearly doubled the cyanide limit – from 0.0052 mg/L (internal IEPA documents) to 0.01 mg/L (permit limit) – without any explanation or documentation. Thus, 0.0052 mg/L is the correct standard; IEPA's apparent rounding up to 0.01 mg/L is arbitrary and capricious.

34. IEPA's response to ABC's December 9, 2005 comment letter (Exhibit K, p. 2) states that a "significant figures issue" was the reason for the apparent rounding up of the cyanide limit. However, there is utterly no support for the suggestion that it was somehow necessary for IEPA to round up the cyanide limit from 0.0052 mg/L to 0.01 mg/L. The cyanide limit of 0.0052 mg/L calculated by IEPA personnel is well above the detection limit for cyanide. Available monitoring methods have detection limits low enough (1 ppb or less (Exhibit Q)) that rounding up for monitoring purposes cannot support the near-doubling of the cyanide limit.

35. In order to ensure that the GCW discharge does not cause or contribute to violations of the water quality standard, 35 Ill. Adm. Code § 302.208(e), the limits calculated by the permit writer and reflected also in two IEPA memoranda must be placed in the permit. The current permit limit is excessive, unlawful, and without support.

36. **Lack of Compliance Plan for Cyanide Discharge Violations (Special Conditions):** GCW chronically violates its cyanide limits. (Exhibit R) NPDES permits

must contain compliance schedules for any discharge that is not in compliance with applicable water quality standards. 35 Ill. Adm. Code § 309.148. Thus, IEPA improperly issued the GCW permit without including a compliance schedule to bring GCW's cyanide discharge into compliance with applicable standards.

37. IEPA claims in its response to ABC's December 9, 2005 comment letter (Exhibit K, p. 2) that a compliance schedule is not needed for cyanide because of "unreliable sample data due to previous test methods used to analyze the samples." However, there is no evidence that IEPA made a determination that the violations were a result of faulty sample data. Thus, there is no justification in the record for IEPA's failure to include a compliance schedule under Special Conditions for GCW's cyanide violations.

38. **Unlawful Special Limit for Ammonia Discharge in March (Permit Condition 1):** In setting effluent limits for ammonia, the permit sets separate limits for: Spring/Fall; Summer; Winter; and March. The 30-day average load and concentration limits for ammonia are higher for March than for Spring/Fall. There is no lawful basis for creating a separate, more lenient, standard for March than for other months in the Spring/Fall period.

39. The water quality standard for ammonia is designed to protect aquatic life, and requires lower concentrations in warmer months, when "early life stages" are present, than in colder months, when they are absent. "The Early Life Stage Present period occurs from March through October." 35 Ill. Adm. Code § 302.212(e). Beyond that, spring and fall are differentiated from summer because of higher temperatures during summer. 35 Ill. Adm. Code § 302.212(b)(2)(A), 302.212(d)-(e) and Board Note.

40. The IEPA permit writer's notes give no separate calculations for the month of March, and acknowledge that the spring season includes the month of March. IEPA's response to ABC's December 9, 2005 comment letter also acknowledges that, "with changes adopted in 2002, it [March] is now a spring month." (Exhibit K, p. 5) IEPA's response indicates that the agency decided to exempt GCW from the Spring/Fall limit for ammonia for the month of March, based apparently upon GCW's request for such treatment and for the allowance of "mixing." No documentation is offered to justify either IEPA's authority to depart from the requirements of the regulations, or the appropriateness of doing so in this case. To the contrary, internal IEPA documents do not allow for mixing zones at any time during the calendar year [this needs to be clarified]. (Exhibits O and P)

41. The permit may not set higher effluent limits for ammonia discharges during March than during the rest of the Spring/Fall season. Thus, March should have the same concentration limit, 2.8 mg/L, as the rest of the Spring/Fall period. IEPA is without authority to grant GCW the higher 4.0 mg/L concentration limit (or the higher load limit derived therefrom).

42. **Permit Fails to Include Effluent Limits for Some Regulated Pollutants (Permit Condition 1):** Based on its NPDES permit application of October, 17, 2002 (Exhibit S), GCW discharges sulfate, fecal coliform, and total phosphorus. Illinois has established effluent limits and/or state water quality standards for these pollutants. Therefore, GCW's permit should include limits for these compounds under Condition 1 of the permit.

43. In its response to ABC's December 9, 2005 comment letter, IEPA states that these pollutants do not warrant limits because the effluent concentrations for these compounds are too low. (Exhibit K, p. 1) However, IEPA performed no "reasonable potential" calculations to support make this conclusion. 35 Ill. Admin. Code § 309.141(h). For sulfate, only one sample is available. A single sample maximum is not adequate to determine reasonable potential. Therefore, a sulfate limit should be included in the permit for at least one permit cycle. For phosphorus, an effluent standard of 1.0 milligrams per liter (mg/l) is established in 35 Ill. Adm. Code § 304.123. Again, only one sample is available. Give the clear regulatory requirement and the listing of Horseshoe Lake as impaired for excess algae (for which phosphorus is a contributor), the permit should contain a phosphorus limit of 1.0 mg/l. A limit is required for fecal coliform per 35 Ill. Adm. Code § 302.209. Horseshoe Lake meets the definition of a protected water since it is part of a state park. 35 Ill. Adm. Code § 302.209(2) specifies that protected waters "flow through or adjacent to parks or residential areas."

44. **Lack of Discharge Limits for Toxic Pollutants (Permit Condition 1):** The permit does not include monitoring at outfall 001 for naphthalene, benzo(a)pyrene and tetrachloroethylene. These compounds are monitored only at internal locations (outfalls A01 and B01), but not where the wastewater is discharged into Horseshoe Lake (outfall 001). While there is no objection to monitoring at internal outfalls, it cannot replace the need for effluent limits and monitoring requirements at the point where pollutants are discharged to Horseshoe Lake (in this case, Outfall 001).

45. **Conclusion:** By issuing this permit without first holding a public hearing, IEPA violated 35 Ill. Adm. Code § 309.115(a). By improperly calculating effluent limits,

and granting exemptions not authorized by law, IEPA is allowing United States Steel – Granite City Works to discharge pollutants in violation of applicable water quality standards and effluent limitations, 35 Ill. Adm. Code §§ 302.208, 302.212(b) and (c), 304.105, 309.141(d), 309.142, and 309.143. By failing to require adequate monitoring of certain pollutants, IEPA also violated 35 Ill. Adm. Code § 309.146.

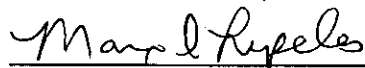
46. ABC and its members will be affected adversely when pollutants discharged under the permit cause or contribute to pollution of Horseshoe Lake as a result of IEPA's failure to require protective effluent limits and monitoring.

WHEREFORE, the American Bottom Conservancy respectfully requests that the Pollution Control Board set aside the NPDES permit (No. IL0000329) issued to the United States Steel Corporation – Granite City Works on March 31, 2006 as not sufficiently protective of the environment and not in accord with law, and direct the IEPA to hold a public hearing and reconsider the permit in order to establish conditions and limits necessary to protect Illinois waters, assure protection of Illinois water quality standards, and comply with Illinois law and regulations and the federal Clean Water Act, 33 U.S.C. § 1251 et seq. Specifically, the American Bottom Conservancy requests that the permit be amended to include the following:

1. monthly load limits for CBOD₅, total suspended solids, iron (total), lead (total), zinc (total), cyanide (total), cyanide (available by 01A 1677); phenol, fluoride, and ammonia-nitrogen calculated using the highest average monthly flow (21 mgd);
2. a 30-day average concentration limit for cyanide (available by 01A 1677) of 0.0052 mg/l;
3. an appropriate compliance schedule for cyanide;

4. no separate ammonia limits for the month of March;
5. effluent limits and monitoring requirements for sulfate, total phosphorus, and fecal coliform; and
6. effluent limits and monitoring requirements for naphthalene, benzo(a)pyrene and tetrachloroethylene at outfall 001.

Respectfully submitted



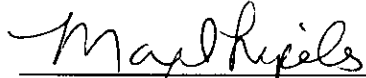
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May 4, 2006

Certificate of Service

I, Maxine I. Lipeles, certify that on May 4, 2006, I filed the above PETITION FOR REVIEW OF A DECISION BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY. An original and 9 copies were filed, on recycled paper, with the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, IL 60601, via U.S. Mail, and copies were served via United States Mail to the individuals on the included service list.



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Counsel for Petitioners

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MAJOR

NPDES Permit No. IL0000329

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: March 31, 2011

Issue Date: March 31, 2006

Effective Date: April 1, 2006

Name and Address of Permittee:

United States Steel Corporation
Granite City Works
20th and State Streets
Granite City, Illinois 62040

Facility Name and Address:

United States Steel Corporation
Granite City Works
20th and State Streets
Granite City, Illinois 62040

Discharge Number and Name:

001 Treated Process Wastewater
A01 Coke By-Products Wastewater
B01 Cold Rolling Mill Wastewater
C01 Landfill Leachate Wastewater

Receiving Waters:

Horseshoe Lake

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of Ill. Adm. Code, Subtitle C and/or Subtitle D, Chapter 1, and the Clean Water Act (CWA), the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

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



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

SAK:BMB:04090101.bah

EXHIBIT I

NPDES Permit No. IL0000329

Effluent Limitations and Monitoring

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

Outfall(s): 001 Treated Process Wastewater

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Flow (MGD)	See Special Condition 1				Measure When Monitoring	
pH	See Special Condition 2		6.0 - 9.0		2/Week	Grab
CBOD ₅	2085	4170	10	20	2/Week	Composite
Total Suspended Solids	2502	5004	12	24	2/Week	Composite
Oil & Grease	1511	3492	15	30	2/Week	Grab
Iron (total)	417	834	2	4	2/Week	Composite
Iron (dissolved)		209		1	2/Week	Composite
Lead (total)	5.6	17	0.09	0.4	1/Quarter	Composite
Zinc (total)	12	56	0.17		2/Week	Composite
Cyanide (total)	19	35	0.1	0.2	2/Week	Mathematical Composite**
Cyanide (available by 01A 1677)	1.1	4.6	0.01	0.02	2/Month	Mathematical Composite**
Phenol (4AAP)	5.0	10		0.1	2/Week	Composite
Fluoride		834		4	2/Week	Composite
Ammonia-Nitrogen*						
Spring/Fall	584	3128	2.8	15	2/Week	Composite
Summer	459	3128	2.2	15	2/Week	Composite
Winter	1501	3128	7.2	15	2/Week	Composite
March	834	3128	4.0	15	2/Week	Composite

*For Ammonia as Nitrogen, Spring/Fall is April-May and September-October. Summer is June-August. Winter is November-February. Weekly average limits will apply. For Spring/Fall, weekly average limit is 7.0 mg/L (1460 lb/day). Summer weekly average limit is 5.5 mg/L (1147 lb/day). March weekly average limit is 10 mg/L (2085 lb/day). No weekly average limit for Winter.

**See Special Condition 10.

NPDES Permit No. IL0000329

Effluent Limitations and Monitoring

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

Outfall(s): A01, B01, C01

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall A01 - Coke By-Products Wastewater						
Flow (MGD)	See Special Condition 1				Continuous	Measure
Total Suspended Solids				Monitor	1/Month	Composite
Naphthalene		0.10			2/Week	Composite
Benzo(a)pyrene		0.15			2/Week	Composite
Outfall: B01 - Cold Rolling Mill Wastewater						
Flow (MGD)	See Special Condition 1				When Monitoring	Measure
Tetrachloroethylene		1.1			2/Year	Grab
Naphthalene		0.73			1/Month	Grab
Outfall: C01 - Landfill Leachate Wastewater						
Flow (MGD)	See Special Condition 1				Continuous	Measure

Special Conditions

SPECIAL CONDITION 1. Flow shall be reported as a daily maximum and a monthly average, and shall be reported on the monthly Discharge Monitoring Report Form.

SPECIAL CONDITION 2. The pH shall be in the range 6.0 to 9.0. The monthly minimum and monthly maximum values shall be reported on the DMR form.

SPECIAL CONDITION 3. If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

SPECIAL CONDITION 4. The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

SPECIAL CONDITION 5. For purposes of this permit, load limits for Phenol (4AAP) have been based on actual plant discharges, and load limits for Ammonia (as N) have been based on water quality standards, and are included in accordance with a 301(g) variance of the Clean Water Act approved by the USEPA. Any changes to these load limits can only be made following Public Notice and opportunity for hearing.

SPECIAL CONDITION 6. The permittee may show that an apparent noncompliance of load limits for zinc is not a violation by applying background credits for intake waters and by submission of calculations as defined below.

The load calculations for comparison to Zinc load limits shall be made as follows:

$$M = (C_e - C_i) \times F \times 8.34$$

Where:

M = Outfall 001 load limit (lbs/day)

C_e = Outfall 001 effluent concentration (mg/l)

C_i = Intake water concentration (mg/l)

F = Outfall 001 effluent flow (MGD)

Concentrations limits for outfall 001 are absolute and no background credit shall be allowed.

SPECIAL CONDITION 7. The permittee shall record monitoring results on Discharge Monitoring Report (DMR) forms using one such form for each discharge each month. Semi-annual monitoring results shall be submitted with the DMR forms for the months of June and December, and shall be submitted to the IEPA no later than July 15 and January 15 unless otherwise specified by the Agency, to the following address:

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

SPECIAL CONDITION 8. The Permittee shall be required to conduct an effluent toxicity evaluation prior to the renewal of this permit. Elements of the toxicity evaluation should include but not be limited to the following:

A. Aquatic Toxicity Screening

Acute Toxicity - The initial acute toxicity testing should be run on at least three trophic levels of aquatic species (fish, invertebrates and plants) which represent the aquatic community for the receiving stream. Suggested species include the Fathead Minnow and Ceriodaphnia. All tests should be done in accordance with "Measuring Acute Toxicity of Effluents to Freshwater and Marine

Special Conditions

Organisms (Fourth Edition)", (USEPA/600-4-90/027) and "Environmental Effects Tests Guidelines" (USEPA/560-6-82/002). The IEPA specifications and guidelines for these tests, given in "Effluent Biomonitoring and Toxicity Assessment - Aquatic Life Concerns," must also be met.

Testing shall be conducted on fish over a 96-hour period while invertebrates should be tested over a 48-hour period. Test should be performed on 100% effluent.

B. Sampling Frequency

The test referenced above shall be performed during the final year of this permit. Upon completion, test results may be submitted with the facility renewal application.

SPECIAL CONDITION 9. Samples taken in compliance with the effluent monitoring requirements for internal outfall A01 shall be taken at a point representative of the discharge of Coke By-Products Wastewater, but prior to mixing with any other wastewater sources. Samples taken in compliance with the effluent monitoring requirements for internal outfall B01 shall be taken at a point representative of the discharge of Cold Rolling Mill wastewater, but prior to mixing with any other wastewater sources. Samples taken in compliance with the effluent monitoring requirements for internal outfall C01 shall be taken at a point representative of the discharge of Landfill Leachate Wastewater, but prior to mixing with any other wastewater sources. Samples taken in compliance with the effluent monitoring requirements for outfall 001 shall be taken at a point representative of the discharge, but before entering the receiving water.

SPECIAL CONDITION 10. Samples for Cyanide (available by OIA 1677) and Cyanide (total) shall consist of a series of grab samples collected over any 24-hour consecutive period, stored using methods consistent with 40 CFR 136, and combined after the collection of the last grab sample. The combined sample shall be analyzed using methods consistent with 40 CFR 136, within 24 hours of the initial sample collection.

Standard Conditions

Definitions

Act means the Illinois Environmental Protection Act, Ch. 111 1/2 W. Rev. Stat., Sec. 1001-1052 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 deposit, 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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 the 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 122.82. 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.

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.

(12) Reporting requirements.

- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **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.
- (d) **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.
- (e) **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 times; 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 recurrence 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) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours;The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (f) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).
- (g) **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) Transfer of permits. A permit may be automatically transferred to a new permittee if:

- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
- (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees; and
- (c) 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.

(14) 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);

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.
- (15) 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 discharger 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.
- (16) 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:
- (1) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
 - (2) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
 - (3) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (17) 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.
- (18) Any authorization to construct issued to the permittee pursuant to 35 U.S.C. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (19) 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.
- (20) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 406 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 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.
- (21) 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 permit 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.
- (22) 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 shall, 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.
- (23) Collected screening, slimes, 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.
- (24) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (25) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 U.S.C. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board.
- (26) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of the permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.