

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAY 26 2006

STATE OF ILLINOIS
Pollution Control Board

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

Case No. PCB 2006-171
(NPDES Permit Appeal)

NOTICE OF FILING

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

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

PLEASE TAKE NOTICE that on May 26, 2006 there was filed with the Clerk of the Illinois Pollution Control Board of the State of Illinois an original, executed copies of the **APPEARANCES, MOTION TO DISMISS** and **MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**, of the United States Steel Corporation - Granite City Works, copies of which are herewith served upon you.

Dated: May 26, 2006

Respectfully submitted,

United States Steel Corporation - Granite City Works,

By: 
One of Its Attorneys

Erika K. Powers
Carolyn S. Hesse
David T. Ballard
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
(312) 357-1313

PROOF OF SERVICE

I, on oath state that I caused to be served the attached NOTICE OF FILING, APPEARANCE, MOTION TO DISMISS and MEMORANDUM IN SUPPORT OF MOTION TO DISMISS, to be served by U.S. Mail, upon the following persons:

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

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



Erika K. Powers

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAY 26 2006

STATE OF ILLINOIS
Pollution Control Board

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

Case No. PCB 2006-171
(NPDES Permit Appeal)

APPEARANCE

The undersigned hereby enters an **APPEARANCE** on behalf of the Respondent, United States Steel Corporation - Granite City Works, in this matter:

Respondent: United States Steel Corporation - Granite City Works

Attorneys: Carolyn S. Hesse
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
Phone: (312) 357-1313

UNITED STATES STEEL CORPORATION-
GRANITE CITY WORKS

By:



Carolyn S. Hesse

DATED: May 26, 2006

Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
Phone: (312) 357-1313

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAY 26 2006

STATE OF ILLINOIS
Pollution Control Board

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

Case No. PCB 2006-171
(NPDES Permit Appeal)

APPEARANCE

The undersigned hereby enters an **APPEARANCE** on behalf of the Respondent, United States Steel Corporation - Granite City Works, in this matter:

Respondent: United States Steel Corporation - Granite City Works

Attorneys: Erika K. Powers
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
Phone: (312) 357-1313

UNITED STATES STEEL CORPORATION-
GRANITE CITY WORKS

By:



Erika K. Powers

DATED: May 26, 2006

Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
Phone: (312) 357-1313

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAY 26 2006

STATE OF ILLINOIS
Pollution Control Board

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

Case No. PCB 2006-171
(NPDES Permit Appeal)

APPEARANCE

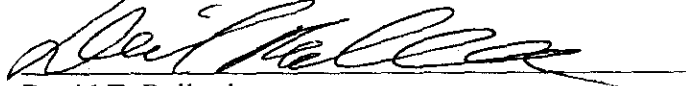
The undersigned hereby enters an **APPEARANCE** on behalf of the Respondent, United States Steel Corporation - Granite City Works, in this matter:

Respondent: United States Steel Corporation - Granite City Works

Attorneys: David T. Ballard
Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
Phone: (312) 357-1313

UNITED STATES STEEL CORPORATION-
GRANITE CITY WORKS

By:


David T. Ballard

DATED: May 26, 2006

Barnes & Thornburg LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
Phone: (312) 357-1313

See 415 ILCS 5/40(e)(2)(A) (“A petitioner shall include the following within a petition submitted under subdivision (1) of this subsection: . . . a demonstration that the petitioner raised the issues contained within the petition during the public notice period . . .”).

4. As to ABC’s public hearing claim, the decision to hold a public hearing lies solely within the discretion of IEPA. *Borg-Warner Corp. v. Mauzy*, 100 Ill. App. 862, 867, 427 N.E.2d 415, 419 (3rd Dist. 1981); *Marathon Oil Co. v. Illinois EPA*, PCB No. 92-166, 1994 Ill. Env. LEXIS 488, *19-20 (Ill. Pollution Control Bd., March 31, 1994). ABC has failed to present any allegations in the Petition that show that IEPA abused its discretion in declining to hold a public hearing. Accordingly, ABC’s public hearing claim should be dismissed.

5. U. S. Steel files concurrently herewith its Memorandum in Support of its Motion to Dismiss.

WHEREFORE, U. S. Steel requests that the Board grant its Motion to Dismiss, dismiss the Petition with prejudice, and grant all other relief that the Board deems fair and just.

Respectfully submitted,



Erika K. Powers
Carolyn S. Hesse
David T. Ballard
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606
Phone: (312) 357-1313
Fax: (312) 759-5646

Attorneys for Respondent United States
Steel Corporation - Granite City Works

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE

MAY 26 2006

STATE OF ILLINOIS
Pollution Control Board

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

Case No. PCB 2006-171
(NPDES Permit Appeal)

**UNITED STATES STEEL CORPORATION'S
MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**

Respondent, United States Steel Corporation - Granite City Works ("U. S. Steel"), by its attorneys and pursuant to 35 Ill. Adm. Code 101.506, files its Memorandum in Support of its Motion to Dismiss, which seeks the dismissal of the American Bottom Conservancy's ("ABC") Petition for Review of a Decision by the Illinois Environmental Protection Agency (the "Petition") with prejudice. In support of its Memorandum, U. S. Steel states as follows:

INTRODUCTION AND EXECUTIVE SUMMARY

On December 19, 2004, the Illinois Environmental Protection Agency ("IEPA") gave notice that it proposed to issue a renewal of the National Pollutant Discharge Elimination System ("NPDES") permit (Permit No. IL0000329) governing the discharge by U. S. Steel through its Granite City Works facility of certain pollutants into Horseshoe Lake (the "proposed NPDES Permit").¹ A copy of the December 19, 2004 notice is attached as Exhibit 1 to this Memorandum. The notice for the proposed NPDES Permit provided that the public notice

¹ All of the facts stated herein are taken from the allegations in the Petition for purposes of United States Steel's Motion to Dismiss. United States Steel, however, does not make any admissions as to the truth of ABC's allegations.

period beginning date was December 19, 2004, and the public notice period ending date was January 18, 2005. Ex. 1.

On January 18, 2005, ABC submitted written comments to IEPA regarding the proposed NPDES Permit. The January 18, 2005 comments raised the following issues with regards to the proposed NPDES Permit: 1) ABC contended that allowing U. S. Steel to put additional lead and ammonia into Horseshoe Lake would be contrary to the federal Clean Water Act and the Illinois Bureau of Water's mission; 2) ABC requested that U. S. Steel should be added to a list of potential contributors to the impairment of Horseshoe Lake; 3) ABC alleged that U. S. Steel had violated ammonia and "other" limits in the past; 4) ABC requested that IEPA hold a public hearing; and 5) ABC alternatively asked for a 30-day extension of the public comment period if IEPA denied ABC's request for a public hearing. *See* ABC's January 18, 2006 comments, attached as Ex. C to the Petition.² At no point after receiving these comments did IEPA grant ABC an extension of time to file additional or supplemental comments.

Despite the fact that IEPA did not grant any extension of time for filing comments beyond January 18, 2005, on December 9, 2005, ABC submitted additional comments to IEPA regarding the proposed NPDES Permit. In the December 9, 2005 comments, ABC raised a number of issues that had not been raised during the public notice period. *Compare, Ex. C, with Ex. E.* In fact, the only issue contained in ABC's December 9, 2005 comments that had been properly raised during the public notice period was a request for a public hearing. *See Ex. E.*

On March 8, 2006, IEPA issued a final NPDES Permit for U. S. Steel's Granite City Works facility. IEPA, however, did not respond to ABC's January 18, 2005 comments at that time. IEPA later responded by letter dated March 24, 2006. *See Ex. H.* On March 31, 2006,

² For purposes of this memorandum, all references to exhibits shall be to the exhibits attached to the Petition, with the exception of Exhibit 1 to this Memorandum.

IEPA reissued the final NPDES Permit to U. S. Steel for its Granite City Works facility (the “final NPDES Permit”), in order to address its initial error in issuing the permit before responding to comments raised during the public notice period. *See* Ex. I. On April 5, 2006, IEPA sent a letter to ABC explaining its error in issuing the final NPDES Permit prematurely on March 8, 2006: “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.” *See* Ex. J.

On April 10, 2006, IEPA separately responded to ABC’s untimely December 9, 2005 comments. IEPA explained that because the December 9, 2005 comments were not submitted during the public notice period, the comments are not part of the administrative record. (*See* Ex. K, wherein IEPA properly stated, “Although the comment letter cannot be entered into the official permit record due to the fact that the letter was received after the close of the comment period, the Illinois EPA (Agency) offers the following responses for your consideration.”).

On May 8, 2006, ABC filed the Petition, which seeks to have the Board set aside the final NPDES Permit based primarily on the issues that were raised only after the close of the public notice period, in ABC’s December 9, 2005 comments. Because those comments were submitted outside of the public notice period set by IEPA’s regulations and the public notice accompanying the proposed NPDES permit, the Board should dismiss all issues contained in the Petition that were not raised during the public notice period.

DISCUSSION

I. Motion to dismiss standard.

“For purposes of ruling on a motion to dismiss, all well-pled facts contained in the pleading must be taken as true, and all inferences from them must be drawn in favor of the non-

movant.” *People v. Pattison Assocs., LLC*, PCB No. 05-181, 2005 Ill. Env. LEXIS 580, *9 (Ill. Pollution Control Bd., Sept. 15, 2005); *Dorothy v. Flex-N-Gate Corp.*, PCB No. 05-49, 2005 Ill. Env. LEXIS 98, *7 (Ill. Pollution Control Bd., Feb. 3, 2005). “A complaint should not be dismissed for failure to state a claim unless it clearly appears that no set of facts could be proven under the pleadings that would entitle the complainant to relief.” *Id.*

II. The issues included in the Petition that were not raised by ABC during the public notice period should be dismissed.

415 ILCS 5/40(e) sets forth the procedural requirements for a third-party appeal of the issuance of an NPDES permit. Specifically, section 40(e)(1) provides that “If the Agency grants or denies a permit under subsection (b) of Section 39 of this Act, a third-party, other than the permit applicant or Agency, may petition the Board within 35 days from the date of issuance of the Agency’s decision, for a hearing to contest the decision of the Agency.” In order to file a viable claim, a petitioner must include the following in its petition:

(A) a demonstration that the petitioner raised the issues contained within the petition during the public notice period or during the public hearing on the NPDES permit application, if a public hearing was held; and

(B) a demonstration that the petitioner is so situated as to be affected by the permitted facility.

415 ILCS 5/40(e)(2). Further, section 40(e)(3) provides that if a petitioner satisfies section 40(e)(2), “the Board shall hear the petition . . . exclusively on the basis of the record before the Agency.” 415 ILCS 5/40(e)(3).

A review of the Petition shows that ABC cannot make the demonstration required by section 40(e)(2) because it includes issues in the Petition that were not raised during the public notice period. IEPA issued the proposed NPDES Permit for U. S. Steel on December 19, 2004. See Ex. 1. According to Illinois regulations and IEPA’s public notice, ABC had thirty days from

the publication of the proposed NPDES Permit to submit comments. 35 Ill. Adm. Code. 309.109(b) (“The Agency shall provide a period of not less than 30 days following the date of first publication of the public notice during which time interested persons may submit their written views on the tentative determinations with respect to the NPDES application.”). Consistent with this rule, the December 19, 2004 notice provided that public commenters had until January 18, 2005 to submit their comments on the proposed NPDES Permit. Ex. 1. ABC does not—and cannot—allege that the public notice period was extended by IEPA.

As a result, all issues contained in the Petition that were not raised by ABC during the public notice period (*i.e.*, only in the December 9, 2005 comments) must be dismissed as untimely. *See* 415 ILCS 5/40(e)(2)(A). As the comparison table below shows, only ABC’s request for a public hearing was asserted in both the January 18, 2005 comments and the Petition. As to all other issues in the Petition that were not timely raised during the public notice period, such issues should be dismissed with prejudice for failure to comply with Section 40(e)(2)(A).

ISSUES IN PETITION	RAISED DURING COMMENT PERIOD?
ABC requested a public hearing. ¶ 20(a).	Ex. C, p. 1.
ABC claims that IEPA incorrectly calculated monthly effluent load limits, and thus set monthly effluent limits at levels that are illegally high. ¶ 20(b).	No.
ABC claims that IEPA made a gross error in setting the concentration-based effluent limits for cyanide. ¶ 20(c).	No.
ABC claims that IEPA failed to enter a compliance schedule for cyanide limits. ¶ 20(d).	No.
ABC claims that IEPA improperly granted a special effluent limit for ammonia for the month of March. ¶ 20(e).	No.

ISSUES IN PETITION	RAISED DURING COMMENT PERIOD?
ABC claims that IEPA failed to include effluent limits for sulfate, total phosphorus, and fecal coliform. ¶ 20(f).	No.
ABC claims that IEPA failed to require U. S. Steel to monitor its effluent for naphthalene, BAP, and tetrachloroethylene at Outfall 001. ¶ 20(g).	No.

III. IEPA’s denial of a public hearing was not an abuse of discretion.

The allegation that IEPA wrongfully denied ABC a public hearing should also be dismissed with prejudice. IEPA’s obligation to hold a public hearing is governed by the Illinois Administrative Code, which provides:

The Agency shall hold a public hearing on the issuance or denial of the an [sic] NPDES Permit or group of permits whenever the Agency determines that there exists a significant degree of public interest in the proposed permit or group of permits (instances of doubt shall be resolved in favor of holding the hearing), to warrant the holding of such a hearing.

35 Ill. Adm. Code 309.115(a)(1). The decision to hold a public hearing lies within the discretion of IEPA. *Borg-Warner Corp. v. Mauzy*, 100 Ill. App. 862, 867, 427 N.E.2d 415, 419 (3rd Dist. 1981) (The decision to hold a public hearing “is a discretionary decision to be made by the Agency.”); *Marathon Oil Co. v. Illinois EPA*, PCB No. 92-166, 1994 Ill. Env. LEXIS 488, *19-20 (Ill. Pollution Control Bd., March 31, 1994) (“Marathon presents no argument that would allow this Board to conclude that the Agency abused this discretion or otherwise failed to comport with the requirements pertaining to NPDES hearings.”). As the allegations of the Petition demonstrate, IEPA exercised its discretion and decided not to hold a public hearing. Nothing in the Petition alleges that IEPA determined that a significant degree of public interest in the Permit existed at the time IEPA decided not to hold a public hearing; and nothing in the Petition indicates that IEPA acted contrary to such a determination. Nothing in the Petition

shows that IEPA abused its discretion, as IEPA is free to decline to hold a public hearing. *Id.*
Accordingly, ABC's claim that IEPA failed to hold a public hearing should be dismissed.

CONCLUSION

WHEREFORE, U. S. Steel requests that the Board grant its Motion to Dismiss, dismiss the Petition with prejudice, and grant all other relief that the Court deems fair and just.

Respectfully submitted,



Erika K. Powers
Carolyn S. Hesse
David T. Ballard
One North Wacker Drive, Suite 4400
Chicago, Illinois 60606
Phone: (312) 357-1313
Fax: (312) 759-5646

Attorneys for Respondent United States
Steel Corporation - Granite City Works

Exhibit 1

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AMERICAN BOTTOM CONSERVANCY,)	
)	
Petitioner,)	
)	
v.)	Case No. PCB 2006-171
)	(NPDES Permit Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY, and UNITED STATES STEEL)	
CORPORATION - GRANITE CITY WORKS)	
)	
Respondents.)	

AFFIDAVIT OF CARL CANNON

I, Carl Cannon, make the following affidavit, pursuant to 735 ILCS 5/1-109.

1. I have personal knowledge of the facts set forth in this affidavit and could so testify to them if called upon to do so.
2. I am an Environmental Manager for the Granite City Works facility of United States Steel Corporation ("U. S. Steel"), the respondent in the above-captioned permit appeal.
3. I am familiar with the draft and final permits issued by the Illinois Environmental Protection Agency ("IEPA") for the Granite City Works facility.
4. Attached to this affidavit is a true and accurate copy of the "Draft Reissued NPDES Permit to Discharge into Waters of the State," regarding a proposed National Pollutant Discharge Elimination System ("NPDES") permit for U. S. Steel's Granite City Works facility, dated December 19, 2004, which was issued by the Illinois Environmental Protection Agency (the "Proposed NPDES Permit"). U. S. Steel received the Proposed NPDES Permit on or about December 20, 2004.

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Executed on this 25th day of May 2006.


CARL CANNON

NPDES Permit No IL0000329
Notice No BMB:04090101.bah

Public Notice Beginning Date: December 19, 2004

Public Notice Ending Date: January 18, 2005

National Pollutant Discharge Elimination System (NPDES)
Permit Program

Draft Reissued NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water,
Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217782-0610

DRAFT
DEC 19 2004
PUBLIC NOTICE

Name and Address of Discharger:

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

Name and Address of Facility:

United States Steel Corporation
Granite City Works
20th and State Streets
Granite City, Illinois 62040
(Madison County)

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue a NPDES permit to discharge into the waters of the state and has prepared a draft permit and associated fact sheet for the above named discharger. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice/Fact Sheet. The last day comments will be received will be on the Public Notice period ending date unless a commentor demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the draft permit to the IEPA at the above address. Commentors shall provide his or her name and address and the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues. Commentors may include a request for public hearing. Persons submitting comments and/or requests for public hearing shall also send a copy of such comments or requests to the permit applicant. The NPDES permit and notice number(s) must appear on each comment page

The application, engineer's review notes including load limit calculations, Public Notice/Fact Sheet, draft permit, comments received, and other documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. Response to comments will be provided when the final permit is issued. For further information, please call Beth M. Burkard at 217782-0610.

The applicant is engaged in production of flat rolled steel products in an integrated steel mill (SIC 3312, 3316, and 2999). Plant operation results in an average discharge of 25 MGD of treated process wastewater from outfall 001, 0.455 MGD of coke by-products wastewater from outfall A01, 0.604 MGD of cold rolling mill wastewater from outfall B01, and 0.20 MGD of landfill leachate wastewater from outfall C01.

The following modification is proposed: This facility was purchased from National Steel Corp. by United States Steel, with the exception of Landfill III and Landfill IV. The facility no longer use Sintering, and Sulfuric Acid Pickling System has been removed. Internal outfall C01 has been added, for the landfill leachate, prior to treatment and discharge with outfall 001

Application is made for new and existing discharge(s) which are located in Madison County, Illinois. The following information identifies the discharge point, receiving stream and stream classifications:

Outfall	Receiving Stream	Latitude	Longitude	Stream Classification	Biological Stream Characterization
001	Horseshoe Lake	38° 41' 31" North	90° 06' 28" West	General Use	Not Rated

To assist you further in identifying the location of the discharge please see the attached map.

The stream segment receiving the discharge from outfall 001 is on the 303 (d) list of impaired waters. The following parameters have been identified as the pollutants causing impairment:

<p>Pollutants</p> <p>PCBs, pH, suspended solids, excessive algal growth, ammonia (unionized), nutrients, phosphorus, total ammonia-N</p>	<p>Potential Contributors</p> <p>Agriculture, crop-related sources, non-irrigated crop production, habitat modification, stream bank modification/destabilization</p>
---	--

The discharge(s) from the facility shall be monitored and limited at all times as follows:

Outfall: 001 Treated Process Wastewater

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		REGULATION	CONCENTRATION LIMITS mg/l		REGULATION
	30 DAY AVERAGE	DAILY MAXIMUM		30 DAY AVERAGE	DAILY MAXIMUM	
Flow (MGD)				Measure		
pH				6.0 - 9.0		35 IAC 304.125
CBOD ₅	2085	4170	35 IAC 304.120	10	20	35 IAC 304.120
Total Suspended Solids	2502	5004	35 IAC 304.120	12	24	35 IAC 304.120
Oil & Grease	1511	3492	40 CFR 420	15	30	35 IAC 304.124
Iron (total)	417	834	35 IAC 304.124	2	4	35 IAC 304.124
Iron (dissolved)		209	35 IAC 302.208		1	35 IAC 302.208
Lead (total)	5.6	17	40 CFR 420	0.09	0.4	35 IAC 302
Zinc (total)	12	56	40 CFR 420	0.17		35 IAC 302.208
Cyanide (total)	19	35	40 CFR 420	0.1	0.2	35 IAC 304.124
Cyanide (available by OIA 1677)	1.1	4.6	35 IAC 302.208	0.01	0.02	35 IAC 302.208
Phenol (4AAP)	5.0	10	Variance of 301(g) of CWA		0.1	35 IAC 302.208
Fluoride		834	IPCB AS 90-4		4	IPCB AS 90-4
Ammonia Nitrogen*						
Spring/Fall	584	3128	35 IAC 355	2.8	15	35 IAC 355
Summer	459	3128	35 IAC 355	2.2	15	35 IAC 355
Winter	1501	3128	35 IAC 355	7.2	15	35 IAC 355
March	834	3128	35 IAC 355	4.0	15	35 IAC 355

*Spring/Fall is April-May and September-October. Summer is June-August. Winter is November-February. Weekly average limits apply for Spring/Fall, Summer, and March. Weekly average limits are as follows: Spring/Fall: 7.0 mg/L; Summer: 5.5 mg/L; March: 10 mg/L. No weekly average limit applies in Winter.

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		REGULATION	CONCENTRATION LIMITS mg/l		
	30 DAY AVERAGE	DAILY MAXIMUM		30 DAY AVERAGE	DAILY MAXIMUM	REGULATION
Outfall: A01 - Coke By-Products Wastewater						
Flow (MGD)				Measure		
Naphthalene		0.10	40 CFR 420			
Benzo(a)pyrene		0.15	40 CFR 420			
Total Suspended Solids						
Outfall: B01 - Cold Rolling Mill Wastewater						
Flow (MGD)				Measure		
Tetrachloroethylene		1.1	40 CFR 420			
Naphthalene		0.73	40 CFR 420			
Outfall: C01 - Landfill Leachate Wastewater						
Flow (MGD)				Measure		

DRAFT
DEC 19 2004
Monitor
PUBLIC NOTICE

Load Limit Calculations:

- A. Load limit calculations for the following pollutant parameters were based on an average flow of 25 MGD and using the formula of average flow (MGD) X concentration limit (mg/l) X 8.34 = the average or maximum load limit (lbs/day): for outfall 001, CBOD₅, Total Suspended Solids, Iron (total), Iron (dissolved), Cyanide (available), Fluoride, and Ammonia as Nitrogen
- B. Production based load limits were calculated by multiplying the average production by the effluent limit contained in 40 CFR 420. Production figures utilized in these calculations for the following subcategories are as follows:

<u>Subcategory</u>	<u>Production Rate</u>
Subpart A - Coke Making Subcategory	1619 tons/day
Subpart C - Iron Making Subcategory	7192 tons/day
Subpart D - Steel Making Subcategory	8565 tons/day
Subpart F - Continuous Casting Subcategory	8433 tons/day
Subpart G - Hot Forming Subcategory	9187 tons/day
Subpart I - Acid Pickling Subcategory	2370 tons/day
Subpart J - Cold Forming Subcategory	2198 tons/day
Subpart K - Alkaline Cleaning Subcategory	2451 tons/day
Subpart L - Hot Coating Subcategory	2451 tons/day

For outfall 001: Oil & Grease, Lead, Zinc, Cyanide (total), and Phenol (4AAP); for outfall A01: Naphthalene and Benzo(a)pyrene; for outfall B01: Naphthalene and Tetrachloroethylene were limited using Federal production based load limits. The following sample calculation shows the methodology utilized to determine production based load limitations:

For outfall B01, Naphthalene Daily Maximum Load Limit = Effluent Limitation from 40 CFR 420.103(a)(5)-BAT x Production Rate = 0.000167 lb/1000 lb product x 2198 tons/day x (2000 lb/ton) = 0.73 lb/day = Naphthalene Daily Maximum Load Limit at outfall B01.

When several subcategories have effluent limitations for a pollutant, the load limits from each subcategory are added to obtain the total federal production based load limit.

The load limits appearing in the permit will be the more stringent of the State and Federal Guidelines.

The following explain the conditions of the proposed permit:

Special Conditions are used to clarify discharge and monitoring requirements. Samples for each outfall shall be taken at points representative of each waste stream. A Certified Class K operator is required. An Aquatic Toxicity Screening Study must be conducted 12 months prior to permit expiration, using Ceriodaphnia and Fathead minnow. Non-compliance loads of zinc may be demonstrated to not be in violation of the permit limits by submitting calculations for zinc background credits, which will account for any zinc that is drawn into the system when the influent water is taken from the Mississippi River

DEC 19 2004
PUBLIC NOTICE

Public Notice of Draft Permit

Public Notice Number BMB:04090101 bah is hereby given by Illinois EPA, Division of Water Pollution Control, Permit Section, 1021 North Grand Avenue East, Post Office Box 19276, Springfield Illinois 62794-9276 (herein Agency) that a draft National Pollutant Discharge Elimination System (NPDES) Permit Number IL0000329 has been prepared under 40 CFR 124 6(d) for United States Steel Corporation, Granite City Works, 20th and State Streets, Granite City, Illinois 62040 for discharge into Horseshoe Lake from the United States Steel Corporation, Granite City Works, 20th and State Streets, Granite City, Illinois 62040, (Madison County). Facility is an integrated steel mill, located in Granite City, in Madison County, in Southeastern Illinois. The plant makes its own coke in on-site Coke Ovens. Two Iron Blast Furnaces are used to make molten iron. Steel is made in two Basic Oxygen Furnaces, using scrap steel and molten iron. The steel is formed into slabs by two Continuous Casters. Steel slabs are converted into rolls by an 80-inch Hot Strip Mill, pickled in a Hydrochloric Acid Pickling station, and cold formed by a Direct Application Cold-Rolling Mill. The facility also employs three Galvanizing Lines for finishing of the steel. The final product from the facility is coiled sheet steel, though some steel is sold as cast slabs or unfinished coils.

The Coke Plant By-products (Internal Outfall A01) are treated with activated sludge before entering the Blast Furnace Lagoon. Internal Outfall B01, the wastewater generated by the Cold Rolling Mill, is treated in an Oil Skimming Basin before entering the Steelworks Lagoon. Internal Outfall C01 is the leachate from the landfills at the facility, and the leachate is treated in an Oil Skimming Basin, and then treated in the Steelworks Lagoon. With the exception of wastewater from the Blast Iron Furnace complex including stormwater, all other wastewater sources enter an Oil Skimming Basin, and then are treated in the Steelworks Lagoon, including storm water, water from the pickling-scrubber, wastewater from the galvanizing lines, and all other water sources in the plant. Water generated at the Blast Iron Furnaces is directed to the Blast Furnace Lagoon, after treatment in a separate Oil Skimming Basin. Water is pumped from the Blast Furnace and Steelworks Lagoons into either the Tertiary Treatment Plant for filtration, or recycled to be used as source water for the plant. From the Tertiary Treatment Plant, the treated wastewater is pumped through a flume and into Horseshoe Lake for discharge at Outfall 001.

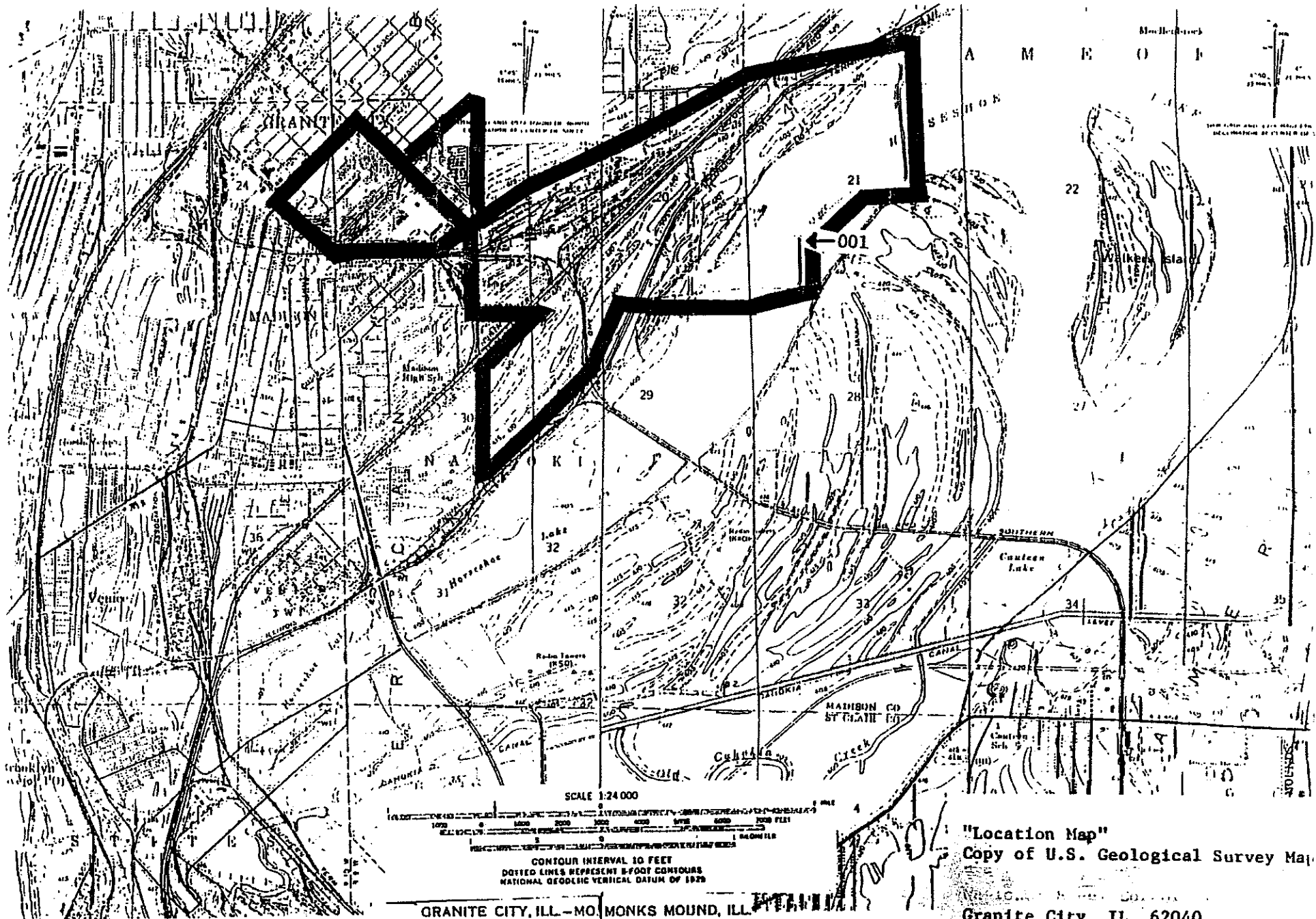
The application, draft permit and other documents are available for inspection and may be copied at the Agency between 9:30 A.M. and 3:30 P.M. Monday through Friday. A Fact Sheet containing more detailed information is available at no charge. For further information, call the Public Notice Clerk at 217/782-0610.

Interested persons are invited to submit written comments on the draft permit to the Agency at the above address. The NPDES Permit and Joint Public Notice numbers must appear on each comment page. All comments received by the Agency not later than 30 days from the date of this publication shall be considered in making the final decision regarding permit issuance.

Any interested person may submit written request for a public hearing on the draft permit, stating their name and address, the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to these issues in the hearing. Such requests must be received by the Agency not later than 30 days from the date of this publication.

If written comments and/or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing.

SAK:BAK:BMB:04090101 bah



GRANITE CITY, ILL.—MO. MONKS MOUND, ILL.

H3837.5—W9007.5/7.5

H3837.5 W9007.5

1954

1954

"Location Map"
Copy of U.S. Geological Survey Map

Granite City, IL 62040

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

DRAFT
DEC 19 2004
PUBLIC NOTICE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date:

Issue Date:
Effective Date:

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

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 OIA 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

DRAFT

DEC 18 2004

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:

PUBLIC NOTICE

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
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 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 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.

Special Conditions

DRAFT
DEC 19 2004
PUBLIC NOTICE

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. Mathematical composites for Cyanide (available by OIA 1677) and Cyanide (total) shall consist of a series of grab samples collected over any 24-hour consecutive period. Each sample shall be analyzed separately and the arithmetic mean of all grab samples collected during a 24-hour period shall constitute a mathematical composite.

Attachment H
Standard Conditions
Definitions

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

Agency means the Illinois Environmental Protection Agency

Board means the Illinois Pollution Control Board

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

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

USEPA means the United States Environmental Protection Agency

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

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

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

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

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

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

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

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

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

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

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the 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 122.02. 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

- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (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 time; and if the noncompliance has not been corrected the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent 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);**
- (2) **Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;**
- (3) **Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or**
- (4) **The level established by the Agency in this permit.**
- (b) **That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.**
- (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 discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and**
- (b) **Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.**
- (c) **For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.**
- (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:**
- (a) **User charges pursuant to Section 204(b) of the Clean Water Act and applicable regulations appearing in 40 CFR 35;**
- (b) **Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and**
- (c) **Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.**
- (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 Ill. Adm. 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 405 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 screenings, sludges, 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 Ill. Adm. 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 this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.**
- (Rev. 3-13-96)