

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

JUN 22 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. )

PCB 06-171  
(3<sup>rd</sup> Party NPDES Permit  
Appeal)

NOTICE OF FILING

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601


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

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 N. Grand Ave. East  
P.O. Box 19274  
Springfield, IL 62794-9274

Carolyn S. Hesse  
Erika K. Powers  
David T. Ballard  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 44000  
Chicago, IL 60606

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board an original and four (4) copies the AGENCY'S AMENDED RECORD of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:   
Sanjay K. Sofat  
Assistant Counsel  
Division of Legal Counsel

Dated: June 20, 2006  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276  
(217) 782-5544

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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JUN 22 2006

STATE OF ILLINOIS  
Pollution Control Board

AMERICAN BOTTOM CONSERVANCY )

Petitioner, )

v. )

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY and UNITED STATES STEEL )  
CORPORATION – GRANITE CITY WORKS, )

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PCB 06-171  
(3<sup>rd</sup> Party NPDES Permit  
Appeal)

**MOTION FOR LEAVE TO AMEND RECORD INSTANTER**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by one of its attorneys, Sanjay K. Sofat, and pursuant to 35 Ill. Adm. Code 105.212 and 105.116, and hereby requests that the Illinois Pollution Control Board (“Board”) grant its motion to AMEND its Record instanter. In support of this motion, the Illinois EPA states as follows:

1. On May 8, 2006, American Bottom Conservancy (“ABC”), Petitioner filed a third party permit appeal with the Board pursuant to 35 Ill. Adm. Code 105 Subpart B. Petitioner appeals the issuance of an National Pollutant Discharge Elimination System (“NPDES”) permit to the US Steel (Permit No. IL 0000329) on March 31, 2006.
2. Pursuant to 35 Ill. Adm. Code 105.116, the Agency Record is to be filed with the Board within thirty (30) days after receipt of the petition. The Agency Record was timely filed with the Board on June 2, 2006 and consists of approximately 643 pages.

3. Later, the Illinois EPA noticed that the following documents were overlooked in compiling the Agency's initial Record.

4. No prejudice will attach to ABC if the Agency is granted permission to amend its Record, as ABC is already in possession of these documents that would constitute the amended Agency Record.

WHEREFORE, for the reasons stated above, the Agency hereby respectfully requests that the Board accept the filing of this Amended Record instanter.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

BY: 

Sanjay K. Sofat  
Assistant Counsel  
Division of Legal Counsel

DATED: June 20, 2006

1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

STATE OF ILLINOIS )  
 )  
COUNTY OF SANGAMON ) SS

**PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached **AMENDED RECORD** upon the persons to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

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

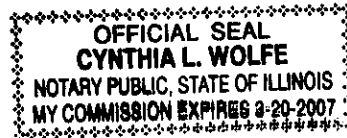
Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 N. Grand Ave. East  
P.O. Box 19274  
Springfield, IL 62794-9274

Carolyn S. Hesse  
Erika K. Powers  
David T. Ballard  
Barnes & Thornburg LLP  
One North Wacker Drive  
Suite 44000  
Chicago, IL 60606

*Meredith Kelley*

SUBSCRIBED AND SWORN BEFORE ME  
THIS 20 DAY OF JUNE, 2006.

*Cynthia L. Wolfe*



AMENDED RECORD

84. Letter dated March 31, 2006, from Alan Keller to C. Daniel Baker Jr., U.S. Steel Law Department, without attached permit. (p. 644)
85. Letter dated March 31, 2006, from Alan Keller to Kathleen Logan Smith, with attached response letter dated March 24, 2006. (pp. 645-647)
86. Letter dated March 31, 2006, from Alan Keller to American Bottoms Conservancy, with attached response letter dated March 24, 2006 and NPDES Permit No. IL0000329, reissued to United States Steel Corporation on March 31, 2006. (pp. 648-657)



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-0610

March 31, 2006

C. Daniel Baker Jr.  
 United States Steel Law Department  
 600 Grant Street  
 Pittsburg, Pennsylvania 15219

**Re: United States Steel Corp. - Granite City Works  
 NPDES Permit No. IL0000329  
 Rescission and Reissuance of NPDES Permit**

Dear Mr. Baker:

In order to be consistent with procedural regulations, the Agency has made the decision to rescind the Granite City Works NPDES permit issued March 8, 2006 and reissue this subject permit on March 31, 2006. The effective date of the permit will remain April 1, 2006. There will be no lapse in permit coverage since the permit issued March 8<sup>th</sup> is not yet effective. Therefore, an administrative continuance of the expired NPDES permit remains in effect until the effective date of the reissued NPDES permit. The reissuance of the Granite City Works NPDES permit will reset the permit appeal time period so that parties who filed timely comments on the draft NPDES permit, on or before January 18, 2005, will have a full 35 days with which to consider the Agency's responses.

The Agency appreciates your cooperation in this matter. If you have any questions or comments regarding this issue please contact Blaine Kinsley of my staff at the address or telephone number listed above.

Sincerely,

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

Enclosure: NPDES permit  
 cc: Records Unit  
 Collinsville Region

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**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

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ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-0610

March 31, 2006

Kathleen Logan Smith  
Health & Environmental Justice-St. Louis  
P.O. Box 2038  
St. Louis, Missouri 63158

Re: United States Stee-Granite City Works  
NPDES Permit No. IL0000329  
Rescission and Reissuance of NPDES Permit

Dear Ms. Smith:

This letter is to inform you that in order to be consistent with procedural regulations the Agency has made the decision to rescind the above referenced NPDES permit that was issued March 8, 2006 and reissue this subject permit on March 31, 2006. The reissuance of the Granite City Works permit will reset the permit appeal time period so that you and other parties who filed timely comments on the draft permit, on or before January 18, 2005, will have 35 days with which to consider the Agency's responses. A copy of the Agency response letter to you dated March 24, 2006 is enclosed for your convenience along with a copy of the reissued NPDES permit.

Should you have any questions or comments regarding the above, please contact Blaine Kinsley of my staff at the indicated telephone number and address. Thank you very much for participation in the NPDES process.

Sincerely,

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

Enclosures: NPDES Permit  
Response letter  
Cc: Collinsville FOS  
Records  
Binds

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# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
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ROD R. BLAGOJEVIĆ, GOVERNOR      DOUGLAS P. SCOTT, DIRECTOR

217/782-0610

March 24, 2006

Kathleen Logan Smith  
Health & Environmental Justice-St. Louis  
P.O. Box 2038  
St. Louis, Missouri 63158

Re: United States Stee-Granite City Works  
NPDES Permit No. IL0000329  
Response to Comment Letter

Dear Ms. Smith:

Thank you for your letter dated January 17, 2005 in which you express your concern for the reissuance of the above referenced permit. The Illinois EPA apologizes for the delay in responding to your concerns after the issuance of the permit. In response to your concern the Illinois EPA offers the following responses.

1. Horseshoe Lake impairment and concern over discharges of lead and ammonia by Granite City Works (GCW).

Response. As you are aware, lead is not listed as an impairment of Horseshoe Lake. Fish consumption advisories have been issued for Channel Catfish and Carp because of PCB's. GCW is not listed as a source of impairment. The Illinois EPA has taken note of your concern, both in your comment letter regarding GCW and in your comments during recent 303(d) hearings at the Agency. In addition, lead is not used as a raw material or an additive in the steel making process. The increased load limit for lead is based on Federal Categorical production standards. These standards must be placed in categorical discharge permits regardless of the reasonable potential of any one parameter to exceed a water quality standard. Regarding ammonia, the permit reflects revised ammonia water quality standards which were not in place at the time of the last renewal.

2. Compliance history of GCW.

Response. The Agency is aware of the compliance history of the GCW facility. The Agency has taken, and will continue to take, all necessary and appropriate action regarding compliance issues with this facility.

Should you have any questions or comments regarding the above, please contact Blaine Kinsley of my staff at the indicated telephone number and address. Thank you very much for participation in the NPDES process.



to the end of the public comment period. Specifically, the comment letter received from the Washington University Civil Justice Clinic/Interdisciplinary Environmental Clinic dated December 9 2005. The Agency regrets that you were unable to attend a scheduled meeting on the above mentioned issues on March 14, 2006. We are still willing to meet with you should you wish to reschedule. Should you have any questions or comments regarding the above, please contact Blaine Kinsley of my staff at the indicated telephone number and address. Thank you very much for participation in the NPDES process.

Sincerely,

A handwritten signature in black ink that reads "Alan Keller". The signature is fluid and cursive, with the first name "Alan" and last name "Keller" clearly distinguishable.

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

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Attachment: NPDES Permit

cc: Binds

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

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

DOUGLAS P. SCOTT, DIRECTOR

217/782-0610

March 31, 2006

American Bottoms Conservancy  
 Health and Environmental Justice-St. Louis  
 Neighborhood Law Office  
 Sierra Club  
 Webster Groves Nature Society  
 C/o Kathy Andria  
 607 North 7<sup>th</sup> Street  
 East St. Louis, Illinois 62201

Re: United States Steel-Granite City Works  
 NPDES Permit No. IL0000329  
 Rescission and Reissuance of NPDES Permit

Dear Ms. Andria:

This letter is to inform you that in order to be consistent with procedural regulations the Agency has made the decision to rescind the above referenced NPDES permit that was issued March 8, 2006 and reissue this subject permit on March 31, 2006. The reissuance of the Granite City Works permit will reset the permit appeal time period so that you and other parties who filed timely comments on the draft permit, on or before January 18, 2005, will have 35 days with which to consider the Agency's responses. A copy of the Agency response letter to you dated March 24, 2006 is enclosed for your convenience along with a copy of the reissued NPDES permit.

Should you have any questions or comments regarding the above, please contact Blaine Kinsley of my staff at the indicated telephone number and address. Thank you very much for participation in the NPDES process.

Sincerely,



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

Enclosures: NPDES Permit  
 Response letter  
 Cc Collinsville FOS  
 Records  
 Binds



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

DOUGLAS P. SCOTT, DIRECTOR

217/782-0610

March 24, 2006

American Bottoms Conservancy  
Health & Environmental Justice-St. Louis  
Neighborhood Law Office  
Sierra Club  
Webster Groves Nature Society  
C/o Kathy Andria  
607 North 7<sup>th</sup> Street  
East St. Louis, Illinois 62201

Re: United States Stee-Granite City Works  
NPDES Permit No. IL0000329  
Response to Comment Letter

Dear Ms. Andria:

Thank you for your letter dated January 18, 2005 in which you express your concern for the reissuance of the above referenced permit. The Illinois EPA apologizes for the delay in responding to your concerns after the issuance of the permit. In response to your concern the Illinois EPA offers the following responses.

1. Horseshoe Lake impairment and concern over discharges of lead and ammonia by Granite City Works (GCW).  
Response. As you are aware, lead is not listed as an impairment of Horseshoe Lake. Fish consumption advisories have been issued for Channel Catfish and Carp because of PCB's. GCW is not listed as a source of impairment. The Illinois EPA has taken note of your concern, both in your comment letter regarding GCW and in your comments during recent 303(d) hearings at the Agency. In addition, lead is not used as a raw material or an additive in the steel making process. The increased load limit for lead is based on Federal Categorical production standards. These standards must be placed in categorical discharge permits regardless of the reasonable potential of any one parameter to exceed a water quality standard. Regarding ammonia, the permit reflects revised ammonia water quality standards which were not in place at the time of the last renewal.
2. Compliance history of GCW.  
Response. The Agency is aware of the compliance history of the GCW facility. The Agency has taken, and will continue to take, all necessary and appropriate action regarding compliance issues with this facility.

In addition to the responses to the above comments, which were received prior to the end of the public notice period, responses are being generated for the comments that were received subsequent

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

to the end of the public comment period. Specifically, the comment letter received from the Washington University Civil Justice Clinic/Interdisciplinary Environmental Clinic dated December 9 2005. The Agency regrets that you were unable to attend a scheduled meeting on the above mentioned issues on March 14, 2006. We are still willing to meet with you should you wish to reschedule. Should you have any questions or comments regarding the above, please contact Blaine Kinsley of my staff at the indicated telephone number and address. Thank you very much for participation in the NPDES process.

Sincerely,

A handwritten signature in black ink that reads "Alan Keller". The signature is written in a cursive style with a long, sweeping underline.

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

SAK:bak\L:epa1269\docs\0000329.doc

Attachment: NPDES Permit

cc: Binds

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

**MAJOR**

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

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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 <sub>5</sub>	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
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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.

## Definitions

**Act** means the Illinois Environmental Protection Act, Ch. 111 1/2 Ill. 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 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 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 reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
  - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
  - (2) 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 36;
  - (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 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 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 screenings, 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 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 the 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.

(Rev. 12-1-86)