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OCT 19 1999

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD OF  
THE STATE OF ILLINOIS

CITY OF ROCK ISLAND, )  
)  
Petitioner, )  
)  
v. )  
)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)  
Respondent. )

PCB 00- 73

NOTICE OF FILING

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

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 Tuesday, October 19, 1999, we filed the attached  
Petition for NPDES Permit Appeal with the Clerk of the Pollution Control Board, a copy of  
which is herewith served upon you.

Respectfully Submitted,  
CITY OF ROCK ISLAND,

Sheila H. Deely  
One of Its Attorneys

Roy M. Harsch  
Sheila H. Deely  
GARDNER, CARTON & DOUGLAS  
321 N. Clark Street - Suite 3400  
Chicago, Illinois 60610-4795  
(312) 644-3000

THIS FILING IS BEING SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD OF  
THE STATE OF ILLINOIS

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ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
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PCB 00- 73

**PETITION FOR NPDES PERMIT APPEAL**

Petitioner City of Rock Island, by its attorneys Gardner, Carton & Douglas, petitions the Illinois Pollution Control Board ("Board") under Section 40(a) of the Illinois Environmental Protection Act, 415 ILCS § 5/40(a), to grant Rock Island a hearing to contest three conditions of the NPDES permit issued by the Illinois Environmental Protection Agency ("IEPA"). In support, Rock Island states as follows:

1. On March 24, 1998, Rock Island applied to IEPA for reissuance of its existing NPDES permit to discharge from its Main Sewage Treatment Plant ("Plant") to the Mississippi River, Sylvan Slough and Blackhawk Creek. After IEPA prepared a proposed NPDES permit, Rock Island submitted written comments and objections. IEPA responded by issuing a final permit on September 14, 1999 with revisions to address the concerns of Rock Island. See Exhibit A. But IEPA declined to make certain changes requested by Rock Island. The permit contains two factual errors that IEPA has not corrected. Rock Island also challenges the new chlorine residual limitation for two new outfalls and requests the limitation to be revised to conform to the limits that IEPA has been applying to other discharges of this type.

2. The Plant as it is currently constructed has a maximum design flow of 12 million gallons per day ("MGD"). It is presently physically impossible to send flows in excess of this figure and consistently comply with the NPDES permit limits. The historical designation of the Plant erroneously identified it as a 16 MGD plant, as does the current NPDES permit issued by IEPA. See permit 2, 3. Rock Island has been granted a construction permit to increase the plant's maximum design flow to 16 MGD and will shortly commence construction. The designation of 16 MGD is improper until the Plant has been improved to accommodate flows in excess of 12 MGD.

3. IEPA appears to feel constrained to adhere to the erroneous designation because of the United States Environmental Protection Agency's interpretation of an order issued by the Board. On May 9, 1986 in PCB 85-214, the Board issued a final order approving a CSO exemption for the Plant. But its designation was neither an issue of fact nor dispositive in that proceeding. Instead, all the parties misidentified the Plant's capacity.

4. The previous NPDES permit did not prohibit the use of Outfall 001A at flows under 16 MGD. Instead, that permit required Rock Island to treat maximum practical flow, which is consistent with standard IEPA practice. The Plant's proper designation is important to the City, for a 16 MGD designation exceeds the capacity of the plant to handle flows and will result in a washout of solids and violation of the permit. Rock Island has filed a Petition for Variance with the Board explaining the error and seeking relief from these CSO requirements while carrying out its construction of the necessary improvements to increase the design maximum flow to 16 MGD

5. The NPDES Permit also erroneously designates Outfall 007 as a sanitary sewer overflow point rather than part of a combined sewer system and prohibits discharges from 007.

Special Condition 7. The difference between a Combined Sewer and Sanitary Sewer is provided in regulations. A Combined Sewer is a sewer designated and constructed to receive both wastewater and land runoff. 35 Il. Adm. Code § 301.255. A Sanitary Sewer is a sewer that carries wastewater together with *incidental* land runoff. 35 Il. Adm. Code § 301.375 (emphasis added). It is unquestioned that the sewers tributary to 007 were originally constructed as combined sewers. Since then, Rock Island committed to and completed a project to remove catch basins and street drains from the area. But Rock Island never committed to totally separate the system. Rock Island neither committed nor was required to disconnect residential footing drains, sump pumps or roof drains from these sewers. At the time, as was the accepted practice, this partially separated sewer system was designated as a sanitary sewer. Notwithstanding, this sewer was never constructed, reconstructed, or modified in a manner that would convert it to the type of sewer that fulfills the definition of sanitary sewer. That IEPA agreed that the sewer system would not undergo complete separation is undisputed. After consultation with IEPA, Rock Island applied for and was issued permits to construct the Franciscan Medical and Saukie Park retention basins on the sewer system tributary to Outfall 007. The basins were sized to accommodate a five-year rainfall event. Events in excess of the five-year storm or events occurring before the basins emptied would be expected to result in overflows from Outfall 007.

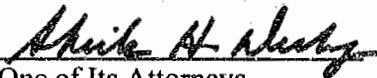
6. Rock Island also appeals the chlorine limitation for Outfalls 011 and 012. The permit sets the limit at 0.75 mg/l. Rock Island had requested that the limitation be set at 1.0 mg/l, consistent with other permits of this type which recognize difficulties in meeting the fecal coliform limitation and maintaining chlorine limits to below 0.75 mg/l.

WHEREFORE, Rock Island respectfully requests the Board to authorize a hearing and remand the decision to IEPA to reissue the NPDES permit consistent with the concerns addressed in this petition. This relief should include the following:

1. Recognition that the Plant's maximum design flow is 12 MGD, thus eliminating the prohibition on discharging from AO1 at flows less than 16 MGD;
2. Proper designation of Outfall 007 as a combined sewer instead of a sanitary sewer, thus removing the prohibition on discharge from this outfall; and
3. Increase in the chlorine limitation for Outfalls 011 and 012 from 0.75 mg/l to 1.0 mg/l.

Respectfully Submitted,

**CITY OF ROCK ISLAND,**

  
One of Its Attorneys

Roy M. Harsch  
Sheila H. Deely  
GARDNER, CARTON & DOUGLAS  
321 N. Clark Street  
Suite 3400  
Chicago, Illinois 60610-4795  
(312) 644-3000

CH02/22023874.1



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

217/782-0610

THOMAS V. SKINNER, DIRECTOR

September 14, 1999

City of Rock Island  
1528 Third Avenue  
Rock Island, Illinois 61201

Re: City of Rock Island  
Rock Island - Main STP  
NPDES Permit No. IL0030783  
Final Permit

Gentlemen:

We received your comments on the proposed permit April 2, 1999. In response to your comments we offer the following:

1. The language "treating 16 MGD" was requested by USEPA (as the definition of "maximum practical flow") in their February 25, 1999 letter. The Agency finds that USEPA's request is consistent with the Board Order in the City's CSO Exception (PCB 85-214, dated May 9, 1986). The Agency will initiate any necessary modifications to the NPDES Permit if so ordered by the Pollution Control Board in PCB 98-164.
2. Outfall A01, according to Item 2 in the letter from Gardner Carton and Douglas, dated March 30, 1999, collects the majority of CSO discharges from outfalls 003, 004, 005 and 006. Adding the words "and CSO" to the description of the outfall is appropriate.
3. The words "or contribute to causing" have been removed from Paragraph 10 of Special Condition 13 on page 13 of the Permit. The language is now consistent with 40 CFR§122.44.
4. Discharge 007 has been retained in the Permit as a sanitary sewer overflow point. After the City removed the stormwater inlets and built a pump station at Blackhawk State Park, eliminating the direct discharge to the Rock River, the sewers have been considered separate sanitary sewers. The Municipal Compliance Plan (MCP), begun in 1985, was a response to violations of the discharge permit, including the overflows from "sanitary sewers" at Blackhawk State Park. The storage basins constructed under the MCP have been converted to treatment facilities for sanitary sewer overflows, and added to the NPDES Permit. Furthermore, the MCP project was funded through grant money administered by this Agency. Reclassification of these outfalls to Combined Sewer Overflows (CSO's) may leave the Agency without justification for dispersion of the grant monies. As such, the proposed reclassification may open the City to liabilities, including the refunding of such grant monies. The Agency sees no reason to reverse the decision to treat the flows tributary to Blackhawk State Park as separate sanitary sewers.
5. A provision for the City to report their chlorination rate for outfall 001 in pounds per day, on days when bypasses or CSO discharges are occurring through A01, has been added to page 2 of the Permit.

6. The chlorine residual limit for outfalls 011 and 012 has been left at 0.75 mg/L. A residual chlorine limit of 0.75 mg/L should enable the City to meet fecal coliform limits. If operation of the facilities indicates that fecal limits cannot be met with a residual chlorine limit of 0.75 mg/L, the Agency will review the need for higher residual chlorine limits as long as the higher chlorine levels will not have a detrimental effect on the receiving stream. This decision is consistent with other similar requests received by the Agency.

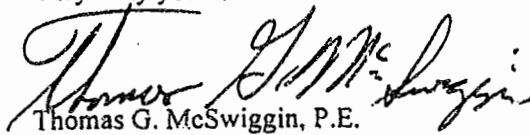
Attached is the final NPDES Permit for your discharge. The Permit as issued covers discharge limitations, monitoring, and reporting requirements. \*The failure of you to meet any portion of the Permit could result in civil and/or criminal penalties. The Illinois Environmental Protection Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge.

The Permit as issued is effective as of the date indicated on the first page of the Permit. You have the right to appeal any condition of the Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

To assist you in meeting the self-monitoring and reporting requirements of your reissued NPDES permit, a supply of preprinted Discharge Monitoring Report (DMR) forms for your facility is being prepared. These forms will be sent to you prior to the initiation of DMR reporting under the reissued permit. Additional information and instructions will accompany the preprinted DMRs upon their arrival.

Should you have questions concerning the Permit, please contact Wes Rust at the telephone number indicated above.

Very truly yours,



Thomas G. McSwiggin, P.E.  
Manager, Permit Section  
Division of Water Pollution Control

TGM:DJS:PWR:1-DUCCP PERMITS STATE CON SUVT LPTTAR ROCK ISL I, I, NL

Attachment: Final Permit

cc: Bob Hawes, City of Rock Island, Department of Public Works  
Roy Harsch, Gardner, Carton & Douglas, Chicago  
Records  
Compliance Assurance Section  
Peoria Region

NPDES Permit No. IL0030783

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: September 30, 2004

Issue Date: September 14, 1999

Effective Date: October 1, 1999

Name and Address of Permittee:

City of Rock Island  
1528 Third Avenue  
Rock Island, Illinois 61201

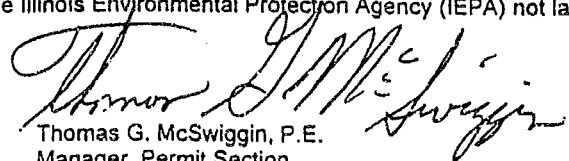
Facility Name and Address:

Rock Island - Main STP  
1300 Mill Street  
Rock Island, Illinois  
(Rock Island County)

Receiving Waters: Mississippi River, Sylvan Slough and Blackhawk Creek

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

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



Thomas G. McSwiggin, P.E.  
Manager, Permit Section  
Division of Water Pollution Control

TGM:PWR:98070701.grm



NPDES Permit No. IL0030783

Effluent Limitations, Monitoring, and Reporting

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

Load limits computed based on a design average flow (DAF) of 8 MGD (design maximum flow (DMF) of 16 MGD).

Excess flow facilities (if applicable) shall not be utilized until the main treatment facility is treating 16 MGD.

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

Parameter	LOAD LIMITS lbs/day DAF (DMF)*			CONCENTRATION LIMITS M <sup>3</sup> /L			Sample Frequency	Sample Type
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum		
Flow (MGD)							Continuous	
CBOD <sub>5</sub> **	1334 (2669)	2669 (5338)		20	40		5 Days/Week	Composite
Suspended Solids	1668 (3336)	3002 (6005)		25	45		5 Days/Week	Composite
Fecal Coliform***	Daily Maximum shall not exceed 400 per 100 mL (May through October)						5 Days/Week	Grab
pH	Shall be in the range of 6 to 9 Standard Units						5 Days/Week	Grab
Chlorine Residual***						0.75	5 Days/Week	Grab

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

\*\*Carbonaceous BOD<sub>5</sub> (CBOD<sub>5</sub>) testing shall be in accordance with 40 CFR 136.

\*\*\*Sampling of fecal coliform and chlorine residual is not required on days when bypasses or CSO discharges have occurred through Discharge Number A01. Chlorination rate in lbs per day must be reported on DMR's during those days. See Special Condition 9.

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

Fecal Coliform shall be reported on the DMR as Daily Maximum.

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

Chlorine Residual shall be reported on DMR as daily maximum.

Composite samples shall consist of at least twelve (12) flow proportional aliquots taken at 2-hour intervals in a 24-hour period from each of the two (2) final clarifier effluents and composited together. An automatic sampler may be used during times of lower river stage when the river is not surcharging the junction box downstream of the two final clarifiers. Samples shall be collected prior to admixture with 001A effluent.

The effluent must comply with Section 304.106 of the Title 35 Illinois Administrative Code, Subtitle C, Chapter 1. No single grab sample shall exceed five times the prescribed monthly average numerical standard.

NPDES Permit No. IL0030783

Effluent Limitations, Monitoring, and Reporting

Discharge Number(s) and Name(s): A01 STP Bypass and CSO Flows (in excess of 16 MGD)

These flow facilities shall not be utilized until the main treatment facility is treating 16 MGD.

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

Parameter		CONCENTRATION LIMITS mg/L		Sample Frequency	Sample Type
		Monthly Average	Daily Maximum		
Total Flow (MG)	See Below			Daily	Continuous
BOD <sub>5</sub>				Daily When Discharging	Grab
Suspended Solids				Daily When Discharging	Grab

Samples shall be taken daily when discharging and shall be taken within the first 30-minutes of initiation of discharge. Samples may be taken at bar screen structure #1 or from the contents of the excess flow wet well located downstream of bar screen structure #1. Samples shall be taken prior to admixture with separate storm sewer water at the Corps of Engineer's pump station and prior to admixture with secondary effluent. Measuring equipment will need to be provided for estimating flows, based on at least a single reading taken within the first 30-minutes of initiation of discharge.

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

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

BOD<sub>5</sub> and Suspended Solids shall be reported on the DMR as a monthly average concentration.

NPDES Permit No. IL0030783

Effluent Limitations, Monitoring, and Reporting

Discharge Number(s) and Name(s): 011 Franciscan Medical Center Excess Flow Outfall

These flow facilities shall not be utilized until the downstream sewer is receiving its maximum practical flow.

From the effective date of this Permit or from date that the construction authorized under IEPA No. 1998-AB-0177 is completed, whichever occurs later<sup>1</sup>, until the expiration date, the effluent of the above discharge(s) shall be monitored and limited at all times as follows:

Parameter	CONCENTRATION LIMITS mg/L		Sample Frequency	Sample Type
	Monthly Average	Daily Maximum		
Total Flow (MG)	See Below		Daily	Continuous
BOD <sub>5</sub>	30		Daily When Discharging	Grab
Suspended Solids	30		Daily When Discharging	Grab
Fecal Coliform	Daily Maximum Shall Not Exceed 400 per 100 mL		Daily When Discharging	Grab
pH	Shall be in the range of 6 to 9 Standard Units		Daily When Discharging	Grab
Chlorine Residual	.75		Daily When Discharging	Grab

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

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

Fecal Coliform shall be reported on the DMR as daily maximum.

Chlorine Residual shall be reported on the DMR as a monthly average concentration.

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

BOD<sub>5</sub> and Suspended Solids shall be reported on the DMR as a monthly average concentration.<sup>1</sup> For use prior to the completion of construction, see Special Condition 16.

NPDES Permit No. IL0030783

Effluent Limitations, Monitoring, and Reporting

Discharge Number(s) and Name(s): 012 Saukee Park Excess Flow Outfall

These flow facilities shall not be utilized until the downstream sewer is receiving its maximum practical flow.

From the effective date of this Permit or from date that the construction authorized under IEPA No. 1998-AB-0177 is completed, whichever occurs later<sup>1</sup>, until the expiration date, the effluent of the above discharge(s) shall be monitored and limited at all times as follows:

Parameter	CONCENTRATION LIMITS mg/L		Sample Frequency	Sample Type
	Monthly Average	Daily Maximum		
Total Flow (MG)	See Below		Daily	Continuous
BOD <sub>5</sub>			Daily When Discharging	Grab
Suspended Solids			Daily When Discharging	Grab
Fecal Coliform	Daily Maximum Concentration	Shall not exceed 400 per 100 mL	Daily When Discharging	Grab
pH	Shall be in the range of 6 to 9 Standard Units		Daily When Discharging	Grab
Chlorine Residual		.75	Daily When Discharging	Grab

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

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

Fecal Coliform shall be reported on the DMR as daily maximum.

Chlorine Residual shall be reported on the DMR as a monthly average concentration.

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

BOD<sub>5</sub> and Suspended Solids shall be reported on the DMR as a monthly average concentration.

<sup>1</sup> For use prior to the completion of construction, see Special Condition 16.

NPDES Permit No. IL0030783

Influent Monitoring, and Reporting

The influent to the plant shall be monitored as follows:

Parameter	Sample Frequency	Sample Type
Flow (MGD)	Continuous	RIT
BOD <sub>5</sub>	5 Days/Week	Composite
Suspended Solids	5 Days/Week	Composite

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

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

BOD<sub>5</sub> and Suspended Solids shall be reported on the DMR as a monthly average concentration.

SPECIAL CONDITION 1. This Permit may be modified to include different final effluent limitations or requirements which are consistent with applicable laws, regulations, or judicial orders. The IEPA will public notice the permit modification.

SPECIAL CONDITION 2. The use or operation of this facility shall be by or under the supervision of a Certified Class 1 operator.

SPECIAL CONDITION 3. The IEPA may request in writing submittal of operational information in a specified form and at a required frequency at any time during the effective period of this Permit.

SPECIAL CONDITION 4. The IEPA may request more frequent monitoring by permit modification pursuant to 40 CFR § 122.63 and Without Public Notice in the event of operational, maintenance or other problems resulting in possible effluent deterioration.

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

SPECIAL CONDITION 6. Samples taken in compliance with the effluent monitoring requirements shall be taken:

- A. For Discharge Number 001 - During dry weather flows (no excess flow discharge), samples shall be taken at a point representative of the flows but prior to entry into the receiving stream. During periods of excess flow discharge, CBOD<sub>5</sub>, Suspended Solids, and Ammonia Nitrogen, if Ammonia Nitrogen monitoring and sampling is required on the Effluent Limitations, Monitoring, and Reporting Page of this Permit, shall be monitored at a point representative of the discharge but prior to admixture with the excess flow. If Fecal Coliform limits are different for Discharge Numbers 001 and A01, sampling shall occur at a point representative of the discharge and prior to admixture, if hardware allows. Other parameters may be sampled after admixture but prior to entry into the receiving stream.
- B. For Discharge Number A01 - Samples for all parameters shall be taken at a point representative of the discharge but prior to entry into the receiving stream. If Fecal Coliform limits are different for Discharge Numbers 001 and A01, sampling shall occur at a point representative of the discharge and prior to admixture, if hardware allows. The sampling point for other parameters may be at a point after admixture with the dry weather flows.

SPECIAL CONDITION 7.

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

1. The Permittee shall implement and enforce its approved Pretreatment Program which was approved on October 25, 1985 and all approved subsequent modifications thereto. The Permittee shall maintain legal authority adequate to fully implement the Pretreatment Program in compliance with Federal (40 CFR 403), State, and local laws. The Permittee shall:
  - a. Carry out independent inspection and monitoring procedures at least once per year, which will determine whether each significant industrial user (SIU) is in compliance with applicable pretreatment standards;
  - b. Perform an evaluation, at least once every two (2) years, to determine whether each SIU needs a slug control plan. If needed, the SIU slug control plan shall include the items specified in 40 CFR § 403.8 (f)(2)(v);
  - c. Update its inventory of Industrial Users (IUs) at least annually and as needed to ensure that all SIUs are properly identified, characterized, and categorized;
  - d. Receive and review self monitoring and other IU reports to determine compliance with all pretreatment standards and requirements, and obtain appropriate remedies for noncompliance by any IU with any pretreatment standard and/or requirement;
  - e. Investigate instances of noncompliance, collect and analyze samples, and compile other information with sufficient care as to produce evidence admissible in enforcement proceedings, including judicial action;
  - f. Require development, as necessary, of compliance schedules by each industrial user for the installation of control technologies to meet applicable pretreatment standards; and,
  - g. Maintain an adequate revenue structure for continued operation of the Pretreatment Program.
2. The Permittee shall issue/reissue permits or equivalent control mechanisms to all SIUs prior to expiration of existing permits or prior to commencement of discharge in the case of new discharges. The permits at a minimum shall include the elements listed in 40 CFR § 403.8(f)(1)(iii).
3. The Permittee shall develop, maintain, and enforce, as necessary, local limits to implement the prohibitions in 40 CFR § 403.5 which prohibit the introduction of specific pollutants to the waste treatment system from any source of nondomestic discharge.

4. In addition to the general limitations expressed in Paragraph 3 above, applicable pretreatment standards must be met by all industrial users of the POTW. These limitations include specific standards for certain industrial categories as determined by Section 307(b) and (c) of the Clean Water Act, State limits, or local limits, whichever are more stringent.
5. The USEPA and IEPA individually retain the right to take legal action against any industrial user and/or the POTW for those cases where an industrial user has failed to meet an applicable pretreatment standard by the deadline date regardless of whether or not such failure has resulted in a permit violation.
6. The Permittee shall establish agreements with all contributing jurisdictions, as necessary, to enable it to fulfill its requirements with respect to all IUs discharging to its system.
7. Unless already completed, the Permittee shall within six (6) months of the effective date of this Permit submit to USEPA and IEPA a proposal to modify and update its approved Pretreatment Program to incorporate Federal revisions to the general pretreatment regulations. The proposal shall include all changes to the approved program and the sewer use ordinance which are necessary to incorporate the regulations commonly referred to as PIRT and DSS, which were effective November 16, 1988 and August 23, 1990, respectively. This includes the development of an Enforcement Response Plan (ERP) and a technical re-evaluation of the Permittee's local limits.
8. The Permittee's Pretreatment Program has been modified to incorporate a Pretreatment Program Amendment approved on June 24, 1996. The amendment became effective on the date of approval and is a fully enforceable provision of your Pretreatment Program.

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

B. Reporting and Records Requirements

1. The Permittee shall provide an annual report briefly describing the permittee's pretreatment program activities over the previous calendar year. Permittees who operate multiple plants may provide a single report providing all plant-specific reporting requirements are met. Such report shall be submitted no later than April 28th of each year, and shall be in the format set forth in IEPA's POTW Pretreatment Report Package which contains information regarding:
  - a. An updated listing of the Permittee's industrial users.
  - b. A descriptive summary of the compliance activities including numbers of any major enforcement actions, (i.e., administrative orders, penalties, civil actions, etc.), and the outcome of those actions. This includes an assessment of the compliance status of the Permittee's industrial users and the effectiveness of the Permittee's Pretreatment Program in meeting its needs and objectives.
  - c. A description of all substantive changes made to the Permittee's Pretreatment Program. Changes which are "substantial modifications" as described in 40 CFR § 403.18(c) must receive prior approval from the Approval Authority.
  - d. Results of sampling and analysis of POTW influent, effluent, and sludge.
  - e. A summary of the findings from the priority pollutants sampling. As sufficient data becomes available the IEPA may modify this Permit to incorporate additional requirements relating to the evaluation, establishment, and enforcement of local limits for organic pollutants. Any permit modification is subject to formal due process procedures pursuant to State and Federal law and regulation. Upon a determination that an organic pollutant is present that causes interference or pass through, the Permittee shall establish local limits as required by 40 CFR § 403.5(c).
2. The Permittee shall maintain all pretreatment data and records for a minimum of three (3) years. This period shall be extended during the course of unresolved litigation or when requested by the IEPA or the Regional Administrator of USEPA. Records shall be available to USEPA and the IEPA upon request.
3. The Permittee shall establish public participation requirements of 40 CFR 25 in implementation of its Pretreatment Program. The Permittee shall at least annually, publish the names of all IU's which were in significant noncompliance (SNC), as defined by 40 CFR § 403.8(f)(2)(vii), in the largest daily paper in the municipality in which the POTW is located or based on any more restrictive definition of SNC that the POTW may be using.
4. The Permittee shall provide written notification to the Deputy Counsel for the Division of Water Pollution Control, IEPA, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 within five (5) days of receiving notice that any Industrial User of its sewage treatment plant is appealing to the Circuit Court any condition imposed by the Permittee in any permit issued to the Industrial User by Permittee. A copy of the Industrial User's appeal and all other pleadings filed by all parties shall be mailed to the Deputy Counsel within five (5) days of the pleadings being filed in Circuit Court.

### C. Monitoring Requirements

- The Permittee shall monitor its influent, effluent and sludge and report concentrations of the following parameters on monitoring report forms provided by the IEPA and include them in its annual report. Samples shall be taken at 3 month intervals at the indicated detection limit or better and consist of a 24-hour composite unless otherwise specified below. Sludge samples shall be taken of final sludge and consist of a grab sample reported on a dry weight basis.

<u>STORET CODE</u>	<u>PARAMETER</u>	<u>Minimum detection limit</u>
01097	Antimony	0.07 mg/L
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01012	Beryllium	0.005 mg/L
01027	Cadmium	0.003 mg/L
01032	*Chromium (hex - grab not to exceed 24 hours)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (grab) (weak acid dissociable)	10.0 ug/L
00720	Cyanide (grab) (total)	10.0 ug/L
00951	*Fluoride	0.1 mg/L
01045	Iron (total)	0.5 mg/L
01046	*Iron (Dissolved)	0.5 mg/L
01051	Lead	0.05 mg/L
01055	Manganese	0.5 mg/L
71900	Mercury	0.2 ug/L
01067	Nickel	0.005 mg/L
00556	*Oil (hexane soluble or equivalent) (Grab Sample only)	1.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.002 mg/L
01077	Silver (total)	0.003 mg/L
01059	Thallium	0.3 mg/L
01092	Zinc	0.050 mg/L

\*(Influent and effluent only)

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

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

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

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

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

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

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

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

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

- In addition, the Permittee shall monitor any new toxic substances as defined by the Clean Water Act, as amended, following notification by the IEPA.



4. Permittee shall report any noncompliance with effluent or water quality standards in accordance with Standard Condition 12(e) of this Permit.
5. Analytical detection limits shall be in accordance with 40 CFR 136. Minimum detection limits for sludge analyses shall be in accordance with 40 CFR 503.

SPECIAL CONDITION 8. During January of each year the Permittee shall submit annual fiscal data regarding sewerage system operations to the Illinois Environmental Protection Agency/Division of Water Pollution Control/Compliance Assurance Section. The Permittee may use any fiscal year period provided the period ends within twelve (12) months of the submission date.

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

SPECIAL CONDITION 9. Fecal Coliform limits for discharge point 001 are effective May thru October. Sampling of Fecal Coliform is only required during this time period.

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

SPECIAL CONDITION 10. The Permittee shall conduct biomonitoring of the effluent from Discharge No. 001. The Permittee shall conduct biomonitoring of the effluent discharge no earlier than one (1) year prior to the expiration date of this Permit. The results shall be submitted with the Permit renewal application.

Biomonitoring

1. Acute Toxicity - Standard definitive acute toxicity tests shall be run on at least two trophic levels of aquatic species (fish, invertebrate) representative of the aquatic community of the receiving stream. Except as noted here and in the IEPA document "Effluent Biomonitoring and Toxicity Assessment", testing must be consistent with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (Fourth Ed.) EPA/600/4-90-027. Unless substitute tests are pre-approved; the following tests are required:
  - a. Fish - 96 hour static LC<sub>50</sub> Bioassay using one to two week old fathead minnows (*Pimephales promelas*).
  - b. Invertebrate 48-hour static LC<sub>50</sub> Bioassay using *Ceriodaphnia*.
2. Testing Frequency - The above tests shall be conducted on a one time basis using 24-hour composite effluent samples unless otherwise authorized by the IEPA. Results shall be reported according to EPA/600/4-90/027, Section 12, Report Preparation, and shall be submitted to IEPA with the renewal application.

SPECIAL CONDITION 11. Overflows from sanitary sewers are expressly prohibited by Ill. Adm. Code 306.304. Therefore, the Permittee is prohibited to discharge from the following sanitary sewer overflows (the use of an overflow point is subject to reporting requirements contained in Standard Condition 12(e) of this Permit):

<u>Discharge Number(s)</u>	<u>Name</u>
007	First manhole north of Blackhawk Road

SPECIAL CONDITION 12. For the duration of this Permit, the Permittee shall determine the quantity of sludge produced by the treatment facility in dry tons or gallons with average percent total solids analysis. The Permittee shall maintain adequate records of the quantities of sludge produced and have said records available for IEPA inspection. The Permittee shall submit to the IEPA, at a minimum, a semi-annual summary report of the quantities of sludge generated and disposed of, in units of dry tons or gallons (average total percent solids) by different disposal methods including but not limited to application on farmland, application on reclamation land, landfilling, public distribution, dedicated land disposal, sod farms, storage lagoons or any other specified disposal method. Said reports shall be submitted to the IEPA by January 31 and July 31 of each year reporting the preceding January thru June and July thru December interval of sludge disposal operations.

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

Sludge monitoring must be conducted according to test procedures approved under 40 CFR 136 unless otherwise specified in 40 CFR

503, unless other test procedures have been specified in this Permit.

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

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

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

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

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

SPECIAL CONDITION 13.

AUTHORIZATION OF  
COMBINED SEWER AND TREATMENT PLANT DISCHARGE

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

<u>Discharge Number</u>	<u>Location</u>	<u>Receiving Water</u>
A01	STP Bypass (from Storm wet wells) and CSO	Mississippi River
003	21st Street Overflow	Sylvan Slough
004	23rd Street Overflow	Sylvan Slough
005	24th Street Overflow	Sylvan Slough
006	25th Street Overflow	Sylvan Slough

Treatment Requirements

1. All combined sewer overflows and treatment plant bypasses shall be given sufficient treatment to prevent pollution and the violation of applicable quality water standards. Sufficient treatment is described in PCB 85-214 and dated May 9, 1986. The terms and conditions of this Board Order are hereby incorporated by reference as if fully set forth herein.
2. All CSO discharges authorized by this Permit shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203 and to prevent depression of oxygen levels.
3. Overflows during dry weather are prohibited. Dry weather overflows, if discovered, shall be reported to the IEPA pursuant to Standard Condition 12(e) of this Permit (24 hour notice).
4. The collection system shall be operated to optimize transport of wastewater flows.
5. The treatment system shall be operated to maximize treatment of wastewater flows.

Nine Minimum Controls

6. The Permittee shall comply with the nine minimum controls contained in the National CSO Control Policy published in the Federal Register on April 19, 1994. The nine minimum controls are:
  - a. Proper operation and maintenance programs for the sewer system and the COSs (Compliance with this Item shall be met through the requirements imposed by Paragraph 8 of this Special Condition);
  - b. Maximum use of the collection system for storage (Compliance with this Item shall be met through the requirements imposed by Paragraphs 4, 5, and 8 of this Special Condition);
  - c. Review and modification of pretreatment requirements to assure CSO impacts are minimized (Compliance with this Item shall be met through the requirements imposed by Paragraph 9 of this Special Condition);

- d. Maximization of flow to the POTW for treatment (Compliance with this Item shall be met through the requirements imposed by Paragraphs 4, 5, and 8 of this Special Condition);
- e. Prohibition of CSO's during dry weather (Compliance with this Item shall be met through the requirements imposed by Paragraph 3 of this Special Condition);
- f. Control of solids and floatable materials in CSO's (Compliance with this Item shall be met through the requirements imposed by Paragraphs 2 and 8 of this Special Condition);
- g. Pollution prevention programs which focus on source control activities (Compliance with this Item shall be met through the requirements imposed by Paragraph 6 of this Special Condition, See Below);
- h. Public notification to ensure that citizens receive adequate information regarding CSO occurrences and CSO impacts (Compliance with this Item has been met through the inclusion of the public notice requirements associated with the issuance of this Permit provided that the IEPA has determined that none of the CSOs authorized to discharge under this Permit discharge to sensitive areas pursuant to Paragraph 7 of this Special Condition); and,
- i. Monitoring to characterize impacts and efficiency of CSO controls (Compliance with this Item shall be met through the requirements imposed by Paragraphs 10 and 11 of this Special Condition).

The Permittee, within six (6) months of the effective date of this Permit, shall post notice, for each CSO, as indicated in Paragraph 7 of this Special Condition, which discharges to a sensitive area. Notice shall be posted at the point of discharge and/or potentially impacted downstream sensitive areas, as determined by the IEPA.

The Permittee shall implement the pollution prevention plan approved by the IEPA on November 26, 1997.

#### Sensitive Area Considerations

7. Sensitive areas are any water in the immediate area of the discharge point designated as an Outstanding National Resource Water, found to contain either shellfish beds or threatened or endangered aquatic species or their habitat, used for primary contact recreation, or within the protection area for a drinking water intake structure.

The IEPA has previously determined (March 19, 1997) that outfall(s) 003, 004, 005, 006 discharge to sensitive area(s). Since that time, the Permittee has installed time monitoring at these outfalls to quantify frequency and duration of discharge. Within fifteen (15) months of the effective date of this Permit, the Permittee shall submit two (2) copies of a report indicating the frequency and duration data for these outfalls for the first twelve (12) months of discharges from these outfalls under this Permit. The IEPA will review these reports to determine if additional corrective action is necessary at any or all of these outfalls. If additional corrective action is necessary, the Permittee shall submit two (2) copies of either a schedule to relocate, control, or treat discharges from these outfalls within three (3) months of receiving the letter from IEPA indicating that additional corrective action is needed. If none of these are possible, the Permittee shall submit adequate justification as to why these are not possible. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy. The IEPA has determined that none of the other outfalls listed in this Special Condition discharge to sensitive areas. However, this Permit may be reopened and modified, with Public Notice, to include additional CSO controls for these outfalls if information becomes available that causes the IEPA to reverse this determination and/or to include a schedule for relocating, controlling, or treating CSO flows to sensitive areas. If none of these are possible, the Permittee shall submit adequate justification at that time as to why these are not possible. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy.

#### Operational and Maintenance Plans

8. The IEPA reviewed and accepted the CSO operational and maintenance plan ("CSO O&M plan") on February 19, 1998 prepared for this sewerage system. The Permittee shall review and revise, if needed, the CSO O&M plan to reflect system changes. If revisions are made, two (2) copies of the revised CSO O&M plan and signed copies of the "CSO Operational Plan Checklist", one (1) with original signatures, shall be submitted to the IEPA within nine (9) months of the effective date of this Permit. Such submittal shall clearly indicate what sections of the plan have been revised and what those specific revisions are. If no revisions to the CSO O&M plan are made, the Permittee shall report such to the IEPA in writing within nine (9) months of the effective date of this Permit. Following IEPA administrative acceptance of the revised CSO O&M plan, an updated CSO O&M plan shall be kept on file at the sewage treatment works or other acceptable location.

The objectives of the CSO O&M plan are to reduce the total loading of pollutants entering the receiving stream. These plans, tailored to the local governments' collection and waste treatment systems, will include mechanisms and specific procedures where applicable to ensure:

- a. Collection system inspection;
- b. Sewer, catch basin, and regulator cleaning and maintenance;

- c. Collection system replacement, where necessary;
- d. Detection and elimination of illegal connections;
- e. Detection and elimination of dry weather overflows;
- f. The collection system is to be operated to maximize storage capacity and delay storm entry into the system; and,
- g. The treatment and collection systems are operated to maximize treatment.

Sewer Use Ordinances

9. The Permittee, within six (6) months of the effective date of this Permit, shall review and where necessary, modify its existing sewer use ordinance to ensure it contains provisions addressing the conditions below. If no ordinance exists, such ordinance shall be developed and implemented within six (6) months from the effective date of this Permit. Sewer use ordinances are to contain specific provisions to:
- a. prohibit introduction of new inflow sources to the sanitary sewer system;
  - b. require that new construction tributary to the combined sewer system to be designed to minimize and/or delay inflow contribution to the combined sewer system;
  - c. require that inflow sources on the combined sewer system be connected to a storm sewer, within a reasonable period of time, if a storm sewer becomes available;
  - d. provide that any new building domestic waste connection shall be distinct from the building inflow connection, to facilitate disconnection if a storm sewer becomes available; and,
  - e. assure that CSO impacts from non-domestic sources are minimized by determining which non-domestic discharges, if any, are tributary to CSO's and reviewing, and, if necessary, modifying the sewer use ordinance to control pollutants in these discharges.

Upon completion of the review of the sewer use ordinance, the Permittee shall notify the IEPA in writing that such review is complete and that the Permittee's sewer use ordinance is in compliance with this Special Condition.

Compliance with Water Quality Standards

10. Pursuant to Section 301 of the federal Clean Water Act and 40 CFR §122.4, discharges from outfalls listed in this Special Condition shall not cause or contribute to violations of applicable water quality standards or cause or contribute to use impairment in the receiving waters. The Permittee shall implement the Water Quality Demonstration Plan approved by IEPA on February 10, 1998 within three (3) months of IEPA approval, or such other date as contained in a notification letter received from the IEPA.

The IEPA may modify this Permit during its term to incorporate additional requirements or limitations based on the results of this demonstration. In addition, the IEPA may schedule a stream survey to augment the information received through this demonstration.

Should the IEPA conclude, based upon available information, that any of the outfalls listed in this Special Condition are causing violations of water quality standards or use impairment, the Permittee shall develop a plan for abating such use impairment and bringing the flows from all its CSOs into compliance with applicable standards. Two (2) copies of this plan shall be submitted to the IEPA within three (3) months of notification from the IEPA and shall contain a schedule for its implementation and provisions for re-evaluating compliance with applicable standards and regulations after implementation.

Reporting and Monitoring Requirements

11. The Permittee shall monitor the frequency of discharge (number of discharges per month) and estimate the duration (in hours) of each discharge from each outfall listed in this Special Condition. Estimates of storm duration and total rainfall shall be provided for each storm event.

For frequency reporting, all discharges from the same storm, or occurring within 24 hours, shall be reported as one. The date that a discharge commences shall be recorded for each outfall. Reports shall be in the form specified by the IEPA and on forms provided by the IEPA. These forms shall be submitted to the IEPA monthly with the DMRs and covering the same reporting period as the DMRs. Parameters (other than flow frequency), if required in this Permit, shall be sampled and reported as indicated in the transmittal letter for such report forms.

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

Summary of Compliance Dates in this CSO Special Condition

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

Submission of CSO Monitoring Data (Paragraph 11)	15th of every month
Control (or Justification for No Control) of CSO's to Sensitive Areas (Paragraph 7)	3 months from IEPA notification
Elimination of a CSO or Discovery of Additional CSO locations (Paragraph 12)	1 month from discovery or elimination
Revisions to Sewer Use Ordinance (Paragraph 9)	6 months from the effective date of this Permit
CSO Operational and Maintenance Plan (Paragraph 8)	9 months from the effective date of this Permit
Report on CSO Frequency and Duration (Paragraph 7)	12 months from the effective date of this Permit

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

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

Attention: CSO Coordinator, Compliance Assurance Section

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

Reopening and Modifying this Permit

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

SPECIAL CONDITION 14. The Permittee shall record monitoring results on Discharge Monitoring Report Forms using one such form for each outfall each month.

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

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

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

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

Attention: Compliance Assurance Section

SPECIAL CONDITION 15. The Permittee is prohibited to discharge from the following outfalls (the use of an outfall is subject to reporting requirements contained in Standard Condition 12(e) of this Permit) until the completion of the construction authorized under IEPA No. 1998-AB-0177:

<u>Discharge Numbers</u>	<u>Name</u>	<u>Receiving Water</u>
011	Franciscan Medical Center Storage Basin	Blackhawk Creek
012	Saukee Park Storage Basin	Blackhawk Creek

**SPECIAL CONDITION 16.** The Permittee shall notify the IEPA of the completion of the construction authorized under IEPA No. 1998-AB-0177. A written notice stating the date that the expansion was completed shall be sent to the following address within fourteen (14) days of the date of completion of construction:

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

Attachment 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 6 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 ten for cause by the Agency pursuant to 40 CFR 122.62. The filing of a request for a permit modification, revocation and reissuance, or termination notification of planned changes or anticipated noncompliance, does not constitute a permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency, upon reasonable request, any information which the Agency may request to determine if cause exists for modifying, revoking and reissuing, or terminating this 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 control equipment), practices, or operations regulated or required under this permit; and
  - (d) Sample or monitor at reasonable times, for the purpose of assuring 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 a regulated activity shall be representative of the monitored activity.
  - (b) The permittee shall retain records of all monitoring information, including calibration and maintenance records, and all original strip chart records from continuous monitoring instrumentation, copies of all reports required under 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, 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 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 rank 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 proprietor, respectively; or
    - (3) For a municipality, State, Federal, or other public agency: by 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 an 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: 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 liability, coverage and liability between the current and new permittee;
- (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 input or final product or byproduct any toxic pollutant which was not reported NPDES permit application.
- (15) All Publicly Owned Treatment Works (POTWs) must provide adequate notice 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 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 issuance of the permit.
- (c) For purposes of this paragraph, adequate notice shall include information the quality and quantity of effluent introduced into the POTW, and anticipated impact of the change on the quantity or quality of effluent discharged from the POTW.
- (16) If the permit is issued to a publicly owned or publicly regulated treatment works 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 any regulations appearing in 40 CFR 35;
- (b) Toxic pollutant effluent standards and pretreatment standards pursuant to 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), (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 with that effluent standard or limitation.
- (18) Any authorization to construct issued to the permittee pursuant to 35 U.S.C. 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 application, record, report, plan or other document submitted to the Agency 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, knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 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 a false statement, representation, or certification in any record or other document submitted to the Agency or required to be maintained under this 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.
- (23) Collected screening, sludges, sludges, and other solids shall be disposed of in a manner as to prevent entry of those wastes (or runoff from the wastes) into the State. The proper authorization for such disposal shall be obtained from the Agency and incorporated as part hereof by reference.
- (24) In case of conflict between these standard conditions and any other conditions incorporated by reference, the other condition(s) shall govern.
- (25) The permittee shall comply with, in addition to the requirements of the permit, applicable provisions of 35 U.S.C. Code, Subtitle C, Subtitle D, Subtitle E, applicable orders of the Board.
- (26) The provisions of this permit are severable, and if any provision of this permit, application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

(Rev. 3-13-88)



**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that she caused to be served a copy of the City of Rock Island's Petition for NPDES Permit Appeal on the following:

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

by U.S. Mail delivery on this 19<sup>th</sup> day of October, 1999.

  
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Sheila H. Deely