

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AKZONOBEL SURFACE CHEMISTRY LLC,)	
)	
Petitioner,)	
)	
v.)	PCB 13-_____
)	(NPDES Permit Appeal-Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

To:

John Therriault, Assistant Clerk
 Illinois Pollution Control Board
 James R. Thompson Center
 Suite 11-500
 100 West Randolph
 Chicago, Illinois 60601

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

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board **APPEAL OF THE NPDES PERMIT AND REQUEST FOR PARTIAL STAY OF THE PERMIT and the APPEARANCE OF KATHERINE M. RAHILL**, copies of which are herewith served upon you.



Katherine M. Rahill

Dated: March 25, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AKZONOBEL SURFACE CHEMISTRY LLC,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

PCB 13-_____
(NPDES Permit Appeal-Water)

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of AkzoNobel Surface
Chemistry LLC.



Katherine M. Rahill
Akzo Nobel Inc.
525 W. Van Buren St
Chicago, Illinois 60607
312-544-7381
Fax: 312-544-7379
Katherine.rahill@akzonobel.com

Dated: March 25, 2013

CERTIFICATE OF SERVICE

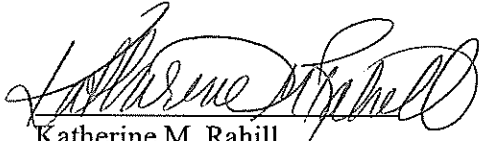
I, the undersigned, certify that on this 25th day of March, 2013, I have served the attached **APPEAL OF THE NPDES PERMIT AND REQUEST FOR PARTIAL STAY OF THE PERMIT and the APPEARANCE OF KATHERINE M. RAHILL**, upon the following persons:

Electronically:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

And via first-class mail with postage thereon fully prepaid and affixed to the following persons:

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



Katherine M. Rahill
Akzo Nobel Inc.
525 W. Van Buren St
Chicago, Illinois 60607
312-544-7381
Fax: 312-544-7379
Katherine.rahill@akzonobel.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AKZONOBEL SURFACE CHEMISTRY LLC,)	
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Petitioner,)	
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v.)	PCB 13-_____
)	(NPDES Permit Appeal-Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

**APPEAL OF NPDES PERMIT AND
REQUEST FOR PARTIAL STAY OF THE PERMIT**

NOW COMES Petitioner, AKZONOBEL SURFACE CHEMISTRY LLC (“Petitioner” or “AkzoNobel”), pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (the “Act”) (415 ILCS 5/40(a)(1)) and 35 Ill.Adm.Code §105.204(a), and requests a hearing before the Board to contest permit conditions contained in the National Pollutant Discharge Elimination System (“NPDES”) permit issued by the Illinois Environmental Protection Agency (“IEPA” or the “Agency”) on February 14, 2013 and served on Petitioner on February 19, 2013 (attached hereto as Exhibit 1 and referred to as the “Permit”). Pursuant to Section 40(a)(1) of the Act and 35 Ill.Adm.Code §105.206(a), this Petition is timely filed with the Board.¹

I. BACKGROUND

1. AkzoNobel operates an industrial organic chemicals manufacturing plant in Aux Sable Township, Morris, Illinois (the “Facility”). The Facility manufactures various

¹ It is appropriate to note that, in its cover letter enclosing the Permit (*see* Exhibit 1), the Agency stated that AkzoNobel had the right to appeal any condition of the Permit “within a 35 day period *following the issuance date.*” Ex. 1 (emphasis added). However, pursuant to Section 40(a)(1) of the Act and 35 Ill.Adm.Code 105.206(a), a permittee has 35 days from the date it is *served* with the permit to appeal. *See* 415 ILCS 5/40(a)(1); and 35 Ill.Adm.Code 105.206(a).

organic chemicals, including nitrogen derivatives from fatty acids, for use in fabric softener, highway chemicals, mineral processing, and fuel additives. The Facility is located at 8005 North Tabler Road, Morris, Illinois 60450. The Facility employs approximately 145 people.

2. The Facility operates four main unit operations including hydrolysis splitting of fat/oil materials, nitrilation, hydrogenation, and quaternization. Supporting these manufacturing units are distillation processes, storage facilities, and utility systems (cooling water, steam supply, and environmental services).

3. Pursuant to NPDES Permit No. IL0026069, the Facility discharges wastewater to Aux Sable Creek via two outfalls, Outfall 001 (which consists of treated sanitary wastewater, treated process wastewater, condensate, precipitation, and cooling tower blowdown) and Outfall 002 (consists of stormwater runoff, boiler blowdown, softener regenerant waste, and cooling tower blowdown). Via Outfall 001, the Facility's wastewater consists of two components – industrial wastewater and sanitary sewage. The main industrial wastewater is treated by a biological system that includes flow equalization, mixing, sorption, extended aeration, sedimentation, pressure filtration (sludge), aerated lagoon, and spray irrigation (water is impounded during the winter, non-growing season). Sanitary sewage is collected and treated (including chlorination for disinfection) separately before being discharged to the beginning of the industrial treatment system. Water is collected from the sprayfield using an underdrain and then discharged via Outfall 001. During winter operations water is held in the lagoons until spray irrigation can resume in the spring.

4. On October 28, 2011, AkzoNobel timely filed a renewal permit application for its NPDES permit. A revised application was later submitted on January 12, 2012. Subsequently, over several months, the Agency then issued an initial draft NPDES permit followed by two revisions to that permit, in response to all of which AkzoNobel provided

comments and participated in discussions with the Agency. The final Permit was then issued on February 14, 2013.

II. REQUEST FOR PARTIAL STAY OF THE PERMIT

5. AkzoNobel respectfully requests the Board stay the effectiveness of the effluent limitation of fecal coliform at Outfall 001 and related Special Condition No. 9, during the pendency of this appeal.

6. Once a permit is appealed to the Board, it is stayed in its entirety until the Board issues its opinion. See *Ameren Energy Generating Co. v. IEPA*, Order, PCB 06-67 (Feb. 16, 2006); and *Borg-Warner v. Mauzy*, 427 N.E.2d 415 (Ill. App. 3d 1981). However, the Board has discretionary authority to grant a partial stay of a challenged permit, where a petitioner has so requested, based on consideration of certain factors including (1) a certain and clearly ascertainable right needs protection; (2) irreparable injury will occur without the injunction; (3) no adequate remedy at law exists; and (4) there is a probability of success on the merits. See *Citgo Petroleum Corp. v. IEPA*, Order, PCB 07-10 (Sept. 21, 2006); and *Community Landfill Co. and City of Morris v. IEPA*, Order, PCB 01-49, 01-49 (consol.) (Oct. 19, 2000). Notably, the Board need not find that all of these factors exist in order to grant a discretionary, partial stay. *Id.*

7. AkzoNobel will suffer irreparable harm if the Board does not grant this partial stay. AkzoNobel's prior permit did not contain a fecal coliform limitation. As a result, if a stay is not granted, AkzoNobel must immediately devote resources to the development of technology to ensure that it can meet this new effluent limitation, which is stricter than the current water quality standard. Additionally, AkzoNobel risks potential enforcement should it not be able to meet this limitation. AkzoNobel has no adequate remedy at law to prevent these injuries.

8. Furthermore, it is likely that AkzoNobel will succeed on the merits of this appeal. As discussed below, the State has given AkzoNobel an improper effluent limitation without providing any rationale for such a limitation and, as such, that decision is arbitrary and capricious.

9. Finally, it is unlikely that any environmental harm will result from this stay. AkzoNobel's current discharges are protective of the applicable fecal coliform water quality standard.

III. ISSUE ON APPEAL

10. The condition appealed here is the effluent limitation on fecal coliform at Outfall 001 as set forth in Special Condition No. 9 of the Permit. *See* Ex. 1, pp. 2, 9. Special Condition No. 9 states daily maximum fecal coliform count at Outfall 001 shall not exceed 200 per 100 mL. Ex. 1, p. 8. The Permit further states that the Facility must take weekly grab samples to monitor compliance with this effluent limitation. Ex. 1, p. 1.

11. As stated in the public notice draft of the Permit (attached hereto as Exhibit 2), the Agency relied on 35 Ill.Adm.Code §302.209 as the basis for this effluent limitation. Ex. 2, p. 2. The fecal coliform limitation set forth in 35 Ill.Adm.Code §302.209 is the state water quality standard for fecal coliform, not the default effluent limitation for fecal coliform as set forth in 35 Ill.Adm.Code §304.121.

12. The Agency provided no reasonable basis for applying a water quality standard to the Facility's effluent. While the Agency stated that Aux Sable Creek was included in on the draft 2010 Illinois Integrated Water Quality Report and Section 303(d) List, that draft designation should have no bearing on the Facility's effluent limitation. The Agency provided no other justification for this limitation. Without a clear determination that an effluent limitation based on 35 Ill.Adm.Code §302.209 is required, this effluent limitation is improper.

13. Moreover, even if this standard were appropriate as an effluent limitation for the Facility, there is no appropriate rationale for limiting AkzoNobel's effluent stream beyond that required by §302.209. Section 302.209 regarding "Fecal Coliform" states as follows:

During the months May through October, based on a minimum of five samples taken over not more than a 30 day period, fecal coliform (STORET number 31616) shall not exceed a geometric mean of 200 per 100 ml, nor shall more than 10% of the samples during any 30 day period exceed 400 per 100 ml in protected waters.
(35 Ill.Adm.Code §302.209.)

As stated in this section, the water quality standard need only be met during the months of May through October and only as a result of averaging. No such time limitation or averaging is allowed in the Permit granted to the Facility, thereby improperly making the limitation imposed on the Facility greater than that imposed by the state water quality standards. This limitation is not supported by the regulations.

14. Finally, the Permit requires the Facility achieve the fecal coliform effluent limitation at Outfall 001. This compliance point for fecal coliform is inappropriate in that it ignores potential impacts to the sprayfield by vectors such as animals. AkzoNobel should not be charged with eliminating fecal coliform contribution beyond its control.

15. The effluent limitation for fecal coliform set forth in the Permit and Special Condition No. 9 should be revised to reflect an appropriate effluent standard, applicable at an appropriate sampling point.

WHEREFORE, for the reasons set forth above, the Petitioner appeals the effluent limitation of federal coliform and related Special Condition No. 9 of the Permit. Additionally, Petitioner requests the Board enter of stay of that fecal coliform effluent limitation from the effective date of the Permit, February 14, 2013, through the pendency of this Appeal.

DATED: March 25, 2013



Katherine M. Rahill

Katherine M. Rahill
Akzo Nobel Inc.
525 W. Van Buren St.
Chicago, Illinois 60607
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Fax: 312-544-7379
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EXHIBIT 1



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217/782-0610

February 14, 2013

AKZO Nobel Surface Chemistry LLC
8005 North Tabler Road
Morris, Illinois 60450

Re: AKZO Nobel Surface Chemistry LLC
NPDES Permit No. IL0026069
Final Permit

Gentlemen:

In response to your comments of January 21, 2013 fecal coliform will remain limited at outfall 001 to ensure compliance with 35 Ill. Adm. Code 302.209 and the sample type for boron and copper at outfall 002 was changed to composite as requested.


Attached is the final NPDES Permit for your discharge. The Permit as issued covers discharge limitations, monitoring, and reporting requirements. Failure 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 Agency has begun a program allowing the submittal of electronic Discharge Monitoring Reports (eDMRs) instead of paper Discharge Monitoring Reports (DMRs). If you are interested in eDMRs, more information can be found on the Agency website, <http://epa.state.il.us/water/edmr/index.html>. If your facility is not registered in the eDMR program, a supply of preprinted paper DMR Forms for your facility 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.

The attached Permit is effective as of the date indicated on the first page of the Permit. Until the effective date of any re-issued Permit, the limitations and conditions of the previously-issued Permit remain in full effect. 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.

Should you have questions concerning the Permit, please contact Jaime Rabins at 217/782-0610.

Sincerely,


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

SAK:JAR:12040201.ajo

Attachment: Final Permit

cc: Compliance Assurance Section
Des Plaines Region
Records
Billing
CMAP

4302 N. Main St., Rockford, IL 61103 (815)987-7760
595 S. Stone, Elgin, IL 60123 (847)608-3131
2125 S. First St., Champaign, IL 61820 (217)278-5800
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

NPDES Permit No. IL0026069

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: January 31, 2018

Issue Date: February 14, 2013

Effective Date: February 14, 2013

Name and Address of Permittee:

AKZO Nobel Surface Chemistry LLC
8005 North Tabler Road
Morris, Illinois 60450

Facility Name and Address:

AKZO Nobel Surface Chemistry LLC
8005 North Tabler Road
Morris, Illinois 60450
(Grundy County)

Discharge Number and Name:

001 Process, Sanitary, Cooling Tower Blowdown,
Condensate, and Stormwater

Receiving Waters:

Aux Sable Creek

002 Cooling Tower Blowdown, Boiler Blowdown, Softener
Regenerant, and Stormwater

Aux Sable Creek

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

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



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

SAK:JAR:12040201.ajo

NPDES Permit No. IL0026069

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: 001 Process, Sanitary, Cooling Tower Blowdown, Condensate, and Stormwater (DAF = 0.299 MGD)

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Flow (MGD)	See Special Condition 1				1/Week	
Temperature	See Special Condition 3				1/Week	Single Reading
Oil and Grease			15	30	1/Week	Grab
Total Residual Chlorine	See Special Condition 8			0.05	1/Week When Chlorinating	Grab
Fecal Coliform	See Special Condition 9				1/Week	Grab
Acenaphthene	0.03	0.07			2/Year	Grab
Acenaphthylene	0.03	0.07			2/Year	Grab
Acrylonitrile	0.12	0.29			2/Year	Grab
Anthracene	0.03	0.07			2/Year	Grab
Benzene	0.05	0.16			2/Year	Grab
Benzo(a)anthracene	0.03	0.07			2/Year	Grab
3,4-Benzofluoranthene	0.03	0.07			2/Year	Grab
Benzo(k)fluoranthene	0.03	0.07			2/Year	Grab
Benzo(a)pyrene	0.03	0.07			2/Year	Grab
Bis(2-ethylhexyl)phthalate	0.13	0.34			2/Year	Grab
Carbon Tetrachloride	0.02	0.05			2/Year	Grab
Chlorobenzene	0.02	0.03			2/Year	Grab
Chloroethane	0.13	0.32			2/Year	Grab
Chloroform	0.03	0.06			2/Year	Grab
2-Chlorophenol	0.04	0.12			2/Year	Grab
Chrysene	0.03	0.07			2/Year	Grab
Di-n-butyl phthalate	0.03	0.07			2/Year	Grab
1,2-Dichlorobenzene	0.09	0.20			2/Year	Grab
1,3-Dichlorobenzene	0.04	0.05			2/Year	Grab

NPDES Permit No. IL0026069

Effluent Limitations and Monitoring

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		
1,4-Dichlorobenzene	0.02	0.03			2/Year	Grab
1,1-Dichloroethane	0.03	0.07			2/Year	Grab
1,2- Dichloroethane	0.08	0.26			2/Year	Grab
1,1-Dichloroethylene	0.02	0.03			2/Year	Grab
1,2-trans- Dichloroethylene	0.03	0.07			2/Year	Grab
2,4-Dichlorophenol	0.05	0.14			2/Year	Grab
1,2-Dichloropropane	0.19	0.28			2/Year	Grab
1,3-Dichloropropylene	0.04	0.05			2/Year	Grab
Diethyl phthalate	0.10	0.25			2/Year	Grab
2,4-Dimethylphenol	0.02	0.04			2/Year	Grab
Dimethyl phthalate	0.02	0.06			2/Year	Grab
4,6-Dinitro-o-cresol	0.09	0.34			2/Year	Grab
2,4-Dinitrophenol	0.09	0.15			2/Year	Grab
2,4-Dinitrotoluene	0.14	0.35			2/Year	Grab
2,6-Dinitrotoluene	0.31	0.78			2/Year	Grab
Ethylbenzene	0.04	0.13			2/Year	Grab
Fluoranthene	0.03	0.08			2/Year	Grab
Fluorene	0.03	0.07			2/Year	Grab
Hexachlorobenzene	0.02	0.03			2/Year	Grab
Hexachlorobutadiene	0.02	0.06			2/Year	Grab
Hexachloroethane	0.03	0.07			2/Year	Grab
Methyl Chloride	0.10	0.23			2/Year	Grab
Methylene Chloride	0.05	0.11			2/Year	Grab
Naphthalene	0.03	0.07			2/Year	Grab
Nitrobenzene	0.03	0.08			2/Year	Grab
2-Nitrophenol	0.05	0.08			2/Year	Grab

NPDES Permit No. IL0026069

Effluent Limitations and Monitoring

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			
4-Nitrophenol	0.09	0.15				2/Year	Grab
Phenanthrene	0.03	0.07				2/Year	Grab
Phenol	0.02	0.03		0.1		2/Year	Grab
Pyrene	0.03	0.08				2/Year	Grab
Tetrachloroethylene	0.03	0.07				2/Year	Grab
Toluene	0.03	0.10				2/Year	Grab
Chromium	1.2	2.4	1.0	2.0		4/Year	Composite
Copper	0.6	1.2		0.06		4/Year	Composite
Cyanide	0.12	0.24	0.1	0.2		4/Year	Composite
Lead	0.24	0.48	0.2	0.4		4/Year	Composite
Zinc	1.2	2.4	1.0	2.0		4/Year	Composite
1,2,4-Trichlorobenzene	0.08	0.17				2/Year	Grab
1,1,1-Trichloroethane	0.03	0.07				2/Year	Grab
1,1,2-Trichloroethane	0.03	0.07				2/Year	Grab
Trichloroethylene	0.03	0.07				2/Year	Grab
Vinyl Chloride	0.13	0.32				2/Year	Grab
Ammonia			Weekly Avg.	Monthly Avg.	Daily Max		
Mar – May/Sep-Oct			4.3	1.5	5.6		
Jun-Aug			3.8	1.4	7.1	1/Week	Grab
Nov-Feb				2.9	6.0		
Stream Flow in Aux Sable Creek (cfs)	See Special Condition 12					1/Week	
When Stream Flow in Aux Sable Creek is greater than 3.34 cfs							
pH	See Special Condition 2					1/Week	Grab
BOD ₅			30	60		1/Week	Composite
Total Suspended Solids			30	60		1/Week	Composite
Nickel	0.10	0.81	0.041	0.324		4/Year	Composite
When Stream Flow in Aux Sable Creek is less than or equal to 3.34 cfs							
pH	See Special Condition 2					1/Week	Grab

NPDES Permit No. IL0026069

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day <u>DAF (DMF)</u>		CONCENTRATION <u>LIMITS mg/l</u>		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
BOD ₅			10	20	1/Week	Composite
Total Suspended Solids			12	24	1/Week	Composite
Nickel	0.05	0.81	0.02	0.324	4/Year	Composite

2/Year samples shall be submitted with the June and December DMR's.

4/Year samples shall be submitted with the March, June, September, and December DMR's.

NPDES Permit No. IL0026069

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: 002 Cooling Tower Blowdown, Boiler Blowdown, Softener Regenerant, and Stormwater (DAF = 0.242 MGD)

PARAMETER	LOAD LIMITS lbs/day <u>DAF (DMF)</u>		CONCENTRATION <u>LIMITS mg/l</u>		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Flow (MGD)	See Special Condition 1				1/Month	
pH	See Special Condition 2				1/Month	Grab
Temperature	See Special Condition 3				1/Month	Single Reading
Boron				2.0	1/Month	Composite
Copper			0.5	1.0	1/Month	Composite

NPDES Permit No. IL0026069

Special Conditions

SPECIAL CONDITION 1. Flow shall be measured in units of Million Gallons per Day (MGD) and reported as a monthly average and a daily maximum value on the monthly Discharge Monitoring Report.

SPECIAL CONDITION 2. At all times the pH of the discharge from outfall 002 shall be in the range of 6.5 to 9.0. The pH of the discharge from outfall 001 shall be in the range of 6.5 to 9.0 during those times when the stream flow in Aux Sable Creek is less than or equal to 3.34 cfs. During those times the stream flow in Aux Sable Creek is greater than 3.34 cfs the pH of the discharge from outfall 001 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. This facility is not allowed any mixing with the receiving stream in order to meet applicable water quality thermal limitations. Therefore, discharge of wastewater from this facility must meet the following thermal limitations prior to discharge into the receiving stream.

- A. The discharge must not exceed the maximum limits in the following table during more than one percent of the hours in the 12 month period ending with any month. Moreover, at no time shall the water temperature of the discharge exceed the maximum limits in the following table by more than 1.7° C (3° F).

	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>
°F	60	60	60	90	90	90	90	90	90	90	90	60
°C	16	16	16	32	32	32	32	32	32	32	32	16

- B. In addition, the discharge shall not cause abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.
- C. The discharge shall not cause the maximum temperature rise above natural temperatures to exceed 2.8° C (5° F).
- D. The monthly maximum value shall be reported on the DMR form.

SPECIAL CONDITION 4. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

SPECIAL CONDITION 5. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) 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 Permittee may choose to submit electronic DMRs (eDMRs) instead of mailing paper DMRs to the IEPA. More information, including registration information for the eDMR program, can be obtained on the IEPA website, <http://www.epa.state.il.us/water/edmr/index.html>.

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.

Permittees not using eDMRs shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

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

Attention: Compliance Assurance Section, Mail Code # 19

SPECIAL CONDITION 6. 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.

NPDES Permit No. IL0026069

Special Conditions

SPECIAL CONDITION 7. The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

SPECIAL CONDITION 8. All samples for total residual chlorine (TRC) shall be analyzed by an applicable method contained in 40 CFR 136, equivalent in accuracy to low-level amperometric titration. Any analytical variability of the method used shall be considered when determining the accuracy and precision of the results obtained.

SPECIAL CONDITION 9. The daily maximum fecal coliform count shall not exceed 200 per 100 ml.

SPECIAL CONDITION 10. The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities for purposes of this permit reissuance, and no pollution prevention plan will be required for such storm water. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated storm water discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

SPECIAL CONDITION 11. In the event that the permittee must request a change in the use of water treatment additives, the permittee must request a change in this permit in accordance with Standard Conditions - - Attachment H.

SPECIAL CONDITION 12. The permittee shall calculate stream flow in Aux Sable Creek upstream of outfalls 001 and 002, but at a point representative of the stream flow providing dilution to outfalls 001 and 002. Stream flows shall be calculated using United States Geological Survey methods for extrapolating stream flow from stream depth and velocity measurements. A stream depth measurement shall be taken five days per week and used to calculate stream flow for each day, except when weather conditions make access to the station unsafe, in which case daily stream flow value is the last calculated stream flow volume for the purposes of determining applicable limits. To determine applicable limits for weekend discharges the permittee shall utilize the lowest calculated stream flow value for the five days preceding that weekend. A weekly log shall be kept noting any changes in stream bed, or other conditions, which may affect the measurements used to establish stream flow to depth correlation. In June and October, and at other times when changes in stream conditions such as algae growth, fallen logs or other obstructions dictate, the stream depth to stream flow correlation curve shall be recalibrated and adjusted as necessary. The daily calculated stream flow value shall be used to determine the applicable limits as directed on page two of this permit.

SPECIAL CONDITION 13. The Permittee shall conduct biomonitoring of the effluent from Outfalls 001 and 002.

Biomonitoring

1. Acute Toxicity - Standard definitive acute toxicity tests shall be run on at least two trophic levels of aquatic species (fish, invertebrate) representative of the aquatic community of the receiving stream. Testing must be consistent with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (Fifth Ed.) EPA/821-R-02-012. Unless substitute tests are pre-approved; the following tests are required:
 - a. Fish - 96 hour static LC₅₀ Bioassay using fathead minnows (*Pimephales promelas*).
 - b. Invertebrate 48-hour static LC₅₀ Bioassay using *Ceriodaphnia*.
2. Testing Frequency - The above tests shall be conducted using 24-hour composite samples unless otherwise authorized by the IEPA. One round of testing on each outfall shall be conducted within six months from the effective date of reissuance, and one round shall be conducted between the third and fourth year of the permit. When possible, bioassay sample collection should coincide with sample collection for metals analysis or other parameters that may contribute to effluent toxicity.
3. Reporting - Results shall be reported according to EPA/821-R-02-012, Section 12, Report Preparation, and shall be submitted to IEPA, Bureau of Water, Compliance Assurance Section within one week of receipt from the laboratory.
4. Toxicity -- Should a bioassay result in toxicity to >20% of organisms tested in the 100% effluent treatment, the IEPA may require, upon notification, six (6) additional rounds of monthly testing on the affected organism(s) to be initiated within 30 days of the toxic bioassay. Results shall be submitted to IEPA within one (1) week of becoming available to the Permittee. Should any of the additional bioassays result in toxicity to ≥50% of organisms tested in the 100% effluent treatments, the Permittee must contact the IEPA within one (1) day of the results becoming available to the Permittee and begin the toxicity identification and reduction evaluation process as outlined below.
5. Toxicity Identification and Reduction Evaluation - Should any of the additional bioassays result in toxicity to ≥50% of organisms

NPDES Permit No. IL0026069

Special Conditions

tested in the 100% effluent treatment, the Permittee must contact the IEPA within one (1) day of the results becoming available to the Permittee and begin the toxicity identification evaluation process in accordance with Methods for Aquatic Toxicity Identification Evaluations, EPA/600/6-91/003. The IEPA may also require, upon notification, that the Permittee prepare a plan for toxicity reduction evaluation to be developed in accordance with Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants, EPA/833B-99/002, which shall include an evaluation to determine which chemicals have a potential for being discharged in the plant wastewater, a monitoring program to determine their presence or absence and to identify other compounds which are not being removed by treatment, and other measures as appropriate. The Permittee shall submit to the IEPA its plan for toxicity reduction evaluation within ninety (90) days following notification by the IEPA. The Permittee shall implement the plan within ninety (90) days or other such date as contained in a notification letter received from the IEPA.

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

SPECIAL CONDITION 14. The Permittee shall monitor the effluent from outfall 001 for the following parameters on a semi-annual basis. This Permit may be modified with public notice to establish effluent limitations if appropriate, based on information obtained through sampling. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted to the address in special condition 5 in June and December. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

STORET CODE	PARAMETER	Minimum reporting limit
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01027	Cadmium	0.001 mg/L
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (grab) (weak acid dissociable)	5.0 ug/L
00720	Cyanide (grab not to exceed 24 hours) (total)	5.0 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 (grab)**	1.0 ng/L*
01067	Nickel	0.005 mg/L
00556	Oil (hexane soluble or equivalent) (Grab Sample only)	5.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
01077	Silver (total)	0.003 mg/L
01092	Zinc	0.025 mg/L

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.

*1.0 ng/L = 1 part per trillion.

**Utilize USEPA Method 1631E and the digestion procedure described in Section 11.1.1.2 of 1631E.

Attachment H

Standard Conditions

Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. 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 or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:
- 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;
 - Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - 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.**
- Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - 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. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
 - Records of monitoring information shall include:
 - The date, exact place, and time of sampling or measurements;
 - The individual(s) who performed the sampling or measurements;
 - The date(s) analyses were performed;
 - The individual(s) who performed the analyses;
 - The analytical techniques or methods used; and
 - The results of such analyses.
 - 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.
- Application.** All permit applications shall be signed as follows:
 - 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;
 - For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - 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:
 - The authorization is made in writing by a person described in paragraph (a); and
 - 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
 - The written authorization is submitted to the Agency.
 - 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.
 - Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- (12) **Reporting requirements.**
- 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. Notice is required when:
 - The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
 - The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
 - The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
 - 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.
 - Transfers.** This permit is not transferable to any person except after notice to the Agency.
 - 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.
 - Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - 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.
- (f) **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 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) Any upset which exceeds any effluent limitation in the permit.
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
- (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
- (h) **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) **Bypass.**
- (a) **Definitions.**
- (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) **Bypass not exceeding limitations.** The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
- (c) **Notice.**
- (1) **Anticipated bypass.** If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (2) **Unanticipated bypass.** The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
- (d) **Prohibition of bypass.**
- (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The permittee submitted notices as required under paragraph (13)(c).
 - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) **Definition.** Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) **Conditions necessary for a demonstration of upset.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
 - (4) The permittee complied with any remedial measures required under paragraph (4).
- (d) **Burden of proof.** In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
- (15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
- (a) **Transfers by modification.** Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
- (b) **Automatic transfers.** As an alternative to transfers under paragraph (a), any NPDES permit may be automatically

transferred to a new permittee if:

- (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
 - (3) 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.
- (16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
 - (4) The level established by the Agency in this permit.
 - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
 - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
 - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) 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 \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 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. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
- (23) 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 this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (24) 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, 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.
- (25) Collected screening, slurries, 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.
- (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (27) 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 or any court with jurisdiction.
- (28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

EXHIBIT 2



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217/782-0610

December 7, 2012

*Received
12/10/2012*

AKZO Nobel Surface Chemistry LLC
8005 North Tabler Road
Morris, Illinois 60450

Re: AKZO Nobel Surface Chemistry LLC
NPDES Permit No. IL0026069
Public Notice Permit

Gentlemen:

Please post the attached Public Notice for the subject discharge for at least a period of thirty days from the date on the Notice in a conspicuous place on your premises.

We have enclosed a copy of the draft NPDES permit on which this official Public Notice is based. If you wish to comment on the draft permit, please do so within 30 days of the Public Notice date. If there are any questions, please contact Jaime Rabins at the indicated telephone number and address.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Darin E. LeCrone".

Darin E. LeCrone, P.E.
Manager, Industrial Unit
Division of Water Pollution Control

DEL:JAR:12040201.ajo

Attachments: Draft Permit, Public Notice/Fact Sheet

cc: Records Unit

Des Plaines Region
CMAP

NPDES Permit No. IL0026069
Notice No. JAR:12040201 ajo

Public Notice Beginning Date: **December 7, 2012**

Public Notice Ending Date: **January 7, 2013**

National Pollutant Discharge Elimination System (NPDES)
Permit Program

Draft Reissued NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water,
Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-0610

Name and Address of Discharger:

AKZO Nobel Surface Chemistry LLC
8005 North Tabler Road
Morris, Illinois 60450

Name and Address of Facility:

AKZO Nobel Surface Chemistry LLC
8005 North Tabler Road
Morris, Illinois 60450
(Grundy County)

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

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

If written comments or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. Response to comments will be provided when the final permit is issued. For further information, please call Jaime Rabins at 217/782-0610.

The applicant is engaged in the manufacture of nitrogen derivatives (long-chain aliphatic amines) from fatty acids for use in fabric softener, highway chemicals, mineral processing, and fuel additives (SIC 2869). Waste water is generated from cleaning reactor vessels and equipment for the amine, nitrile, splitter and arquad process units, sanitary (sinks, toilets, etc...), purging the boilers and cooling towers to maintain correct water chemistry, regenerating the water softener, steam system condensate, amine, nitrile, splitter and arquad process unit condensate, environmental system condensate and precipitation which contacts the site.

Plant operation results in an average discharge of 0.299 MGD of process, sanitary, cooling tower blowdown, condensate, and stormwater from outfall 001 and 0.242 MGD of cooling tower blowdown, boiler blowdown, softener regenerant, and stormwater from outfall 002. Sanitary is treated using extended aeration and chlorination prior to entering the main biological treatment and is then either spray irrigated (Spring, Summer, and Fall) or collected in settling and aeration basins (winter). All other wastewaters are sent directly to the main biological treatment system and then to the 65-acre spray field. Water is collected from the sprayfield using an underdrain and then discharged via outfall 001. During winter operations water is held in the lagoons until spray irrigation can resume in the spring.

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Application is made for the existing discharges which are located in Grundy County, Illinois. The following information identifies the discharge point, receiving stream and stream classifications:

Outfall	Receiving Stream	Latitude	Longitude	Stream Classification	Biological Stream Characterization
001	Aux Sable Creek	41° 24' 10"	North 88° 20' 40" West	General Use	B
002	Aux Sable Creek	41° 24' 12"	North 88° 20' 01" West	General Use	B

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

The stream segment DW-01 receiving the discharge from outfalls 001 and 002 is on the draft 2010 Illinois Integrated Water Quality Report and Section 303(d) List. The receiving water is not listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*. The impaired designated uses and pollutants causing impairment are tabulated below:

<u>Designated Uses</u>	<u>Pollutants Causing Impairment</u>
Primary Contact	Fecal Coliform

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

Outfall: 001 Process, Sanitary, Cooling Tower Blowdown, Condensate, and Stormwater (DAF = 0.299 MGD)

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		REGULATION	CONCENTRATION LIMITS mg/l		REGULATION
	30 DAY AVERAGE	DAILY MAXIMUM		30 DAY AVERAGE	DAILY MAXIMUM	
Flow (MGD)						
Temperature						35 IAC 302.211
Oil and Grease				15	30	35 IAC 304.124
Total Residual Chlorine					0.05	35 IAC 302.208
Fecal Coliform						35 IAC 302.209
Acenaphthene	0.03	0.07	40 CFR 414.91			
Acenaphthylene	0.03	0.07	40 CFR 414.91			
Acrylonitrile	0.12	0.29	40 CFR 414.91			
Anthracene	0.03	0.07	40 CFR 414.91			
Benzene	0.05	0.16	40 CFR 414.91			
Benzo(a)anthracene	0.03	0.07	40 CFR 414.91			
3,4-Benzofluoranthene	0.03	0.07	40 CFR 414.91			
Benzo(k)fluoranthene	0.03	0.07	40 CFR 414.91			
Benzo(a)pyrene	0.03	0.07	40 CFR 414.91			
Bis(2-ethylhexyl)phthalate	0.13	0.34	40 CFR 414.91			
Carbon Tetrachloride	0.02	0.05	40 CFR 414.91			
Chlorobenzene	0.02	0.03	40 CFR 414.91			
Chloroethane	0.13	0.32	40 CFR 414.91			

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Chloroform	0.03	0.06	40 CFR 414.91
2-Chlorophenol	0.04	0.12	40 CFR 414.91
Chrysene	0.03	0.07	40 CFR 414.91
Di-n-butyl phthalate	0.03	0.07	40 CFR 414.91
1,2-Dichlorobenzene	0.09	0.20	40 CFR 414.91
1,3-Dichlorobenzene	0.04	0.05	40 CFR 414.91
1,4-Dichlorobenzene	0.02	0.03	40 CFR 414.91
1,1-Dichloroethane	0.03	0.07	40 CFR 414.91
1,2- Dichloroethane	0.08	0.26	40 CFR 414.91
1,1-Dichloroethylene	0.02	0.03	40 CFR 414.91
1,2-trans- Dichloroethylene	0.03	0.07	40 CFR 414.91
2,4-Dichlorophenol	0.05	0.14	40 CFR 414.91
1,2-Dichloropropane	0.19	0.28	40 CFR 414.91
1,3-Dichloropropylene	0.04	0.05	40 CFR 414.91
Diethyl phthalate	0.10	0.25	40 CFR 414.91
2,4-Dimethylphenol	0.02	0.04	40 CFR 414.91
Dimethyl phthalate	0.02	0.06	40 CFR 414.91
4,6-Dinitro-o-cresol	0.09	0.34	40 CFR 414.91
2,4-Dinitrophenol	0.09	0.15	40 CFR 414.91
2,4-Dinitrotoluene	0.14	0.35	40 CFR 414.91
2,6-Dinitrotoluene	0.31	0.78	40 CFR 414.91
Ethylbenzene	0.04	0.13	40 CFR 414.91
Fluoranthene	0.03	0.08	40 CFR 414.91
Fluorene	0.03	0.07	40 CFR 414.91
Hexachlorobenzene	0.02	0.03	40 CFR 414.91
Hexachlorobutadiene	0.02	0.06	40 CFR 414.91
Hexachloroethane	0.03	0.07	40 CFR 414.91
Methyl Chloride	0.10	0.23	40 CFR 414.91
Methylene Chloride	0.05	0.11	40 CFR 414.91
Naphthalene	0.03	0.07	40 CFR 414.91
Nitrobenzene	0.03	0.08	40 CFR 414.91
2-Nitrophenol	0.05	0.08	40 CFR 414.91

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4-Nitrophenol	0.09	0.15	40 CFR 414.91			
Phenanthrene	0.03	0.07	40 CFR 414.91			
Phenol	0.02	0.03	40 CFR 414.91		0.1	40CFR122.44(I)
Pyrene	0.03	0.08	40 CFR 414.91			
Tetrachloroethylene	0.03	0.07	40 CFR 414.91			
Toluene	0.03	0.10	40 CFR 414.91			
Chromium	1.2	2.4	35 IAC 309.143	1.0	2.0	35 IAC 304.124
Copper	0.6	1.2	35 IAC 309.143		0.06	40CFR122.44(I)
Cyanide	0.12	0.24	35 IAC 309.143	0.1	0.2	35 IAC 304.124
Lead	0.24	0.48	40 CFR 414.91	0.2	0.4	35 IAC 304.124
Zinc	1.2	2.4	35 IAC 309.143	1.0	2.0	35 IAC 304.124
1,2,4-Trichlorobenzene	0.08	0.17	40 CFR 414.91			
1,1,1-Trichloroethane	0.03	0.07	40 CFR 414.91			
1,1,2-Trichloroethane	0.03	0.07	40 CFR 414.91			
Trichloroethylene	0.03	0.07	40 CFR 414.91			
Vinyl Chloride	0.13	0.32	40 CFR 414.91			
Ammonia				Weekly Avg.	Monthly Avg.	Daily Max
Mar – May/Sep-Oct				4.3	1.5	5.6
Jun-Aug				3.8	1.4	7.1
Nov-Feb					2.9	6.0
Stream Flow in Aux Sable Creek (cfs)						
When Stream Flow in Aux Sable Creek is greater than 3.34 cfs						
pH						35 IAC 304.125
BOD ₅				30	60	35IAC304.120(a)
Total Suspended Solids				30	60	35IAC304.120(a)
Nickel	0.10	0.81	35 IAC 309.143	0.041	0.324	35IAC309.157(d)
When Stream Flow in Aux Sable Creek is less than or equal to 3.34 cfs						
pH						35 IAC 302.204
BOD ₅				10	20	35IAC304.120(c)
Total Suspended Solids				12	24	35IAC304.120(c)
Nickel	0.05	0.81	35 IAC 309.143	0.02	0.324	35IAC309.157(d)
Outfall: 002 Cooling Tower Blowdown, Boiler Blowdown, Softener Regenerant, and Stormwater (DAF = 0.242 MGD)						
Flow (MGD)						

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pH

DEC 07 2012 35 IAC 302.204

Temperature

35 IAC 302.212

Boron

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2.0 IPCB AS 93-8

Copper

1.0 2.0 35 IAC 304.124

Load Limit Calculations:

- A. Load limit calculations for the following pollutant parameters limited at outfall 001 were based on a design average flow of 0.145 and using the formula of design average flow (MGD) X concentration limit (mg/l) X 8.34 = the average or maximum load limit (lbs/day).
- B. Production based load limits were calculated by multiplying the average production by the effluent limit contained in 40 CFR 414.91. Production figures utilized in these calculations for the following subcategories are as follows:

Subcategory

Production Rate

Subpart I - Direct Discharge Point Sources That Use End-of-Pipe Biological Treatment

0.145 MGD of Process Wastewater

The following sample calculation shows the methodology utilized to determine production based load limitations:

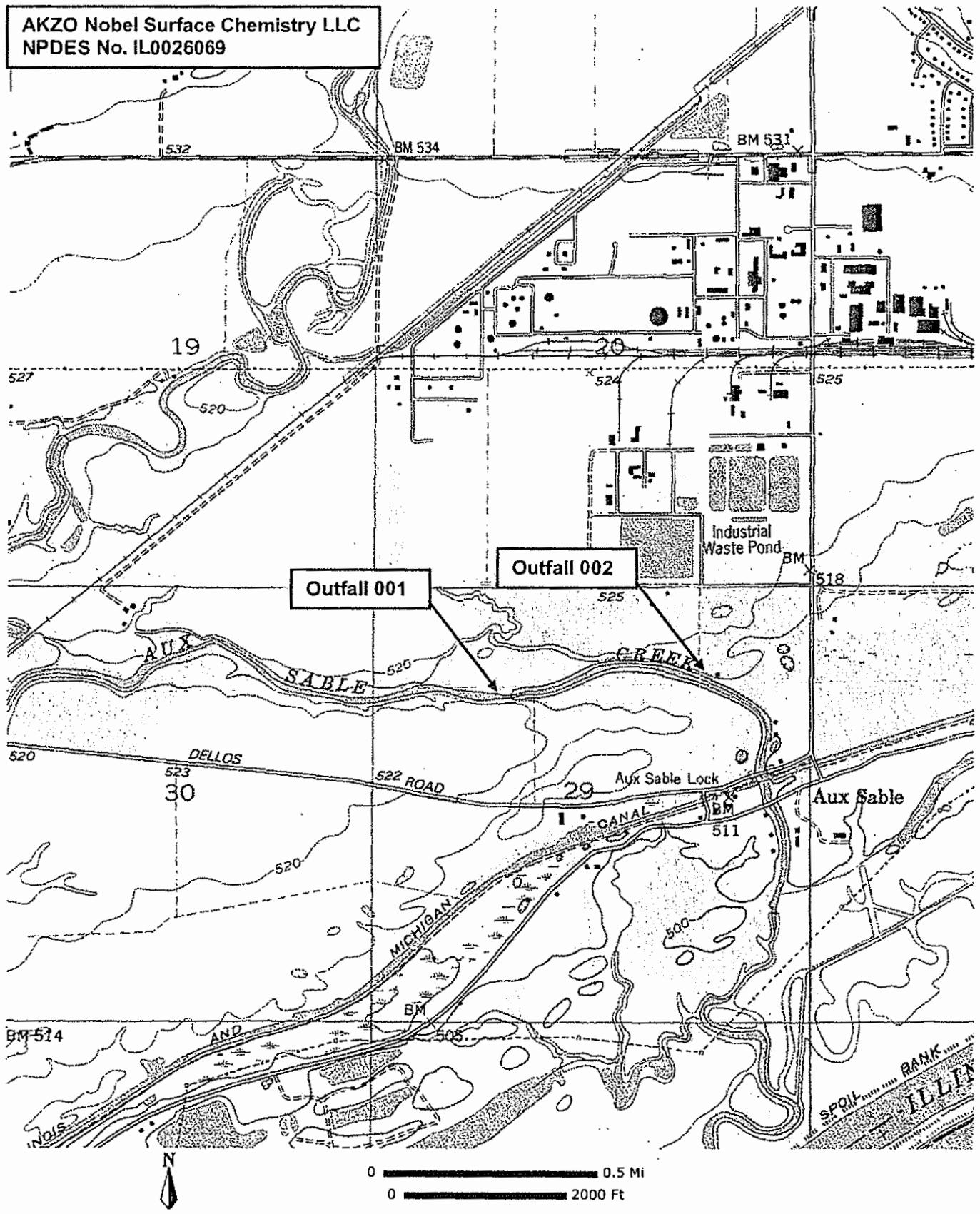
Acenaphthene Daily Maximum Load Limit = Concentration given in 40 CFR 414.91 x Flow x Unit Conversion Factor = 59 µg/L x (1 mg / 1000 µg) x 0.145 MGD x 8.34 = 0.071 rounded to 0.07 lbs/day

Acenaphthene Monthly Average Load Limit = Concentration Given in 40 CFR 414.91 x Flow x Unit Conversion Factor = 22 µg /L x (1 mg / 1000 µg) x 0.145 MGD x 8.34 = 0.027 rounded to 0.03 lbs/day

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

The following explain the conditions of the proposed permit:

The special conditions clarify flow reporting, pH, monitoring location, discharge monitoring reports, re-opening of the permit, biomonitoring and treatment system operator requirements.



AKZO Nobel Surface Chemistry LLC
NPDES No. IL0026069

Outfall 001

Outfall 002

Industrial Waste Pond

DELLOS

522 ROAD

Aux Sable Lock

MICHIGAN CANAL

Aux Sable

BM 514

AND

BM 505

SPOIL BANK
MILLIN

0 0.5 Mi
0 2000 Ft

NPDES Permit No. IL0026069
Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

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NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date:

Issue Date:
Effective Date:

Name and Address of Permittee:

Facility Name and Address:

AKZO Nobel Surface Chemistry LLC
8005 North Tabler Road
Morris, Illinois 60450

AKZO Nobel Surface Chemistry LLC
8005 North Tabler Road
Morris, Illinois 60450
(Grundy County)

Discharge Number and Name:

Receiving Waters:

- | | | |
|-----|--|-----------------|
| 001 | Process, Sanitary, Cooling Tower Blowdown, Condensate, and Stormwater | Aux Sable Creek |
| 002 | Cooling Tower Blowdown, Boiler Blowdown, Softener Regenerant, and Stormwater | Aux Sable Creek |

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

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

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

SAK:JAR:12040201.ajo

NPDES Permit No. IL0026069

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: 001 Process, Sanitary, Cooling Tower Blowdown, Condensate, and Stormwater (DAF = 0.299 MGD)

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				1/Week	
Temperature	See Special Condition 3				1/Week	Single Reading
Oil and Grease			15	30	1/Week	Grab
Total Residual Chlorine	See Special Condition 8			0.05	1/Week When Chlorinating	Grab
Fecal Coliform	See Special Condition 9				1/Week	Grab
Acenaphthene	0.03	0.07			2/Year	Grab
Acenaphthylene	0.03	0.07			2/Year	Grab
Acrylonitrile	0.12	0.29			2/Year	Grab
Anthracene	0.03	0.07			2/Year	Grab
Benzene	0.05	0.16			2/Year	Grab
Benzo(a)anthracene	0.03	0.07			2/Year	Grab
3,4-Benzofluoranthene	0.03	0.07			2/Year	Grab
Benzo(k)fluoranthene	0.03	0.07			2/Year	Grab
Benzo(a)pyrene	0.03	0.07			2/Year	Grab
Bis(2-ethylhexyl)phthalate	0.13	0.34			2/Year	Grab
Carbon Tetrachloride	0.02	0.05			2/Year	Grab
Chlorobenzene	0.02	0.03			2/Year	Grab
Chloroethane	0.13	0.32			2/Year	Grab
Chloroform	0.03	0.06			2/Year	Grab
2-Chlorophenol	0.04	0.12			2/Year	Grab
Chrysene	0.03	0.07			2/Year	Grab
Di-n-butyl phthalate	0.03	0.07			2/Year	Grab
1,2-Dichlorobenzene	0.09	0.20			2/Year	Grab
1,3-Dichlorobenzene	0.04	0.05			2/Year	Grab

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1,4-Dichlorobenzene	0.02	0.03		Grab
1,1-Dichloroethane	0.03	0.07		Grab
1,2- Dichloroethane	0.08	0.26		Grab
1,1-Dichloroethylene	0.02	0.03		Grab
1,2-trans- Dichloroethylene	0.03	0.07		Grab
2,4-Dichlorophenol	0.05	0.14		Grab
1,2-Dichloropropane	0.19	0.28		Grab
1,3-Dichloropropylene	0.04	0.05		Grab
Diethyl phthalate	0.10	0.25		Grab
2,4-Dimethylphenol	0.02	0.04		Grab
Dimethyl phthalate	0.02	0.06		Grab
4,6-Dinitro-o-cresol	0.09	0.34		Grab
2,4-Dinitrophenol	0.09	0.15		Grab
2,4-Dinitrotoluene	0.14	0.35		Grab
2,6-Dinitrotoluene	0.31	0.78		Grab
Ethylbenzene	0.04	0.13		Grab
Fluoranthene	0.03	0.08		Grab
Fluorene	0.03	0.07		Grab
Hexachlorobenzene	0.02	0.03		Grab
Hexachlorobutadiene	0.02	0.06		Grab
Hexachloroethane	0.03	0.07		Grab
Methyl Chloride	0.10	0.23		Grab
Methylene Chloride	0.05	0.11		Grab
Naphthalene	0.03	0.07		Grab
Nitrobenzene	0.03	0.08		Grab
2-Nitrophenol	0.05	0.08		Grab
4-Nitrophenol	0.09	0.15		Grab
Phenanthrene	0.03	0.07		Grab
Phenol	0.02	0.03	0.1	Grab
Pyrene	0.03	0.08		Grab
Tetrachloroethylene	0.03	0.07		Grab

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2/Year

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2/Year

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Toluene	0.03	0.10			2/Year	Grab
Chromium	1.2	2.4	1.0	2.0	4/Year	Composite
Copper	0.6	1.2		0.06	4/Year	Composite
Cyanide	0.12	0.24	0.1	0.2	4/Year	Composite
Lead	0.24	0.48	0.2	0.4	4/Year	Composite
Zinc	1.2	2.4	1.0	2.0	4/Year	Composite
1,2,4-Trichlorobenzene	0.08	0.17			2/Year	Grab
1,1,1-Trichloroethane	0.03	0.07			2/Year	Grab
1,1,2-Trichloroethane	0.03	0.07			2/Year	Grab
Trichloroethylene	0.03	0.07			2/Year	Grab
Vinyl Chloride	0.13	0.32			2/Year	Grab
			Weekly Avg.	Monthly Avg.	Daily Max	
Ammonia						
Mar – May/Sep-Oct			4.3	1.5	5.6	
Jun-Aug			3.8	1.4	7.1	1/Week
Nov-Feb				2.9	6.0	
Stream Flow in Aux Sable Creek (cfs)	See Special Condition 12					1/Week
When Stream Flow in Aux Sable Creek is greater than 3.34 cfs						
pH	See Special Condition 2					1/Week
BOD ₅			30	60		1/Week
Total Suspended Solids			30	60		1/Week
Nickel	0.10	0.81	0.041	0.324	4/Year	Composite
When Stream Flow in Aux Sable Creek is less than or equal to 3.34 cfs						
pH	See Special Condition 2					1/Week
BOD ₅			10	20		1/Week
Total Suspended Solids			12	24		1/Week
Nickel	0.05	0.81	0.02	0.324	4/Year	Composite

2/Year samples shall be submitted with the June and December DMR's.

4/Year samples shall be submitted with the March, June, September, and December DMR's.

NPDES Permit No. IL0026069

Effluent Limitations and Monitoring

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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: 002 Cooling Tower Blowdown, Boiler Blowdown, Softener Regenerant, and Stormwater (DAF = 0.242 MGD)

PARAMETER	LOAD LIMITS lbs/day <u>DAF (DMF)</u>		CONCENTRATION <u>LIMITS mg/l</u>		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Flow (MGD)	See Special Condition 1				1/Month	
pH	See Special Condition 2				1/Month	Grab
Temperature	See Special Condition 3				1/Month	Single Reading
Boron				2.0	1/Month	Grab
Copper			0.5	1.0	1/Month	Grab

NPDES Permit No. IL0026069

Special Conditions

SPECIAL CONDITION 1. Flow shall be measured in units of Million Gallons per Day (MGD) and reported as a monthly average and a daily maximum value on the monthly Discharge Monitoring Report.

SPECIAL CONDITION 2. At all times the pH of the discharge from outfall 002 shall be in the range of 6.5 to 9.0. The pH of the discharge from outfall 001 shall be in the range of 6.5 to 9.0 during those times when the stream flow in Aux Sable Creek is less than or equal to 3.34 cfs. During those times the stream flow in Aux Sable Creek is greater than 3.34 cfs the pH of the discharge from outfall 001 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. This facility is not allowed any mixing with the receiving stream in order to meet applicable water quality thermal limitations. Therefore, discharge of wastewater from this facility must meet the following thermal limitations prior to discharge into the receiving stream.

- A. The discharge must not exceed the maximum limits in the following table during more than one percent of the hours in the 12 month period ending with any month. Moreover, at no time shall the water temperature of the discharge exceed the maximum limits in the following table by more than 1.7° C (3° F).

	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>
EF	60	60	60	90	90	90	90	90	90	90	90	60
EC	16	16	16	32	32	32	32	32	32	32	32	16

- B. In addition, the discharge shall not cause abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.
- C. The discharge shall not cause the maximum temperature rise above natural temperatures to exceed 2.8° C (5° F).
- D. The monthly maximum value shall be reported on the DMR form.

SPECIAL CONDITION 4. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

SPECIAL CONDITION 5. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) 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 Permittee may choose to submit electronic DMRs (eDMRs) instead of mailing paper DMRs to the IEPA. More information, including registration information for the eDMR program, can be obtained on the IEPA website, <http://www.epa.state.il.us/water/edmr/index.html>.

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.

Permittees not using eDMRs shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

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

Attention: Compliance Assurance Section, Mail Code # 19

SPECIAL CONDITION 6. 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.

NPDES Permit No. IL0026069

Special Conditions

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SPECIAL CONDITION 7. The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

SPECIAL CONDITION 8. All samples for total residual chlorine (TRC) shall be analyzed by an applicable method contained in 40 CFR 136, equivalent in accuracy to low-level amperometric titration. Any analytical variability of the method used shall be considered when determining the accuracy and precision of the results obtained.

SPECIAL CONDITION 9. The daily maximum fecal coliform count shall not exceed 200 per 100 ml.

SPECIAL CONDITION 10. The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities for purposes of this permit reissuance, and no pollution prevention plan will be required for such storm water. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated storm water discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

SPECIAL CONDITION 11. In the event that the permittee must request a change in the use of water treatment additives, the permittee must request a change in this permit in accordance with Standard Conditions -- Attachment H.

SPECIAL CONDITION 12. The permittee shall calculate stream flow in Aux Sable Creek upstream of outfalls 001 and 002, but at a point representative of the stream flow providing dilution to outfalls 001 and 002. Stream flows shall be calculated using United States Geological Survey methods for extrapolating stream flow from stream depth and velocity measurements. A stream depth measurement shall be taken five days per week and used to calculate stream flow for each day, except when weather conditions make access to the station unsafe, in which case daily stream flow value is the last calculated stream flow volume for the purposes of determining applicable limits. To determine applicable limits for weekend discharges the permittee shall utilize the lowest calculated stream flow value for the five days preceding that weekend. A weekly log shall be kept noting any changes in stream bed, or other conditions, which may affect the measurements used to establish stream flow to depth correlation. In June and October, and at other times when changes in stream conditions such as algae growth, fallen logs or other obstructions dictate, the stream depth to stream flow correlation curve shall be recalibrated and adjusted as necessary. The daily calculated stream flow value shall be used to determine the applicable limits as directed on page two of this permit.

SPECIAL CONDITION 13. The Permittee shall conduct biomonitoring of the effluent from Outfalls 001 and 002.

Biomonitoring

1. Acute Toxicity - Standard definitive acute toxicity tests shall be run on at least two trophic levels of aquatic species (fish, invertebrate) representative of the aquatic community of the receiving stream. Testing must be consistent with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (Fifth Ed.) EPA/821-R-02-012. Unless substitute tests are pre-approved, the following tests are required:
 - a. Fish - 96 hour static LC₅₀ Bioassay using fathead minnows (*Pimephales promelas*).
 - b. Invertebrate 48-hour static LC₅₀ Bioassay using *Ceriodaphnia*.
2. Testing Frequency - The above tests shall be conducted using 24-hour composite samples unless otherwise authorized by the IEPA. One round of testing on each outfall shall be conducted within six months from the effective date of reissuance, and one round shall be conducted between the third and fourth year of the permit. When possible, bioassay sample collection should coincide with sample collection for metals analysis or other parameters that may contribute to effluent toxicity.
3. Reporting - Results shall be reported according to EPA/821-R-02-012, Section 12, Report Preparation, and shall be submitted to IEPA, Bureau of Water, Compliance Assurance Section within one week of receipt from the laboratory.
4. Toxicity - Should a bioassay result in toxicity to >20% of organisms tested in the 100% effluent treatment, the IEPA may require, upon notification, six (6) additional rounds of monthly testing on the affected organism(s) to be initiated within 30 days of the toxic bioassay. Results shall be submitted to IEPA within one (1) week of becoming available to the Permittee. Should any of the additional bioassays result in toxicity to ≥50% of organisms tested in the 100% effluent treatments, the Permittee must contact the IEPA within one (1) day of the results becoming available to the Permittee and begin the toxicity identification and reduction evaluation process as outlined below.
5. Toxicity Identification and Reduction Evaluation - Should any of the additional bioassays result in toxicity to ≥50% of organisms

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tested in the 100% effluent treatment, the Permittee must contact the IEPA within one (1) day of the results becoming available to the Permittee and begin the toxicity identification evaluation process in accordance with Methods for Aquatic Toxicity Identification Evaluations, EPA/600/6-91/003. The IEPA may also require, upon notification, that the Permittee prepare a plan for toxicity reduction evaluation to be developed in accordance with Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants, EPA/833B-99/002, which shall include an evaluation to determine which chemicals have a potential for being discharged in the plant wastewater, a monitoring program to determine their presence or absence and to identify other compounds which are not being removed by treatment, and other measures as appropriate. The Permittee shall submit to the IEPA its plan for toxicity reduction evaluation within ninety (90) days following notification by the IEPA. The Permittee shall implement the plan within ninety (90) days or other such date as contained in a notification letter received from the IEPA.

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

SPECIAL CONDITION 14. The Permittee shall monitor the effluent from outfall 001 for the following parameters on a semi-annual basis. This Permit may be modified with public notice to establish effluent limitations if appropriate, based on information obtained through sampling. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted to the address in special condition 5 in June and December. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

STORET CODE	PARAMETER	Minimum reporting limit
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01027	Cadmium	0.001 mg/L
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (grab) (weak acid dissociable)	5.0 ug/L
00720	Cyanide (grab not to exceed 24 hours) (total)	5.0 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 (grab)**	1.0 ng/L*
01067	Nickel	0.005 mg/L
00556	Oil (hexane soluble or equivalent) (Grab Sample only)	5.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
01077	Silver (total)	0.003 mg/L
01092	Zinc	0.025 mg/L

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.

*1.0 ng/L = 1 part per trillion.

**Utilize USEPA Method 1631E and the digestion procedure described in Section 11.1.1.2 of 1631E.

Attachment H

Standard Conditions

Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. 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 or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), 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. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
- (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

(11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.

- (a) **Application.** All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a); and
 - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
 - (3) The written authorization is submitted to the Agency.
- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(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. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
 - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- (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) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
- (d) **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.
- (e) **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.
- (f) **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 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) Any upset which exceeds any effluent limitation in the permit.
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.
The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
- (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
- (h) **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) **Bypass.**
- (a) **Definitions.**
 - (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
 - (c) **Notice.**
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
 - (d) **Prohibition of bypass.**
 - (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The permittee submitted notices as required under paragraph (13)(c).
 - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) **Definition.** Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - (b) **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - (c) **Conditions necessary for a demonstration of upset.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
 - (4) The permittee complied with any remedial measures required under paragraph (4).
 - (d) **Burden of proof.** In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
- (15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
- (a) **Transfers by modification.** Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
 - (b) **Automatic transfers.** As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:

- (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
 - (3) 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.
- (16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
 - (4) The level established by the Agency in this permit.
 - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
 - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
 - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) 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 \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 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. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
- (23) 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 this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (24) 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, 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.
- (25) Collected screening, slurries, 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.
- (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (27) 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 or any court with jurisdiction.
- (28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

(Rev. 7-9-2010 bah)