

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**
CLERK'S OFFICE

FEB 21 2006

STATE OF ILLINOIS
Pollution Control Board

Wesley Brazas, Jr.)
Petitioner)

v.)

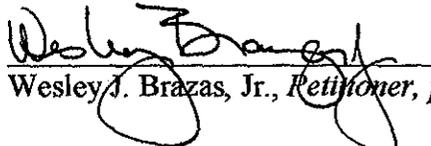
PCB 06-131

Mr. Jeff Magnussen, President)
Village of Hampshire)
and the)
Illinois Environmental Protection Agency)
Respondents)

(Appeal from IEPA decision
granting modified NPDES permit)

NOTICE OF FILING

PLEASE take notice that on February 21, 2006, the undersigned filed with the Clerk of the Illinois Pollution Control Board the attached *Amended Petition for Review of a Decision by the Illinois Environmental Protection Agency*, a copy of which is hereby served upon you.


Wesley J. Brazas, Jr., *Petitioner, pro se*

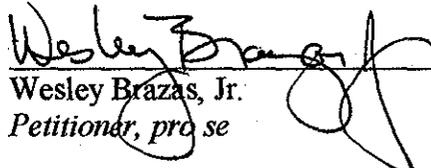
PROOF OF SERVICE

I, the undersigned, on oath state that I have served on the date of February 21, 2006, the attached *Amended Petition for Review of a Decision by the Illinois Environmental Protection Agency* upon each person/agency to whom it is directed by placing a copy of same into an envelope correctly addressed as aforesaid and bearing sufficient first class postage prepaid, and depositing same with the United States post Office before 5:00 p.m. on February 21, 2006.

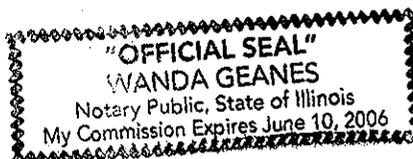
Mr. Jeff Magnussen, President
Village of Hampshire
234 South State Street
Hampshire, IL 60140

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794-9276

Subscribed and Sworn to me this
21 day of FEB 2006


Wesley Brazas, Jr.
Petitioner, pro se

Wanda Geanes
Notary Public



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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

Wesley Brazas, Jr.)
Petitioner)

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Mr. Jeff Magnussen, President)
Village of Hampshire)
and the)
Illinois Environmental Protection Agency)
Respondents)

PCB 06-131

(Appeal from IEPA decision
granting modified NPDES permit)

AMENDED

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

Pursuant to the Order of the Board dated February 2, 2006 and 415 ILCS 5/40(e)(1) and 35 Ill. Adm. Code Section 105, Petitioner, Wesley Brazas, Jr., hereby petitions for a review of the December 9, 2005 decision of the Illinois Environmental Protection Agency (IEPA) to grant a modified National Pollutant Discharge Elimination System (NPDES) permit No. IL 0020281 to the Village of Hampshire to increase the discharge of wastewater into Hampshire Creek to the rate of 1.5 mgd DAF and 4.17 mgd DMF. A copy of said modified permit and transmittal letter is attached hereto as Exhibit 1.

In support thereof, Petitioner states as follows:

Petitioner

1. Petitioner timely served Respondents his original Petition for Review of a Decision by the Illinois Environmental Protection Agency. A copy of said proof of service is attached as Exhibit 2.
2. Petitioner resides within the FPA of the Village of Hampshire and submitted comments in opposition to the granting of the modified NPDES permit. Petitioner is situated to be affected

by the issuance of this modified permit and by offensive conditions or other violations of water quality and other environmental degradation caused by the issuance of this modified permit. Petitioner relies upon the EMS services of the Village of Hampshire. See Exhibit 3 for issues Petitioner raised before the IEPA.

3. Although requested by Petitioner and other citizens of Hampshire area affected by this permit, the IEPA has refused to hold a public hearing regarding this modified permit.

Hampshire Creek

4. Hampshire Creek and associated tributaries flow around the Village of Hampshire and discharge into the Kishwaukee River Watershed. Hampshire Creek is classified as General Use Water with a 7Q10 flow value of zero. However, during storm events, Hampshire Creek regularly overflows its banks. State Street, the primary street for vehicular access to the Village of Hampshire, is below the 100 year floodplain elevation on the north and south approaches to the Village and becomes impassable during flood events.

5. EMS services are delivered via State Street and the delivery of such services is severely impacted by the flooding of State Street.

6. Under the existing policies, procedures and enforcement mechanisms of the IEPA, the water quality of Hampshire Creek has been on a precipitous decline, causing Hampshire Creek to be listed by the IEPA in 2004 as a 303(d) impaired stream. Although a TMDL study has not been performed on Hampshire Creek, one of the suspected sources of stream impairment is the effluent from Hampshire's sewage treatment plant.

Village of Hampshire

7. The Village of Hampshire is located in Kane County Illinois and is wholly within the Chicago Ozone Non-attainment Area.

8. The Village of Hampshire has certified as true, accurate and complete that the total population to be served by this modified permit is 3,805 and no more.

9. The Village of Hampshire has recently adopted a comprehensive land use plan which calls for the conversion of over 15,000 acres of farmland, with a substantial portion designated as “prime” farmland, into non-farm uses, such as, residential and commercial development. The Village of Hampshire 2003 Facilities Plan Amendment estimates that current Village policies and actions are designed to increase the population to 21,275 by 2013 and 28,275 by year 2023 – far in excess of the NIPC 2020 estimate of 5,143.

10. The Village of Hampshire has failed to conduct a comprehensive environmental assessment and/or an environmental impact statement to define and quantify the environmental impacts to air quality, water quality and flooding resulting from the conversion of over 15,000 acres of farmland into non-farm uses and a population explosion to 28,275 by 2023.

11. The Village of Hampshire has failed to enact a sustainable growth ordinance which would have established reasonable growth budgets to ensure the Village of Hampshire maintains compliance with such things as population growth budgets and motor vehicle emission budgets, which are relied upon by other agencies, including, but not limited to, NIPC, CATS and IEPA, in certifying the Chicago Ozone Non-attainment Area is in compliance with USEPA regulations, requirements and statutes.

12. In lieu of a sustainable growth ordinance, the Village of Hampshire has enacted a series of development moratoriums directly linked to the capacity of the Village’s wastewater treatment plant. As written, the moratorium ordinances do not allow the Village to approve the conversion of farmland to non-farm uses until such time as further increases in the design maximum flows

of the wastewater treatment plant have been approved by the IEPA. One such ordinance states in pertinent part:

"The Village shall not receive, consider or process any Petition for Annexation, or any application for approval of any Concept Plan, Preliminary Plan, or Final Plan for any subdivision, in or on which it is proposed to include any residential dwelling units; or any Petition for Re-zoning of any land to be classified within any residential zoning district in the Village, for a period of six months from the date of this Ordinance, or unless and until the Village has completed the following, whichever shall first occur:

a. Approval and permitting for construction of and discharge from the planned expansions of the Village's Wastewater Treatment Plant, first to 1.5 mgd capacity, and thereafter, to 2.76 mgd capacity ..."

13. The Village of Hampshire owns and operates a Public Water Supply system which currently consists of four deep sandstone wells. All of the wells produce water which exceeds the current radium potable water standard of 5.0 pCi/l. See Exhibit 4.

Illinois Environmental Protection Agency

14. The IEPA issues NPDES permits for discharges into receiving waters and has an affirmative duty to ensure that the receiving waters are not degraded due to the single effect of a permit applicant, but also, ensure the cumulative effects of all permits on said receiving waters maintains the quality of waters that is better than water quality standards, and prevents unnecessary deterioration of waters of the State.

15. The IEPA issues permits for public water supply construction and has an affirmative duty to ensure that withdrawals from permitted wells are operated at sustainable yields without mining and degradation to the aquifers.

16. The IEPA is responsible for monitoring air quality and implementing the anti-degradation and anti-backsliding requirements of the Clean Air Act.

17. IEPA's duty to evaluate reasonably foreseeable and cumulative effects of this action is stated CFR 1508.7:

"impacts on the environment which result from the incremental impacts of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions."

Statement of Issues Raised

Flood Control

18. In 1956, the Village of Hampshire began operation of a wastewater treatment plant with a DAF of 0.136mgd. In 1965, the wastewater treatment plant was expanded to 0.250 mgd DAF and in 1979, was expanded again to 0.456 mgd DAF.

19. On July 21, 2004, the IEPA issued a modified NPDES permit no. IL 0020281 which increased the permitted discharge to 0.75 mgd DAF and 1.88 mgd DMF. This modified permit also increased the effluent Load Limits discharged to Hampshire Creek.

20. On June 17, 2004, prior to the issuance of the modified permit to 0.75 mgd DAF, the Village of Hampshire submitted an application to increase the discharge to 1.50 mgd DAF and 4.17 mgd DMF. Said application is the subject of this action.

21. The Kane County Stormwater Ordinance prohibits "developments" from increasing the flood elevations and decreasing the flood conveyance capacity upstream and downstream of the development. The Village of Hampshire is a "person causing a development" and the wastewater treatment plant expansion is a "development" subject to the requirements of the Kane County Stormwater Ordinance.

22. In contravention to the requirements of the Kane County Stormwater Ordinance, the Village of Hampshire freely admits the increase in discharge to 4.17 mgd DMF will *increase* the flood surface water elevation of Hampshire Creek.

Effluent Issues

23. Typical NPDES permits issued by IEPA state pollutant limits as Load Limits in lbs/day and Concentration Limits in MG/L.
24. The Public Notice for this permit states that Load Limits are calculated by using the formula: $8.34 \times (\text{Design Average and/or Maximum flow in MGD}) \times (\text{Applicable Concentration in mg/l})$. However, the permit of December 9th, unexplainably deviates from this formula. For a Load Limit of 63 lbs/day for CBOD5 at a flow of 1.5 mgd DAF, the Concentration Limit must be 5.0 mg/l and not 10 mg/l as stated in the permit.
25. The IEPA and the Village of Hampshire failed to perform a study assuring that the increase in discharge, when combined with other sources, will not cause a violation of any applicable water quality standard as required by Special Condition 5.
26. That the Village of Hampshire has proposed constructing a "polishing wetland" to receive the effluent prior to discharge to Hampshire Creek, but the IEPA has refused to require sampling of the effluent as it leaves the wetland and is discharged into Hampshire Creek.
27. That Special Condition 9 requires the Village of Hampshire to report on a variety of metals at 18 months and 12 months prior to July 31, 2009, however, said monitoring fails to include a requirement to report radium, which the Village of Hampshire freely admits is present in the effluent and which Hampshire believes is present in substantial quantities as to cause the effluent to frequently violate the existing water quality standard of 1.0 pCi/l.
28. That IEPA permitted an increase in discharge to 1.5 mgd DAF and 4.17 mgd DMF without evaluation of the results of the Special Condition 9 parameters and as a result, unnecessarily jeopardizes the water quality of Hampshire Creek.

Municipal Water Supply

29. The Village of Hampshire has not determined an adequate source of water to support the wastewater treatment plant expansion to 1.5 mgd DAF. The Village is studying alternatives to its current reliance on the deep aquifers.
30. The Bloomington Aquifer is located within the Hampshire FPA and is an alternative source of municipal water supply under study by the Village of Hampshire. See Exhibit 5.
31. The Village of Hampshire intends to permit the construction of condominiums and parking lots on the most sensitive recharge areas of the Bloomington Aquifer without assuring the capacity and rechargeability of the Bloomington Aquifer will not be degraded. See Exhibit 6.
32. The withdrawals from the deep aquifer appear to be at their maximum sustainable rate and may not support the additional withdrawals needed by the Village of Hampshire to support a WWTP expansion to 1.5 mgd DAF.

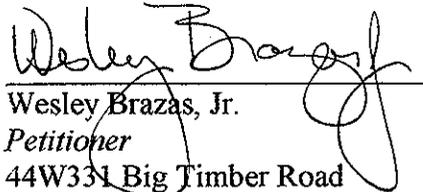
Clean Air Act

33. In 2005, the Chicago Ozone Non-attainment Area recorded fifteen days exceeding the 8-hour ozone standard, a 150% increase from the year 2003. Air quality in the Chicago Ozone Non-attainment Area appears to be backsliding.
34. The Village of Hampshire has refused to voluntarily control the growth of VMT to comply with the MVEB of the Chicago SIP. Hampshire's willful non-compliance of the MVEB of the SIP will cause air quality in the Hampshire area and the Chicago Ozone Non-attainment Area to deteriorate.
35. The Village of Hampshire reported the annual average daily flow rate of 0.389 mgd for 2003, 0.486 mgd for 2002 and 0.413 mgd for 2001, averaging less than 60% capacity at the previously permitted 0.75 mgd DAF.

36. The Village of Hampshire will not face an arbitrary and unreasonable hardship if this permit modification is not granted.

WHEREFORE, the Petitioner asks that the Illinois Pollution Control Board set aside the modified NPDES permit IL 0020281 issued to the Village of Hampshire on December 9, 2005 as not sufficiently protective of the environment and not in accord with the law, and remand to the Illinois Environmental Protection Agency for issuance of a permit denial letter.

Respectfully submitted,



Wesley Brazas, Jr.
Petitioner
44W331 Big Timber Road
Hampshire, IL 60140

Dated: February 17, 2006



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

217/782-0610

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

DEC 09 2005

Village of Hampshire
234 South State Street
P.O. Box 457
Hampshire, IL 60140

Re: Village of Hampshire
Hampshire Wastewater Facility Treatment
NPDES Permit No. IL0020281
Modification of NPDES Permit (After Public Notice)

Gentlemen:

The Illinois Environmental Protection Agency has reviewed the request for modification of the above-referenced NPDES Permit and issued a public notice based on that request. The final decision of the Agency is to modify the Permit as follows:

This Modified NPDES Permit increases the facility's design average flow and design maximum flow upon completion of the plant expansion but keeps the concentration limits and load limits at their current levels.

Enclosed is a copy of the modified Permit. You have the right to appeal this modification to the Illinois Pollution Control Board within a 35 day period following the modification date shown on the first page of the permit.

Should you have any question or comments regarding the above, please contact Gary Bingenheimer of my staff.

Sincerely,

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

SAK:GWB:05042501.dlk

Attachment: Modified Permit

cc: Records
Compliance Assurance Section
Des Plaines Region
USEPA
NIPC
Consultant

EXHIBIT 1

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Pl.
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61611
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, C
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collins
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

NPDES Permit No. IL0020281

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

Modified (NPDES) Permit

Expiration Date: July 31, 2009

Issue Date: July 21, 2004

Effective Date: August 1, 2004

Modification Date: December 9, 2005

Name and Address of Permittee:

Village of Hampshire
234 South State Street
P.O. Box 457
Hampshire, IL 60140

Facility Name and Address:

Hampshire Wastewater Facility Treatment
350 Mill Street
Hampshire, Illinois
(Kane County)

Receiving Waters: Hampshire Creek

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

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



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

SAK:GWB:05042501.dlk

NPDES Permit No. IL0020281

Effluent Limitations, Monitoring, and Reporting

FINAL

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

Load limits computed based on a design average flow (DAF) of 0.75 MGD (design maximum flow (DMF) of 1.88 MGD).

Excess flow facilities (if applicable) shall not be utilized until the main treatment facility is receiving its maximum practical flow.

From the modification date of this Permit until the plant expansion is operational, the effluent of the above discharge(s) shall be monitored and limited at all times as follows:

| Parameter | LOAD LIMITS lbs/day | | | CONCENTRATION | | | Sample Frequency | Sample Type |
|-------------------------|---|----------------|---------------|-----------------|----------------|---------------|------------------|-------------|
| | DAF (DMF)* | | | LIMITS MG/L | | | | |
| | Monthly Average | Weekly Average | Daily Maximum | Monthly Average | Weekly Average | Daily Maximum | | |
| Flow (MGD) | | | | | | | Continuous | ****RIT |
| CBOD ₅ ** | 63 (157) | | 125 (314) | 10 | | 20 | 2 Days/Week | Composite |
| Suspended Solids | 75 (188) | | 150 (376) | 12 | | 24 | 2 Days/Week | Composite |
| Dissolved Oxygen*** | | | | | Report | | 2 Days/Week | Grab |
| pH | Shall be in the range of 6 to 9 Standard Units | | | | | | 2 Days/Week | Grab |
| Fecal Coliform | Daily Maximum shall not exceed 400 per 100 mL (May through October) | | | | | | 2 Days/Week | Grab |
| Ammonia Nitrogen as (N) | | | | | | | | |
| March-May/Sept.-Oct. | 9.4 (24) | | 34 (85) | 1.5 | | 5.4 | 2 Days/Week | Composite |
| June-August | 9.4 (24) | 24 (60) | 34 (85) | 1.5 | 3.8 | 5.4 | 2 Days/Week | Composite |
| Nov.-Feb. | 11 (28) | | 33 (82) | 1.8 | | 5.2 | 2 Days/Week | Composite |
| Phosphorous**** | | | | | | | 2 Days/Week | Composite |

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

**Carbonaceous BOD₅ (CBOD₅) testing shall be in accordance with 40 CFR 136.

***See Special Condition 14.

****Phosphorous shall be reported on the DMR as a monthly average for monitoring purposes only.

*****Recording, Indicating, Totalizing

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

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

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

Dissolved oxygen shall be reported on DMR as minimum.

NPDES Permit No. IL0020281

Effluent Limitations, Monitoring, and Reporting

FINAL

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

Load limits computed based on a design average flow (DAF) of 1.5 MGD (design maximum flow (DMF) of 4.17 MGD).

Excess flow facilities (if applicable) shall not be utilized until the main treatment facility is receiving its maximum practical flow.

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

| Parameter | LOAD LIMITS lbs/day | | | CONCENTRATION | | | Sample Frequency | Sample Type |
|-------------------------|---|----------------|---------------|-----------------|----------------|---------------|------------------|-------------|
| | Monthly Average | Weekly Average | Daily Maximum | Monthly Average | Weekly Average | Daily Maximum | | |
| Flow (MGD) | | | | | | | Continuous | RIT*** |
| CBOD ₅ ** | 63 (157) | | 125 (314) | 10 | | 20 | 3 Days/Week | Composite |
| Suspended Solids | 75 (188) | | 150 (376) | 12 | | 24 | 3 Days/Week | Composite |
| Dissolved Oxygen | Shall not be less than 6 mg/L | | | | | | 3 Days/Week | Grab |
| pH | Shall be in the range of 6 to 9 Standard Units | | | | | | 3 Days/Week | Grab |
| Fecal Coliform | Daily Maximum shall not exceed 400 per 100 mL (May through October) | | | | | | 3 Days/Week | Grab |
| Ammonia Nitrogen as (N) | | | | | | | | |
| March-May/Sept.-Oct. | 9.4 (24) | | 34 (85) | 1.5 | | 5.4 | 3 Days/Week | Composite |
| June-August | 9.4 (24) | 24 (60) | 34 (85) | 1.5 | 3.8 | 5.4 | 3 Days/Week | Composite |
| Nov.-Feb. | 11 (28) | | 33 (82) | 1.8 | | 5.2 | 3 Days/Week | Composite |
| Phosphorous | 13 (35) | | | 1.0 | | | 3 Days/Week | Composite |

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

**Carbonaceous BOD₅ (CBOD₅) testing shall be in accordance with 40 CFR 136.

***Recording, Indicating, Totalizing

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

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

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

Dissolved oxygen shall be reported on DMR as minimum.

NPDES Permit No. IL0020281

Influent Monitoring, and Reporting

The influent to the plant shall be monitored as follows:

| Parameter | Sample Frequency | Sample Type |
|------------------|------------------|-------------|
| Flow (MGD) | Continuous | RIT* |
| BOD ₅ | 2 Days/Week** | Composite |
| Suspended Solids | 2 Days/Week** | Composite |

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

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

BOD₅ and Suspended Solids shall be reported on the DMR as a monthly average concentration.

*Recording, Indicating, Totalizing.

**Upon completion of the plant expansion influent monitoring shall be performed 3 Days/Week.

NPDES Permit No. IL0020281

Special Conditions

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

SPECIAL CONDITION 2. The use or operation of the current facility shall be by or under the supervision of a Certified Class 2 operator. The use or operation of the facility upon completion of the plant expansion shall be by or under the supervision of a Certified Class 1 operator.

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

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

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

SPECIAL CONDITION 6. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

SPECIAL CONDITION 7. This Permit may be modified to include requirements for the Permittee on a continuing basis to evaluate and detail its efforts to effectively control sources of infiltration and inflow into the sewer system and to submit reports to the IEPA if necessary.

SPECIAL CONDITION 8. For Discharge No. 001, any use of chlorine to control slime growths, odors or as an operational control, etc. shall not exceed the limit of 0.05 mg/L (daily maximum) total residual chlorine in the effluent. Sampling is required on a daily grab basis during the chlorination process. Reporting shall be submitted on the DMR's on a monthly basis.

SPECIAL CONDITION 9. Upon completion of the plant expansion the Permittee shall monitor the effluent and report concentrations (in mg/L) of the following listed parameters eighteen (18) months prior to the expiration date and again at twelve (12) months prior to the expiration date. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted on Discharge Monitoring Report Forms to IEPA unless otherwise specified by the IEPA. The parameters to be sampled and the minimum detection limits to be attained are as follows:

| <u>STORET</u> <u>CODE</u> | <u>PARAMETER</u> | <u>Minimum</u> <u>detection limit</u> |
|------------------------------|--|--|
| 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) (using USEPA Method 1631 or equivalent) | 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.

NPDES Permit No. IL0020281

Special Conditions

SPECIAL CONDITION 10. During January of each year the Permittee shall submit annual fiscal data regarding sewerage system operations to the Illinois Environmental Protection Agency/Division of Water Pollution Control/Compliance Assurance Section. The Permittee may use any fiscal year period provided the period ends within twelve (12) months of the submission date.

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

SPECIAL CONDITION 11. Upon completion of the plant expansion the Permittee shall conduct biomonitoring of the effluent from Discharge Number(s) 001 as follows.

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. Samples must be collected in the 18th, 15th, 12th, and 9th month prior to the expiration date of this Permit.
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. Reports are due to the IEPA no later than the 16th, 13th, 10th, and 7th month prior to the expiration date of this Permit.
4. Toxicity Reduction Evaluation - Should the results of the biomonitoring program identify toxicity, the IEPA may require that the Permittee prepare a plan for toxicity reduction evaluation and identification. This plan shall be developed in accordance with Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants, EPA/833B-99/002, and 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 12. For the duration of this Permit, the Permittee shall determine the quantity of sludge produced by the treatment facility in dry tons or gallons with average percent total solids analysis. The Permittee shall maintain adequate records of the quantities of sludge produced and have said records available for IEPA inspection. The Permittee shall submit to the IEPA, at a minimum, a semi-annual summary report of the quantities of sludge generated and disposed of, in units of dry tons or gallons (average total percent solids) by different disposal methods including but not limited to application on farmland, application on reclamation land, landfilling, public distribution, dedicated land disposal, sod farms, storage lagoons or any other specified disposal method. Said reports shall be submitted to the IEPA by January 31 and July 31 of each year reporting the preceding January thru June and July thru December interval of sludge disposal operations.

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

Sludge monitoring must be conducted according to test procedures approved under 40 CFR 136 unless otherwise specified in 40 CFR 503, unless other test procedures have been specified in this Permit.

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

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

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

NPDES Permit No. IL0020281

Special Conditions

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

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

SPECIAL CONDITION 13. 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 14.

Project Description: Compliance with Dissolved Oxygen Water Quality Standards

On May 1, 2006 or upon completion of the plant expansion, whichever comes first, the following dissolved oxygen limits shall become effective:

| | Concentration Limits mg/L |
|-------------------|------------------------------|
| Jan. through Dec. | Shall not be less than 6 |

The Permittee shall complete the project described above in accordance with the following schedule:

- | | |
|---|------------------|
| (1) Interim Report on dissolved oxygen sampling to date and what measures are necessary to comply with final dissolved oxygen limitations | Completed |
| (2) Preliminary Report on construction of dissolved oxygen compliance facilities | May 1, 2005 |
| (3) Plans and specifications | August 1, 2005 |
| (4) Commence Construction | November 1, 2005 |
| (5) Interim Report | February 1, 2006 |
| (6) Permittee Achieves Compliance with Final Dissolved Oxygen Effluent Limitations | May 1, 2006 |

NPDES Permit No. IL0020281

Special Conditions

This Permit may be modified, with Public Notice, to include revised compliance dates set out in this Permit that are superseded or supplemented by compliance dates in judicial orders, Pollution Control Board orders or grant agreements. Prior to such permit modification, the revised dates in the appropriate orders or grant agreements shall govern the Permittee's compliance.

The dissolved oxygen limits in this Permit are based on the Illinois Pollution Control Board Regulations contained in 35 Ill. Adm. Code Part 302.206. Should these regulations change, the IEPA may re-open and modify this Permit to eliminate or revise dissolved oxygen limitations based on the revised regulations. Prior to the dissolved oxygen limits becoming effective, such revised limits may be either more or less stringent than those above. After the dissolved oxygen limits become effective, such revised limits shall be subject to the requirements of 40 CFR § 122.44(I).

In addition, the IEPA may initiate a modification of the construction schedule set forth in this Permit at any time, to include other dates which are necessary to carry out the provisions of the Illinois Environmental Protection Act, the Federal Clean Water Act or regulations promulgated under those Acts or compliance dates which have been submitted in writing by the Permittee and approved by the IEPA. Public Notice of such modifications and opportunity for public hearing shall be provided consistent with 40 CFR § 122.63.

REPORTING

The Permittee shall submit a report no later than fourteen (14) days following the completion dates indicated for each numbered item in the compliance schedule, indicating, a) the date the item was completed, or b) that the item was not completed. All reports shall be submitted to 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 15. The Permittee shall notify the IEPA in writing once the treatment plant expansion has been completed. A letter stating the date that the expansion was completed shall be sent to the following address within fourteen (14) days of the expansion becoming operational:

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

ATTACHMENT H

Standard Conditions

Definitions

Act means the Illinois Environmental Protection Act, Ch. 111 1/2 Ill. Rev. Stat., Sec. 1001-1052 as Amended.

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

(6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.

(8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.

(9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) **Monitoring and records.**

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. This period may be extended by request of the Agency at any time.
- (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

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

- (a) **Application.** All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph (a); and
 - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
 - (3) The written authorization is submitted to the Agency.

- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (12) **Reporting requirements.**
- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (d) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (e) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
- (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours;
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (f) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).
- (g) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Transfer of permits.** A permit may be automatically transferred to a new permittee if:
- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
- (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees; and
- (c) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (14) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
- (1) One hundred micrograms per liter (100 ug/l);
- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
- (4) The level established by the Agency in this permit.
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (15) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
- (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (16) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (1) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
- (2) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
- (3) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (17) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (18) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (19) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (20) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500, nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.
- (21) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (22) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit shall, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (23) Collected 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.
- (24) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (25) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board.
- (26) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

JAN 13 2006

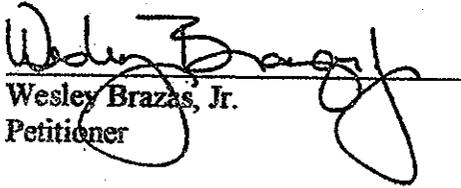
PROOF OF SERVICE

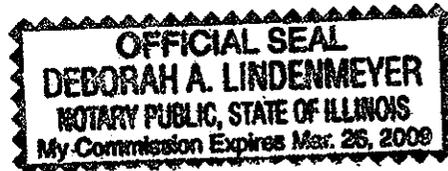
STATE OF ILLINOIS
Pollution Control Board

I, the undersigned, on oath state that I have served on the date of January 13, 2006, the attached *Petition for Review of a Decision by the Illinois Environmental Protection Agency* upon each person/agency to whom it is directed by placing a copy of same into an envelope correctly addressed as aforesaid and bearing sufficient first class postage prepaid, and depositing same with the United States post Office before 5:00 p.m. on January 13, 2005.

Mr. Jeff Magnussen, President
Village of Hampshire
234 South State Street
Hampshire, IL 60140

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794-9276


Wesley Brazas, Jr.
Petitioner



Subscribed and Sworn to me this
13th day of January, 2006

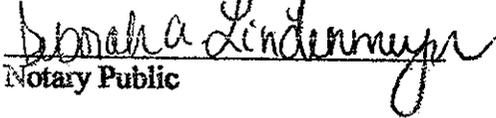

Notary Public

EXHIBIT 2

Wesley J. Brazas, Jr., P.E.

44W331 Big Timber Road
Hampshire, Illinois 60140

October 11, 2005

Mr. Al Keller
Manager, Permits Section
Division of Water Pollution Control
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, IL 62794-9276

Re: Draft Modification of NPDES Permit No. IL 0020281
Village of Hampshire STP Expansion
To DAF=1,500,000 gallons per day

Dear Mr. Keller:

At last Tuesday's hastily arranged meeting, it was one small step in the right direction that Hampshire is admitting they have previously mismanaged their sewage treatment plant. The citizen's of Hampshire are rightfully concerned that if Hampshire can screw-up a treatment plant currently discharging approximately 430,000 gallons a day so badly that Hampshire Creek became a 303(d) listed stream, Hampshire can do a lot more environmental damage discharging at nine times that much.¹ The fact that this screw-up occurred under your watchful eyes does not give us the faith the reporting and monitoring procedures currently used by your department will not let it happen again.

Significant fatal errors in the submission and evaluation of the subject permit modification require this permit request to be DENIED. These fatal errors include:

- Knowing errors of material fact made by the Applicant, the Village of Hampshire.
 - Failure to mitigate the additional flooding to Hampshire and Coon Creeks as required by the *Kane County Stormwater Ordinance*.
 - Failure to disclose population increases to justify purpose and need for expansion.
 - Failure to disclose source of municipal water supply to support STP expansion.
 - Failure to provide complete financial data demonstrating financial capacity to construct, operate and maintain the expanded facility.
- Errors by IEPA in setting effluent discharge limits.
 - Proposed concentration limits must be cut in half to correspond to required mass limits.
- Errors in IEPA's procedures for evaluating permits.
 - IEPA's piecemeal permit process and lack of coordination with other departments results in State approved environmental degradation, contrary to environmental laws and regulations.

EXHIBIT *3

Errors of Material Fact by Applicant, the Village of Hampshire

Hampshire's failure to disclose relevant facts for IEPA's use in evaluating this permit request is sufficient grounds to deny this permit under Section 402.(a)(5)(b)(1)(C)(ii) of the NPDES program for attempting to obtain this permit by misrepresentation and the failure to disclose relevant facts.

Failure to Mitigate Additional Flooding to Watershed

"Will this expansion of the sewer treatment plant cause additional flooding?" is a material fact that must be fully disclosed on the permit application. This sewage treatment plant expansion is required to comply with the *Kane County Stormwater Ordinance, eff. January 1, 2002*, which prohibits increases in flood elevations or decreases in flood conveyance capacity upstream or downstream of the site.ⁱⁱ From an initial rated discharge of 136,000 gallons per day when the sewage treatment plant began operations to the current proposed maximum storm flow of 4,170,000 gallons per day, and a future expansion to approximately 9,500,000 gallons per day,ⁱⁱⁱ Hampshire's sewage treatment plant expansions are causing flooding in the Hampshire Creek and Coon Creek Watersheds to get very much worse.

At last Tuesday's meeting, you listened to residents describe existing flooding downstream of Hampshire. Hampshire admits this project will increase the flood elevation of the creek, and the dramatic increase in everyday flow will result in the creek overflowing its banks and causing flooding much more often.^{iv} The costs to dredge and widen Hampshire and Coon Creeks all the way to the Kishwaukee River to contain the creek waters within the creek channel at the dramatically increased base flows will be substantial and may not even be feasible if the Kishwaukee River cannot accept the additional flow.^v Hampshire's refusal to police itself and comply with the provisions of the *Kane County Stormwater Ordinance* is reason enough to deny this permit.

- Hampshire must redesign its sewage treatment plant expansion to comply with the provisions of the *Kane County Stormwater Ordinance* by providing compensating detention to not increase stream flows, or by other means.

Failure to Disclose the "Real" Population Served

Just two weeks after the public comment period ended for the permit to increase Hampshire's discharge to 750,000 gpd, Hampshire was back at your office requesting this expansion to 1,500,000 gpd.^{vi} In its application, Hampshire certified the population to be served by this expansion is 3,805.^{vii} At the currently permitted 750,000 gpd capacity, the plant would operate at approximately 50% capacity. NIPC projects Hampshire would grow to 5,143 by 2020^{viii}, at which time the plant would be operating at only 69% of capacity and still not require expansion. Hampshire has not disclosed any capacity warning letters issued by your office to warrant an expansion above the current DAF of 750,000 gpd.

- Hampshire has failed to show purpose and need on the NPDES application for expansion.

Failure to Disclose Water Supply to Support STP Expansion

Water supply is a very strained resource. Hampshire's previous studies projected a 63% decline in per capita water consumption by 2008.^{ix} More than a year after submitting this permit application, Hampshire still has not identified a source of water to support the proposed sewage treatment plant expansion.^x Lake Michigan water is fully allocated and the City of Chicago is currently trying to reduce consumption to payback a "water debt" from previous overwithdrawals.^{xi} Deep aquifers have not fully recovered from the overmining of previous years and may not support any increased withdrawals.^{xii} There is a shallow aquifer available near Hampshire, the Bloomington Aquifer, but Hampshire has authorized the construction of condos and parking lots over the most sensitive aquifer recharge areas, which will limit or even destroy this aquifer.

Where will the water come from?

The relevance of this question to the NPDES process is found at Question A.8.e. on page 4 of Hampshire's application. This question requires the disclosure of wastewater disposal by other means, such as, underground percolation or well injection. These alternative disposal methods would also have the benefit of reducing the discharge to Hampshire Creek and the flooding caused by the treatment plant expansions. In addition, the water purification process generates waste as the water is filtered and softened for public use. Where and how are these wastes being disposed of? Through the sanitary sewer system so they are included in the total discharge into Hampshire Creek? Or a separate discharge to Hampshire Creek which now requires the summation of these separate pollution loads and may require a lowering of the discharge limits for the sewage treatment plant.

- Water supply and impacts to treatment plant flows and stream loadings must be determined prior to evaluation of this permit.

Failure to Provide Comprehensive Financial Data

Hampshire admits it did not properly maintain its existing sewage treatment plant and required state aid to bring their sewage treatment plant into compliance. It is Hampshire's affirmative duty to provide comprehensive financial data disclosing how the past errors have been corrected and the additional ordinances/regulations/procedures adopted to prevent the sewage treatment plant from going into disrepair in the future.

The financial data Hampshire submitted with the NPDES application does not include any information regarding how this expansion will be paid for.^{xiii} General revenues? Bond sales? Water and sewer fee increases? In addition, Section 1203 of the *Kane County Stormwater Ordinance* requires a five year financial plan for the installation and maintenance of the wetlands constructed by this proposed expansion and an irrevocable letter of credit in favor of Kane

County to ensure the wetlands will be maintained. Hampshire did not include the 5-yr wetland plan in its application.

- Comprehensive financial disclosure is required prior to evaluating application.

Errors in Effluent Limits Proposed by IEPA

Under the NPDES program, 40 CFR 122.45(b) requires pollution concentrations to be calculated based upon design flow, which are typically stated in concentrations of mg/l. In addition to concentration limits, 40 CFR 122.45(f)ii requires pollutant limits to be restated as mass based limits, typically, pounds. The mass based pollutant limits should be easily calculated by the formula contained on page 3 of the Public Notice for this permit:

$$\text{Concentration Limit, mg/l} \times \text{Design Flow, mgd} \times 8.34 \text{ conversion factor} = \text{Mass, lbs/day}$$

Using CBOD5 as an example, a concentration limit of 10 mg/l x 1.5 mgd x 8.34 = a mass of 125 lbs, but the proposed permit limit is 63 lbs. Why doesn't the math work?

The Pollution Control Board (PCB) regulations I have reviewed list effluent limits based only upon concentration, e.g. "No effluent discharged to the Lake Michigan basin shall exceed 4 mg/L of BOD₅ or 5 mg/L of suspended solids."^{xiv} I have not found any regulations using mass based units as the primary method to control discharges. I have verified the concentration limits convert exactly to mass units in over two dozen NPDES permits currently pending before IEPA, ***EXCEPT FOR HAMPSHIRE!***^{xv}

Since federal regulations require mass limits to convert exactly to concentration limits, even with the proposed halving of the concentration limits to correspond with the required mass limits, Hampshire's STP would still be too dirty to discharge into Lake Michigan waters.

- Change concentration limits to correspond to the mass limits for the proposed flow rate of 1.5 mgd DAF. Higher concentration limits for the design maximum flow are not warranted, since the permit specifies a daily maximum mass limit of 125 lbs that would require the concentration limit not to exceed 3.6 mg/l at DMF=4.17 mgd:

| Parameter | Mass Load Limits, lbs/day | | | Concentration Load Limits, mg/l | | |
|-----------------|---------------------------|------------|------------|---------------------------------|------------|------------|
| | Mo. Av. | Weekly Av. | Daily Max. | Mo. Av. | Weekly Av. | Daily Max. |
| CBOD5 | 63 | | 125 | 5 | | 10 |
| Sus. Solids | 75 | | 150 | 6 | | 12 |
| Amm-Nitrogen | | | | | | |
| Mar-May/Sep-Oct | 9.4 | | 34 | 0.75 | | 2.7 |
| Jun-Aug | 9.4 | 24 | 34 | 0.75 | 1.9 | 2.7 |
| Nov-Feb | 11 | | 33 | 0.88 | | 2.6 |

Errors in IEPA's Procedures for Evaluating Permits

It should be axiomatic that the permit process in your department should not undermine and invalidate the environmental programs of other departments. IEPA's duty to examine the whole and not just increments is succinctly stated in CFR 1508.7:

"impacts on the environment which result from the incremental impacts of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions."

Piecemeal Process

In my review of the file at the only location I could view it, IEPA's Springfield office, I was surprised a summary of previous actions regarding this permit were not included. One could not trace the history of permitted discharges and concentration limits to determine the trend of mass limits going up or down over the years and correlate these limits with the resulting impacts to the water quality of the creek.

IEPA's incremental approach to permit review allows flooding to get a "little bit worse" with each permit modification. The result is the State of Illinois is partners with local government to make flooding very much worse over the longer term. From an initial discharge of 136,000 gallons per day when the sewage treatment plant began operations to the proposed maximum storm flow of 4,170,000 gallons per day, IEPA's policies and procedure's have been allowing flooding on Hampshire Creek to get very much worse.

IEPA Fiduciary Responsibility

Hampshire has recently demonstrated it does not have the financial wherewithal to properly maintain its sewage treatment plant and required state aid to bring its plant into compliance. Hampshire has submitted this request for expansion *prior to* Hampshire having a demonstrated track record it has the financial capacity to operate and maintain the brand new 750,000 gpd facility. IEPA has a fiduciary responsibility to ensure the State's investment in the 750,000 gpd facility is protected and must require Hampshire to submit comprehensive financial data and a letter of credit to ensure the previous debacle will not reoccur.

Clean Air Act (CAA)

Hampshire is part of the ozone non-attainment area in Northeastern Illinois. To illustrate how difficult it is to clean up our air once it is polluted, in the ten year period from 1994 to 2003, ozone pollution has shown only a 2% decrease.^{xvi} This year there have been 15 days^{xvii} when ozone exceeded the 8 hour standard compared to 10 days in 2003^{xviii}. That's a 150% increase! Clearly, not enough has been done to clean up our air and we still have a long way to go.

It is long recognized the conversion of farmland to rooftops increases motor vehicle miles traveled (VMT) which corresponds to an increase in air pollution.^{xix} The Chicago Area

October 11, 2005

Page 6 of 8

Transportation Study (CATS) is responsible for preparation of the Regional Transportation Plan (RTP) and corresponding Transportation Implementation Plans (TIPs) which are used to prioritize transportation projects and obtain federal funding to improve air quality. The TIP is based upon NIPC population and employment projections. If Hampshire converts farmland to rooftops faster than NIPC projections, CATS will underestimate the pollution generated by these new rooftops, our air will not get cleaner as required by the anti-degradation and anti-backsliding requirements of the CAA, and additional sanctions, including loss of federal highway funds, could be imposed by the EPA. Therefore, IEPA must verify STP expansions are in compliance with the land use and population estimates of the TIPs to avoid jeopardizing statewide federal highway funds.

Hampshire's response to Question 7 clearly illustrates Hampshire's intent was to immediately expand to a DAF of 3.47 mgd, far in excess of the population and VMT projections used in the TIPs. Hampshire's comprehensive plan calls for the destruction of over 15,000 acres of farmland for the construction of residences.^{xx} Hampshire has failed to affirmatively demonstrate it is in compliance with population, VMT and air pollution budgets of the 2005-09 TIP.

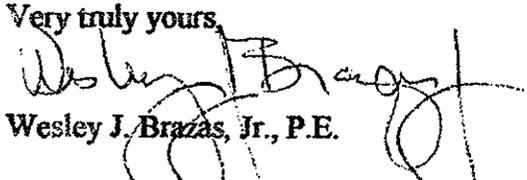
- Hampshire failed to affirmatively demonstrate compliance with all environmental impacts of this expansion, such as, the CAA requirements of population, VMT and air pollution budgets of the TIPs.

Conclusion

As taxpayers, we cannot afford the costs of correcting the cumulative environmental damage caused by State government and local government partnering to evade their environmental responsibilities by designing incremental actions that degrade our environment a "little bit" this time.

Given Hampshire's past failure to properly maintain it's sewage treatment plant, given Hampshire's failure to comply with the Kane County Stormwater Ordinance, given Hampshire's reported population does not justify an STP expansion, given Hampshire's failure to procure a reliable potable water supply to support the STP expansion and given Hampshire's failure to disclose the environmental impacts of reasonably foreseeable future actions, and given IEPA's errors in procedure evaluating this application and overstating the proposed concentration limits requires the IEPA to DENY this permit modification.

Very truly yours,


Wesley J. Brazas, Jr., P.E.

Attach: Table 9, 2003 Potable Water Management Plan for Village of Hampshire.
Table III-3, 2003 Comprehensive Plan, Village of Hampshire.

ⁱ On page 3 of the permit application, the annual average daily flow was 389,000 gpd in 2003, 486,000 gpd in 2002, and 413,000 gpd in 2001 which averages to 429,000 gpd. Proposed maximum daily flow is 4,170,000 gpd or 9 times the 1979 permitted flow of 456,000 gpd.

ⁱⁱ See *Kane County Stormwater Ordinance*, eff. January 1, 2002. The Village of Hampshire is a "person causing a development" (see Sections 104(31) and 104(95)) and Hampshire's sewage treatment plant expansion is a "development" (see Section 104(32)) subject to the requirements of the ordinance.

ⁱⁱⁱ At the future design average flow of 3.47 mgd, the design maximum flow would be approximately 9.65 mgd = 3.47×2.78 . See "Village's Response to Citizen Comments After Public Response" dated August 8, 2005, response to Question 7, page 6. The current discharge request uses a factor of 2.78 for (design maximum flow)/(design average flow) = $4.17 \text{ mgd} / 1.5 \text{ mgd} = 2.78$.

^{iv} At Tuesday's meeting, Hampshire did not disclose the much smaller flow it takes to overflow the creek banks, causing a "flood" as defined in Section 104(42) of the *Kane County Stormwater Ordinance*. Hampshire's STP expansion, which increases base flow elevations in the creek and makes flooding a "little bit worse" is in clear violation of Section 201(a) which requires *no increase* in flood elevations and *no decrease* in flood conveyance capacity of the creek.

^v For example, on the Willow-Higgins Creek Basin tributary to the Des Plaines River, a significant amount of the creek flow is from a MWRD sewage treatment plant. Enormous flood control basins have recently been built on O'Hare Airport and Touhy Avenue costing tens of millions of dollars to reduce the flooding caused, in part, by the sewage treatment plant outflows.

^{vi} Comment period for the 750,000 gpd increase opened on April 30, 2004 and closed on June 30, 2004. Hampshire's application for expansion to 1,500,000 gpd was filed at IEPA on June 17, 2004.

^{vii} See NPDES Application, page 2 of 21.

^{viii} See NIPC's 2020 regional population projections at http://www.nipc.org/test/revise_2020_table.htm (endorsed September 27, 2000).

^{ix} See Table 9 from Section 1 of the *2003 Potable Water Management Plan for Village of Hampshire, Kane County, Illinois* by Engineering Enterprises, Inc., dated November 2003. Water usage was projected to decline to 100 gallons per day per capita in 2008 from 159 gallons per day per capita in 2002. Also, population equivalents were projected to be 24,530 by 2018 and 28,275 by 2023, greatly exceeding NIPC's forecast.

^x See response to Comment 9 from "Village's Response to Citizen Comments After Public Notice" dated August 8, 2005.

^{xi} See *The Future of Water Availability & Use in the Chicago Region*, presentation to "Working for a Sustainable Future" on November 2, 2002 at Yorkville, Illinois, pages 2-5.

^{xii} *Ibid.*, pages 2 and 7.

^{xiii} See pages 60, 55 and 62 from *Facilities Plan (revised 5/04)* appended to Hampshire's NPDES application.

^{xiv} See 35 Ill. Adm. Code 304.120.d.

^{xv} See Lake County Public Works Department, IL0022055, DAF=16 mgd, CBOD5=10 mg/l, CBOD5=1,334 lbs.
The math => Mass = 16 mgd x 10 mg/l x 8.34 = 1,334.4 round to 1,334 lbs

Also, Village of Kirkland, IL0064092, DAF=0.31 mgd, CBOD5=25 mg/l, CBOD5=65 lbs

The math => Mass = 0.31 mgd x 25 mg/l x 8.34 = 64.63 round to 65 lbs

Also Village of Dwight STP expansion, IL0022641, DAF=0.864 / 0.983 mgd (existing/proposed), CBOD5=10 / 10 mg/l, CBOD5=72 / 82 lbs. Note increased mass loading while maintaining existing concentration limit.

The math Existing => Mass = 0.864 mgd x 10 mg/l x 8.34 = 72.05 round to 72 lbs

The math Proposed => Mass = 0.983 mgd x 10 mg/l x 8.34 = 81.98 round to 82 lbs.

^{xvi} See *Illinois Annual Air Quality Report 2003*, Executive Summary, page ix.

^{xvii} Statewide, there have been 27 exceedances so far this year compared to 11 in 2003; a staggering 245% increase! See IEPA Illinois Ozone 8-hour Exceedance Summary at <http://www.epa.state.il.us/air/ozone/exceedances.html>.

^{xviii} See *Illinois Annual Air Quality Report 2003*, Table B2.

^{xix} See EPA letter to CATS dated March 26, 1997, which states in part:

"The United States Environmental Protection Agency (USEPA) is concerned with the environmental impacts of the past trends in the Chicago area which showed decentralization of the region and development of agricultural lands. Although the Chicago metropolitan area population grew by only 4 percent between 1970 and 1990, the region's land area grew by 35 percent and the residential land consumption by 46 percent. These trends have the effect of increasing air pollution and water pollution and contribute to ecological degradation and watershed problems. For example, the Federal Highway Administration estimates daily vehicle miles of travel (VMT) grew by 22 percent between 1989 and 1994. This increase in VMT contributes to air pollution from motor vehicles such as the amount of volatile organic compounds, and particulates released to the air.

Of the three land use policy options under consideration, USEPA endorses the infill, agricultural protection, and no third airport land use option because this option will most favorably address those trends that are adversely affecting air and water quality. The USEPA applauds the work of community leaders and Northeastern Illinois Planning Commission to develop policies designed to slow the past outward trends and increase infill development."

^{xx} See Table III-3, *Comparison of Existing and Future Land Use in 49-Square Mile Planning Area, 2003 Comprehensive Plan, Village of Hampshire*. Agriculture comprises 25,900.48 acres or 81.89% of the existing land uses in Hampshire's Planning Area. In the future, agriculture would be dramatically reduced to only 6,166.52 acres or 19.50% in favor of housing, which would grow to 18,268.72 acres or 57.76%.

VILLAGE OF HAMPSHIRE
WATER WORKS SYSTEM EVALUATION

PROJECTED WATER USE

TABLE NO. 9

| | 2002 | YEAR 2008 | YEAR 2013 | YEAR 2018 | YEAR 2023 |
|------------------------------------|-----------------|-----------------|-----------------|-----------------|-------------------|
| POPULATION EQUIVALENTS | 3,300 | 8,000 | 21,275 | 24,630 | 28,275 |
| ANNUAL PUMPAGE | 191,633,990 GAL | 328,500,000 GAL | 778,537,500 GAL | 895,345,000 GAL | 1,032,037,500 GAL |
| MAXIMUM MONTHLY PUMPAGE | 22,373,990 GAL | | | | |
| MAXIMUM DRY WEATHER MONTH | - | | | | |
| AVERAGE DAILY PUMPAGE | 525,022 GAL | 800,000 GAL | 2,127,500 GAL | 2,453,000 GAL | 2,827,500 GAL |
| MAXIMUM AVERAGE DAILY PUMPAGE | 721,710 GAL | | | | |
| MAXIMUM DAILY PUMPAGE | 823,000 GAL | 1,800,000 GAL | 4,255,000 GAL | 4,906,000 GAL | 5,655,000 GAL |
| COMPUTED MAXIMUM HOUR | 78,917 GAL | 150,000 GAL | 364,583 GAL | 408,833 GAL | 471,250 GAL |
| COMPUTED MAXIMUM HOUR | 1,282 GPM | 2,500 GPM | 6,910 GPM | 8,814 GPM | 7,854 GPM |
| AVG. GAL/PERSONDAY | 159 GPCD | 100 GPCD | 100 GPCD | 100 GPCD | 100 GPCD |
| RATIO OF MAX. AVG. DAY TO AVG. DAY | 1.37 | | | | |
| RATIO OF MAX. DAY TO AVG. DAY | 1.78 | 2.00 | 2.00 | 2.00 | 2.00 |

NOTES:

PROJECTED OR CALCULATED QUANTITIES ARE SHOWN IN ITALICS

QUANTITIES OBTAINED FROM 2002 RECORDS ARE IN BOLD

QUANTITIES FOR 2002 INCLUDE BOTH THE NORTHERN AND CENTRAL WATER SYSTEMS

**Table III-3
Comparison of Existing and Future Land Use in 49-Square Mile Planning Area**

| Land Use Classification | Existing Land Use | | 2003 Future Land Use | |
|--|-------------------|----------------|----------------------|----------------|
| | Acres | % of Total | Acres | % of Total |
| Agriculture | 25,900.48 | 81.89% | 6,166.52 | 19.50% |
| Agribusiness | 642.15 | 2.03% | 760.30 | 2.40% |
| Forest Preserve/Open Space | 368.80 | 1.17% | 568.82 | 2.99% |
| Parks and Recreation | 94.80 | 0.30% | 123.84 | 0.39% |
| Stormwater Basins and Farm Ponds | 116.07 | 0.37% | 173.96 | 0.55% |
| Estate Residential (0.24 to 0.80 units/acre) | 2,640.76 | 8.35% | 8,999.47 | 28.45% |
| Large Lot Residential (0.80 to 1.25 units/acre) | 148.24 | 0.47% | 6,334.45 | 18.06% |
| Low-Density Residential (1.25 to 2.0 units/acre) | 278.53 | 0.88% | 2,463.00 | 8.80% |
| Medium Density Residential (2.0 to 4.0 units/acre) | 16.78 | 0.05% | 302.22 | 0.73% |
| Medium Density Residential (4.0 to 7.0 units/acre) | 19.12 | 0.06% | 169.58 | 0.54% |
| Institutional | 77.68 | 0.25% | 204.09 | 0.65% |
| Municipal/Governmental | 22.05 | 0.07% | 22.47 | 0.07% |
| Historic Business District | 9.10 | 0.03% | 9.10 | 0.03% |
| Community Commercial Center | 97.48 | 0.31% | 645.48 | 2.04% |
| Regional Commercial | - | 0.00% | 340.29 | 1.08% |
| Interchange Commercial | 161.19 | 0.51% | 336.26 | 1.06% |
| Office | - | 0.00% | 428.79 | 1.36% |
| Business Park | 95.96 | 0.30% | 2,249.26 | 7.11% |
| Industrial and Warehouse Distribution | 253.92 | 0.80% | 309.63 | 0.98% |
| Major Roads | 686.31 | 2.17% | 1,021.89 | 3.23% |
| Totals | 31,629.42 | 100.00% | 31,629.42 | 100.00% |

Major Roads include:

Allen Road

Big Timber Road

Brier Hill Road

Gast Road

Interchange Existing, NW Tollway and US 20

NW Tollway and Brier Hill Road

Ketchum Road

US Route 20

Hennig Road

IL Route 72

Widmayer Road

Outerbelt Freeway



VILLAGE OF HAMPSHIRE

RECEIVED
CLERK'S OFFICE

DEC 07 2004

STATE OF ILLINOIS
Pollution Control Board

Village President
William P. Schmidt

Village Clerk
Linda Vasquez

Village Trustees
Chuck Anderson
Tom Brown
Orris Ruth
Bill Swallowell
Ed Seydlowski
Jim Taylor

Chief of Police
Tom Archison

Director of Finance
Kathryn Michael

Public Works Director
John Bidinger

December 6, 2004

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-5000
Chicago, IL 60601

PC#15

RE: Docket No. R-04-021
Revisions to Radium Water Quality Standards

Dear Ms. Gunn:

The Village of Hampshire, Kane County, Illinois owns and operates a Public Water Supply currently consisting of four deep sandstone wells (Wells No. 5, 6, 7 and 9). All of the existing wells exceed the current combined radium potable water standard of 5.0 pCi/l. The Village of Hampshire has selected the cation exchange treatment process to remove the combined radium to below drinking water standards from the deep sandstone wells. The Wells No. 5 and 6 Water Treatment Plant, the Well No. 7 Water Treatment Plant and the Well No. 9 Water Treatment Plant are currently in service.

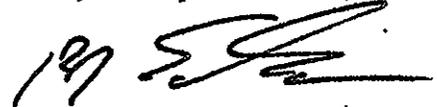
The cation exchange treatment process requires that the cations, including radium, removed from the water during treatment be discharged to the sanitary sewer system. The Village of Hampshire owns and operates a sanitary sewer system and a wastewater treatment facility (WWTF). Since the WWTF discharges to Hampshire Creek, an effluent dominated receiving stream, the Village will likely have difficulty complying with the existing water quality standard of 1.0 pCi/l for radium 226. Enforcement of the overly restrictive water quality standard could result in occasional or frequent violation and require additional expenditure of public funds without an associated benefit to the public or aquatic and riparian life associated with the stream. Therefore, the Village of Hampshire supports the approval of the proposal to implement revised water quality standards for radium concentrations in the receiving stream.

4
EXHIBIT 2

Ms. Dorothy M. Gunn
December 6, 2004
Page 2

The Village of Hampshire appreciates the opportunity to provide comments to the Illinois Pollution Control Board on this important issue to our community.

Respectfully submitted,



Bradley P. Sanderson, P.E.
Senior Project Manager
Engineering Enterprises, Inc



William P. Schmidt
Village President
Village of Hampshire

BPS/WPS/tpf

pc: Mr. Chuck Anderson, Village Trustee
Atty. Mark Schuster, Village Attorney
Ms. Linda Vasquez, Village Clerk
Mr. John Bidinger, Supt. Of Public Works
JKM, JWF - EEI

MAJOR AQUIFERS



Legend

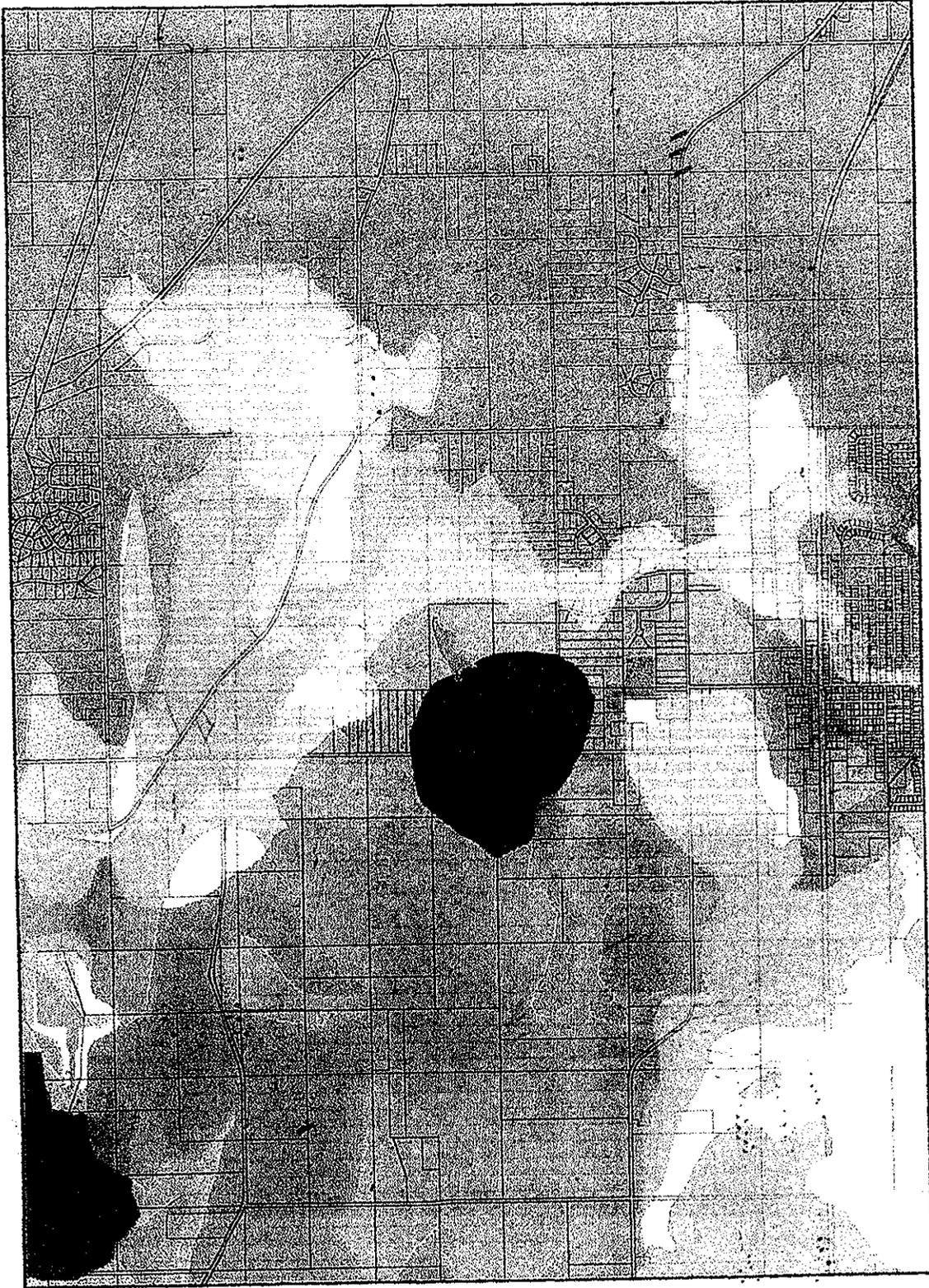
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PORTION OF HAMPSHIRE TOWNSHIP
February 2005

NOTE:
MAJOR AQUIFERS BASED ON AN ONGOING
STUDY BY THE ILLINOIS STATE WATER SURVEY
AND THE ILLINOIS STATE GEOLOGICAL SURVEY

EXHIBIT 25

AQUIFER SENSITIVITY



Legend

- A1
- A2
- A3
- A4
- B1
- B2
- C1
- C2
- C3
- D1
- D2
- D3
- E1

NOTE:
AQUIFER SENSITIVITY (PRELIMINARY) BASED ON AN
ONGOING STUDY BY THE ILLINOIS STATE WATER SURVEY
AND THE ILLINOIS STATE GEOLOGICAL SURVEY

PORTION OF HAMPSHIRE TOWNSHIP
February 2005