



lagoon will be dewatered by the pumping of its contents to the now aerated secondary lagoon. While the dike in the primary lagoon is being constructed all wastewater from the Village will be pumped directly to the secondary lagoon.

*Relief Requested*

During the period of time that the primary lagoon is out of service the Village will not be able to consistently meet the effluent limits contained in NPDES permit ILG580043. A provisional variance is being requested from these effluent limits for the period from April 1, 2009 to May 15, 2009. NPDES permit ILG580043 (Exhibit B) requires the following effluent limits be maintained:

<u>Parameter</u>	<u>Monthly Avg. (mg/l)</u>	<u>Weekly Avg. (mg/l)</u>
CBOD	25	40
TSS	37	45
pH	Shall be in the range of 6 to 9	

*Agency Determinations*

The Agency has reviewed the requested provisional variance and has concluded the following:

1. Any environmental impact from the requested relief shall be closely monitored and the Agency shall be immediately notified of any adverse impacts.
2. No reasonable alternatives appear available;
3. No public water supplies should be affected;
4. No federal regulations preclude the granting of this request; and
5. The Village of Odell will face an arbitrary and unreasonable hardship if the request is not granted.

*Conditions*

The Agency hereby GRANTS the Village of Odell a provisional variance from the effluent limits required in NPDES Permit ILG580043, subject to the following conditions:

- A. The provisional variance shall begin on April 8, 2009, and shall end no later than May 15, 2009.

- B. The Village of Odell shall provide the best operation of its available equipment to produce the best effluent possible at all times. At no times shall the effluent exceed a CBOD of 50 mg/l and TSS of 75 mg/l.
- C. The Village of Odell shall closely monitor the Odell Drainage Ditch and immediately notify the Agency of any adverse environmental impacts.
- D. The Village of Odell shall notify Roger Callaway of the Agency by telephone at 217/782-9720 when all construction at the wastewater treatment plant is completed and the facility returns to normal operation.. Written confirmation shall be sent within five days to the following address:

Illinois Environmental Protection Agency  
 Bureau of Water - Water Pollution Control  
 Attention: Roger Callaway  
 1021 North Grand Avenue East, MC #19  
 Springfield, Illinois 62794-9276

- E. The Village of Odell shall sign a certificate of acceptance of this provisional variance and forward that certificate to Roger Callaway at the address indicated above within one day of the date of this order. The certification should take the following form:

I (We) \_\_\_\_\_, hereby accept and agree to be bound by all terms  
 and conditions of the provisional variance granted by the Agency in  
 \_\_\_\_\_ dated \_\_\_\_\_.

\_\_\_\_\_  
 Petitioner

\_\_\_\_\_  
 Authorized Agent

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Date

The Village of Odell shall continue to comply with all other conditions specified in its NPDES Permit No. ILG580043.

*Conclusion*

The Agency grants this provisional variance in accordance with its authority contained in Sections 35(b), 36 (c), and 37(b) of the Illinois Environmental Protection Act (415 ILCS 5/35(b), 36(c), and 37(b) (2004). The decision to grant this provisional variance is not intended to address compliance with any other applicable laws or regulations.

Sincerely,

*Robert A. Messina*  
*by [signature]*

Robert A. Messina  
Chief Legal Counsel

cc: Marcia Willhite  
Roger Callaway  
Chad Kruse

Exhibit  
A

Village of Odell, IL  
213 S. Front St.  
P.O. Box 157  
Odell, IL 60460

Roger Calloway  
Illinois Environmental Protection Agency  
Compliance Section  
Division of Water Pollution Control  
2200 Churchill Road  
Springfield, IL 62706

Dear Mr. Calloway,

The Village of Odell is in the process of upgrading its wastewater treatment lagoon from a facultative type lagoon to an aerated lagoon. The purpose is to improve the effluent discharge from the lagoon to meet the current NPDES permit requirements. Periodic permit limit violations at the lagoon have been documented by the IEPA regional office manager in Champaign, Joseph Koronkowski, in his July 13, 2006 Noncompliance Advisory Letter.

During the process of construction, the primary lagoon cell needs to be completely dewatered to allow construction of an earthen dike across the lagoon, which will form the new primary aerated lagoon cell. In order to provide treatment during construction, a phased schedule of the improvements will be followed. First, the new diffused aeration system will be installed in the secondary lagoon cell and placed in operation. Then the primary lagoon cell will be dewatered by pumping the water from this cell to the secondary lagoon cell. While the dike is being constructed in the primary lagoon cell, the raw wastewater from the Village will be pumped around the primary lagoon cell to the secondary lagoon cell. During this by-pass period, it is anticipated that the effluent discharge will exceed the permit limits. For this reason a provisional variance is being requested.

We have enclosed two copies of a provisional variance application for your review. If you have questions or comment, you may contact me at (815) 998-2133 or our consulting engineer, Dan Oliver of Farnsworth Group Inc., at (309) 530-6223. Thank you for consideration of our request.

Sincerely,



Richard Ribordy  
Village Superintendent  
Village of Odell, IL

**APPLICATION FOR PROVISIONAL VARIANCE  
VILLAGE OF ODELL WASTEWATER TREATMENT PLANT  
MARCH 2, 2009**

**RECEIVED**

APR 06 2009

**EPA/CAS**

The following information is provided to satisfy the itemized request for information in Section 180.202b of the Pollution Control Board Rules:

1. A variance is requested from the NPDES effluent limits listed in Permit No. ILG580043. Namely variances from the CBOD<sub>5</sub> and suspended solids concentration limits listed in the permit are being requested.
2. The activity for which this permit was issued is a wastewater treatment lagoon for the Village of Odell. It treats primarily domestic wastewater from the Village which has a population of approximately 1000. The lagoon is located on the east side of the Village corporate limits.
3. The quantity of domestic wastewater being treated at the lagoon averages 120,000 gallons per day. The influent BOD<sub>5</sub> concentration is approximately 200 mg/l, and the suspended solids concentration is approximately 200 mg/l.
4. Under the variance, the Village of Odell is proposing to discharge effluent from the lagoon at a concentration of CBOD<sub>5</sub> of 50 mg/l and suspended solids concentration of 150 mg/l. The solids in the lagoon effluent will primarily be comprised of algal cells, which multiply in the lagoon cells. Discharge will be to the Odell Drainage Ditch, which is classified a general use stream.
5. No variances from public drinking water standards are being proposed.
6. No adverse environmental impact due to the variance is anticipated. The lagoon effluent has periodically had concentrations of CBOD<sub>5</sub> and suspended solids levels similar to those being proposed in the variance for short periods of time, with no ill affect on the receiving stream.
7. Compliance with the permit limits during the construction period would impose an economic hardship on the Village. A portable wastewater treatment plant would have to be leased for the duration of the project at an estimated cost of \$200,000 dollars. Also the project would be delayed for two months until a portable mechanical plant could be secured and the treatment in the portable plant could be established. The Village cannot afford the extra costs due to its limited budget for the project.
8. The lagoon effluent will be brought into compliance with the NPDES permit with the proposed construction project described in the transmittal letter. Upon completion of the

project the lagoon will be a two-cell aerated lagoon and the algae in the cells will not be as numerous, allowing the lagoon to meet the effluent limits. We anticipate that the entire project will be complete by June 30, 2009.

9. As discussed in item 7 above, a portable mechanical type plant would have to be installed to avoid the provisional variance. The type of plant envisioned is a dissolved air flotation tank following the secondary aerated lagoon cell to remove the algae cells. This would entail chemical addition to flocculate the algae to facilitate removal in a tank where diffused aeration would bring the solids to the surface for removal. Sludge removed from the top of the tank would have to be hauled off in liquid form for final disposal. This would mean a cost of possibly \$200,000 and a delay of two months in implementing the wastewater treatment improvements that will bring the plant into long term compliance with the NPDES permit requirements. For these reasons, a provisional variance seems the best course of action.
10. The provisional variance is requested for a period of 45 days. Based on the construction schedule, it is anticipated that the variance will be required from April 1, 2009 to May 15, 2009.
11. The Village of Odell has not been issued prior provisional variances.
12. The Village has an NPDES discharge permit currently in effect.
13. The Village is not a party to any matters currently before the Pollution Control Board nor is it the subject of any Board orders.

Respectfully Submitted,

Signed:



Printed Name:

Toby Alton

Title:

MAYOR

Date:

3/3/09

Exhibit  
B



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

217/782-0610

GEORGE H. RYAN, GOVERNOR      RENEE CIPRIANO, DIRECTOR

December 19, 2002

Village of Odell  
213 South Front Street  
Odell, Illinois 60460

Re: Village of Odell  
Village of Odell STP  
NPDES Permit No. ILG580043 -Final Permit

Gentlemen:

The Agency has determined that your facility qualifies for NPDES General Permit No. ILG580043.

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

Please note that the final permit contains formulae for calculating load limits for CBOD, and suspended solids. The Agency has calculated these limits for your facility based on a Design Average Flow (DAF) of 0.12 MGD and a Design Maximum Flow (DMF) of 0.30 MGD:

	LOAD LIMITS (in lbs/day)	
	MONTHLY AVERAGE	WEEKLY AVERAGE
CBOD <sub>5</sub>	25 (63)	40 (100)
Suspended Solids	37 (93)	45 (113)

The Permit is applied to your discharge effective on January 1, 2003. You have the right to appeal the Agency's decision to cover your discharge by the General Permit to the Illinois Pollution Control Board within a 35 day period following the date of this letter.

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

Very truly yours,

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

RJH  
TGM:RJH:02121307.RJH

Attachment: Final Permit

cc: Records Unit  
Champaign Region  
Farnsworth Group  
CAS

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7404 • Des PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4073  
ELGIN - 595 South State, Elgin 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5460  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 333-6907  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

**NPDES Permit No. ILG580043**

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

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Expiration Date: December 31, 2007

Issue Date: December 11, 2003

Effective Date: January 1, 2003

**Reissued General (NPDES) Permit  
 for  
 Sewage Treatment Systems**

Coverage under this Permit

This Permit covers all areas of the State of Illinois discharging to General Use or Secondary Contact Waters.

Eligibility

This Permit may cover any existing publicly owned treatment facility that consists of a domestic lagoon system with a single pipe discharge, without combined sewer overflows and whose domestic waste load is 2500 population equivalent or less and has obtained a lagoon exemption from the IEPA under the provisions of 35 Ill. Adm. Code Section 373.100, or whose effluent has a dilution ratio (the ratio of the seven-day once in ten year low flow of the receiving stream or the lowest flow of the receiving stream when effluent discharge is expected to occur, whichever is greater, to the average flow of the treatment works for the design year) no less than five to one, and has obtained a year-round disinfection exemption under 35 Ill. Adm. Code Section 378.203, and currently has an individual NPDES Permit at the same design flow or is currently authorized to discharge under this General NPDES Permit ILG580. Applicants seeking to discharge from a new facility or seeking an increase in permitted loadings or flows to their treatment facility are required to apply for an individual NPDES Permit and are not eligible for authorization to discharge under this General Permit until the new loadings or flows have first been permitted under an individual NPDES Permit. Applicants deemed by the IEPA as needing additional permit requirements, not included in this General NPDES Permit, are required to apply for an individual NPDES Permit and are not eligible for authorization to discharge under this General Permit.

Discharge Number and Name: 001 STP Outfall

Receiving Waters: General Use and Secondary Contact Waters of the State

Effluent Limitations, Monitoring, and Reporting

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

Parameter	LOAD LIMITS lbs/day		CONCENTRATION LIMITS MG/L		Sample Frequency	Sample Type
	Monthly Average	Weekly Average	Monthly Average	Weekly Average		
Flow (MGD)					See Below	
CBOD <sub>5</sub> **	25 x 8.34 x DAF (in MGD)	40 x 8.34 x DAF (in MGD)	25	40	1 per month	Grab
Suspended Solids	37 x 8.34 x DAF (in MGD)	45 x 8.34 x DAF (in MGD)	37	45	1 per month	Grab
pH	Shall be in the Range of 6 to 9 Standard Units				1 per month	Grab

\*For flows greater than DAF, load limits shall be calculated based on the DMF instead of DAF. DAF and DMF are shown in the letter authorizing discharge under this General Permit.

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

Influent Monitoring and Reporting

Influent BOD<sub>5</sub> and Suspended Solids shall be sampled at least once per month as a composite sample. Influent and effluent measurement for flow shall be continuous if hardware allows, otherwise it shall be a single reading once a week. Influent flow measurement, BOD<sub>5</sub> and Suspended Solids sampling shall be taken at a point representative of the influent. Influent BOD<sub>5</sub> and Suspended Solids shall be reported on the Discharge Monitoring Reports (DMR's) as monthly average concentrations.

Flows shall be reported as a monthly average and daily maximum on the DMR's. pH shall be reported as a minimum and a maximum.

To receive authorization to discharge under this General Permit, a facility owner or operator must submit the proper application forms to the IEPA. Authorization, if granted, will be by letter and include a copy of this Permit.

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

Special Conditions

**SPECIAL CONDITION 1:** The use or operation of this facility shall be by or under the supervision of a Certified Class 4 operator.

**SPECIAL CONDITION 2:** 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 3:** 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 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:** BOD<sub>5</sub> (85% removal required): The arithmetic mean of the values for effluent samples collected in a period of one calendar month shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same time during the same period, except during those periods when the influent is diluted because of high flows if the tributary sewer system is combined. The percent removal need not be reported to the IEPA on DMR's but influent and effluent data must be available, as required elsewhere in this Permit, for IEPA inspection and review. For measuring compliance with this requirement, 5 mg/L shall be added to the effluent CBOD<sub>5</sub> concentration to determine the effluent BOD<sub>5</sub> concentration.

**SPECIAL CONDITION 6:** 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 7:** During January of each year the Permittee shall submit annual fiscal data regarding sewerage system operations to the IEPA/Bureau of Water/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 8:** The Permittee shall record monitoring results on DMR forms using one such form for each discharge each month. In the event that no discharge occurs during the monthly reporting period, the DMR form shall be submitted with "no discharge" indicated. The completed DMR form shall be submitted monthly to IEPA, no later than the 15th of the following month, to the following address:

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

SPECIAL CONDITION 9: Requiring an individual NPDES Permit or an alternative General Permit

- a. The IEPA may require any person authorized by this Permit to apply for and obtain either an individual NPDES Permit or an alternative NPDES General Permit. Any interested person may petition the IEPA to take action under this paragraph. The IEPA may require any owner or operator authorized to discharge under this Permit to apply for an individual NPDES Permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of this individual NPDES Permit or the alternative General Permit as it applies to the individual Permittee, coverage under this General Permit shall automatically terminate. The IEPA may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit an individual NPDES Permit application required by the IEPA under this paragraph in a timely manner, then the authorization to discharge under this General Permit is automatically terminated at the end of the day specified for application submittal.
- b. Any owner or operator authorized to discharge under this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual NPDES Permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR § 122.21, to the IEPA. If the reasons cited by the owner or operator are adequate to support the request, the request shall be granted by issuance of any individual NPDES Permit or an alternative General Permit.
- c. When an individual NPDES Permit is issued to an owner or operator otherwise subject to this Permit, or the owner or operator is approved for coverage under an alternative NPDES General Permit, the authorization to discharge under this General Permit is automatically terminated on the issue date of the individual NPDES Permit or the date of approval for coverage under the alternative General Permit, whichever the case may be. When an individual NPDES Permit is denied to an owner or operator otherwise subject to this Permit, or the owner or operator is denied for coverage under an alternative NPDES General Permit, the authorization to discharge under this General Permit remains in effect, unless otherwise specified by the IEPA.

Special ConditionsSPECIAL CONDITION 10:

Authorization: Owners or operators must submit either a Notice of Intent (NOI) in accordance with the requirements of this Permit or an application for an individual NPDES Permit to be authorized to discharge under this General Permit. Authorization, if granted, will be by letter and include a copy of this Permit. Upon review of an NOI, the IEPA may deny coverage under this Permit and require submittal of an application for an individual NPDES Permit.

Duty to Reapply: In order to obtain authorization to discharge beyond the expiration date of this Permit, any person authorized to discharge under this General NPDES permit shall submit a proper application to the IEPA not less than 180 days prior to the expiration date of this General NPDES permit. A proper application shall be completed Forms 1 and 2A (EPA Form 3510-2A) or other forms previously approved by the IEPA.

Contents of Notice of Intent: The Notice of Intent shall be submitted to IEPA on proper application forms and include at a minimum the following information:

- a. Name, mailing address, and location of the facility for which the notification is submitted;
- b. The operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity;
- c. An application form for an individual NPDES Permit may be used in place of the NOI.

Change in Contact Person, Ownership or Operators: In the event that the contact person for this facility is changed or in the event of a change in ownership or operator for a facility authorized to discharge under this Permit, an updated NOI shall be filed with the IEPA within thirty (30) days of such change. Upon review of an NOI, the IEPA may deny coverage under this Permit or require any person otherwise authorized to discharge under this Permit to apply for and obtain either an individual NPDES Permit or to obtain authorization to discharge under an alternative General NPDES Permit.

Treatment Plant Changes: In the event that a change is made that results in a modification of treatment plant design loadings or flows or the abandoning or undertaking of new unit processes, an application for an individual NPDES permit along with the proposed treatment plant modifications, shall be submitted to the IEPA. The application and the proposed treatment plant modifications shall be submitted to the IEPA within the time frame specified by 35 Ill. Adm. Code 309.154. If no permit is required pursuant to 35 Ill. Adm. Code 309.154, the application and the proposed treatment plant modifications shall be submitted to the IEPA as soon as is practicable. Upon review of an application, the IEPA may deny coverage under this General Permit and initiate procedures for the issuance of an individual NPDES permit, or may make a determination that coverage under this General NPDES permit is still appropriate. In cases where the design flow increases or an anti-degradation analysis is required pursuant to 35 Ill. Adm. Code 302.105, the IEPA will proceed with the issuance of an individual NPDES permit and the authorization to discharge under this General NPDES permit will terminate upon the effective date of the individual NPDES permit.

**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 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 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 recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

(1) Any anticipated 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 concerning 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 municipal 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 acetate 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 anatomy;

(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 (POTW) 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)(1)(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 reassessed to conform to that effluent standard or limitation.

(18) Any authorization to construct issued to the permittee pursuant to 35 U.S.C. Code 309.154 is hereby incorporated by reference as a condition of this permit.

(19) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.

(20) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 406 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of each 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 \$2,600, 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, tamper 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, slimes, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes for 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 conditional included in this permit, the other conditional shall govern.

(25) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 U.S.C. 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 the permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.