

4. Super Mix is a producer of ready mix concrete and aggregates with several facilities in northern Illinois and southern Wisconsin.
5. Super Mix operates a facility located at 2203 Spring Ridge Drive, Spring Grove, McHenry County, Illinois ("Site").
6. Spring Ridge Drive is an east-west travelling road. The Site is located on the south side of Spring Ridge Drive.
7. Super Mix operates four (4) stone slinger units, 24 semi dumps, six (6) straight dumps, and 210 ready-mix trucks at the Site.
8. On November 12, 2008, the Illinois EPA conducted an inspection of the Site at the request of the McHenry County Stormwater Conservation District ("MCSWCD").
9. On November 12, 2008, the Illinois EPA inspector observed that the northwest corner of the Site was being used as a truck washout area.
10. The wash water from the truck washout area may contain dirt, sediment, concrete dust, and other elements associated with industrial waste from a concrete mixing facility, such as iron, total suspended solids, aluminum, barium, chromium, copper, lead, magnesium, manganese, nickel, potassium, and zinc ("wash water discharges").
11. The northwest corner of the Site is pitched such that it causes any water flows to migrate into a man-made settling basin on the south side of Spring Ridge Drive ("settling basin").
12. The settling basin is located partially on the northwest corner of the Site and partially on a neighboring property to the west of the Site.
13. The settling basin is an extension of the storm water drainage ditch on the south side of Spring Ridge Drive ("South Ditch"). Rather than being self-contained, the settling basin

is open on one side to the South Ditch.

14. A pipe runs from the South Ditch, northward under Spring Ridge Drive, and connects to a second ditch on the north side of Spring Ridge Drive ("North Ditch").

15. The North Ditch is connected to a storm sewer pipe, which ultimately leads to Nippersink Creek ("off-site storm sewer pipe").

16. On November 12, 2008, the Illinois EPA inspector observed the flow path of the wash water discharges as they traveled off-Site from the truck washout area.

17. On November 12, 2008, the Illinois EPA inspector observed brownish deposits from previously discharged wash water discharges in the South Ditch, the North Ditch and near the off-site storm sewer pipe leading to Nippersink Creek.

18. The Facility is located in an area where soils are primarily sand and gravel which allows contaminants, such as wash water discharges, to easily migrate from the surface to the water table.

19. On March 31, 2009, an Illinois EPA inspector conducted an inspection of the Facility.

20. On March 31, 2009, the Illinois EPA inspector observed that deposits from wash water discharges from the truck rinsing operations were entering the settling basin on the north portion of the Site.

21. On March 31, 2009, the Illinois EPA inspector took a water sample from the settling basin.

22. The March 31, 2009 sample indicated a total suspended solids ("TSS") level of 238 mg/L and an iron level of 6.76 mg/L.

23. The Illinois EPA inspector noted that the March 31, 2009 sample, in addition to

iron and TSS, also indicated the presence of several other contaminants associated with industrial waste from concrete mixing, such as aluminum, barium, chromium, copper, lead, magnesium, manganese, nickel, potassium and zinc ("industrial wastes").

24. On August 17, 2010, the Illinois EPA conducted an inspection of the Facility.

25. On August 17, 2010, the Illinois EPA inspector observed brownish deposits in the settling basin, the South Ditch, and the North Ditch indicating that storm water containing industrial wastes was leaving the Site ("industrial waste storm water discharges").

26. On August 17, 2010, the Illinois EPA inspector noted that an on-Site storm sewer inlet was not protected ("on-Site storm sewer").

27. On August 17, 2010, the Illinois EPA inspector observed white and brown deposits at the location where the on-Site storm sewer discharges into a road ditch that leads to the settling basin and South Ditch.

28. Section 12(a) of the Act, 415 ILCS 5/12(a) (2010), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

29. Section 3.315 of the Act, 415 ILCS 5/3.315 (2010), provides the following definition:

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

30. Respondent Super Mix is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2010).

31. Section 3.165 of the Act, 415 ILCS 5/3.165 (2010), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

32. The wash water discharges and industrial waste storm water discharges, and their deposits, are a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2010).

33. Section 3.550 of the Act, 415 ILCS 5/3.550 (2010), provides the following definition:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

34. The settling basin, the South Ditch, the North Ditch, the off-Site storm sewer pipe, Nippersink Creek and the on-Site storm sewer inlet are each “waters” as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2010).

35. Section 3.545 of the Act, 415 ILCS 5/3.545 (2010), provides the following definition:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

36. The Respondent’s discharge of wash water and industrial waste storm water, and their deposits, contaminants as defined herein, into the settling basin, the South Ditch, the North Ditch, the off-Site storm sewer pipe leading to Nippersink Creek and on-Site storm sewer inlet altered, or threatened to alter, the physical, thermal, chemical, biological or radioactive

properties of those waters; rendered, or was likely to render those waters harmful or detrimental or injurious to wild animals, birds, fish and other aquatic life; or created, or was likely to create, a nuisance, and, therefore, constituted "water pollution" as defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2010).

37. Respondent, by failing to properly control wash water and industrial waste storm water discharges from the Site and allowing the discharge of wash water and industrial waste storm water into the settling basin, the South Ditch, the North Ditch, the off-Site storm sewer pipe leading to Nippersink Creek and the on-Site storm sewer inlet, thereby caused, threatened, or allowed water pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against Respondent, SUPER MIX, INC., with respect to Count I:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;
2. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2010);
3. Ordering the Respondent to cease all off-Site wash water and industrial waste storm water discharges or to obtain a site-specific NPDES permit for such discharges;
4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Respondent for each violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2010), with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which each violation continued;

5. Taxing all costs of this action to the Respondent pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT II
FAILURE TO OBTAIN A NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM ("NPDES") PERMIT FOR POINT SOURCE DISCHARGES

1-33. Complainant realleges and incorporates by reference herein Paragraphs 1 through 27 and 29 through 34 of Count I as Paragraphs 1 through 33 of this Count II.

34. Section 12(f) of the Act, 415 ILCS 5/12(f) (2008), provides as follows:

No person shall:

* * *

(f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program

35. Pursuant to Section 402(b) of the Federal Clean Water Act ("CWA"), 33 U.S.C. § 1342(b), the Illinois EPA administers and enforces the CWA's National Pollutant Discharge Elimination System ("NPDES") permit program within the State of Illinois.

36. On October 13, 2005, the Facility obtained coverage under the General NPDES Permit for Storm Water Discharges from Industrial Activities. NPDES Permit Number ILR006479 ("NPDES Permit") is attached hereto and incorporated herein as Attachment I.

37. Section C.1 of Respondent's NPDES Permit, provides, in pertinent part, as follows:

1. Prohibition on non-storm water discharges
 - a. Except as provided in C.1.b. below, all discharges covered by this permit shall be composed entirely of storm water.
 - b.
 - i. Except as provided in C.1.b.ii. below, discharges of material other than storm water must be in compliance with an NPDES permit (other than this permit) issued for the discharge.

38. The wash water discharges and industrial waste storm water discharges from the Site are not covered by Respondent's NPDES Permit.

39. Section 1362 of the CWA, 33 U.S.C.A. § 1362 (2010), provides, in pertinent part, the following definitions:

(6) The term "pollutant" means ... chemical wastes, ... and industrial, municipal, and agricultural waste discharged into water.

(7) The term "navigable waters" means the waters of the United States, including the territorial seas.

* * *

(12) The term "discharge of a pollutant" and the term "discharge of pollutants" each means (A) any addition of any pollutant to navigable waters from any point source, ...

* * *

(14) The term "point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

* * *

(16) The term “discharge” when used without qualification includes a discharge of a pollutant, and a discharge of pollutants.

40. Wash water discharges and industrial waste storm water discharges are each a “pollutant” as that term is defined in Section 1362(6) of the CWA, 33 U.S.C.A. § 1362(6) (2010).

41. The settling basin and South Ditch are each a discernible, confined and discrete conveyance, and therefore constitutes a “point source” as that term is defined in Section 1362(14) of the CWA, 33 U.S.C.A. § 1362(14) (2010).

42. The settling basin and South Ditch are each “navigable waters” as that term is defined in Section 1362(7) of the CWA, 33 U.S.C.A. § 1362(7) (2010).

43. The addition of wash water discharges and industrial waste storm water discharges to navigable waters from a point source constitutes a “discharge of pollutants” as that term is defined in Section 1362(12) of the CWA, 33 U.S.C.A. § 1362(12) (2010).

44. Pursuant to Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), and Section C.1.b.i of Respondent’s NPDES Permit, Respondent was required to obtain a site-specific NPDES permit for point source discharges for the wash water discharges and industrial waste storm water discharges from the Site into the settling basin and South Ditch.

45. Respondent does not have a site-specific NPDES permit for the discharges alleged in this Complaint.

46. By causing, threatening, or allowing the discharge of contaminants into the settling basin and South Ditch without a site-specific NPDES permit for the discharges, Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2006), and Conditions C.1(a) and (b)(i) of Respondent’s NPDES Permit.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against Respondent, SUPER MIX, INC., with respect to Count II:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;
2. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), and Conditions C.1(a) and (b)(i) of Respondent's NPDES Permit;
3. Ordering the Respondent to cease all off-Site wash water and industrial waste storm water discharges or to obtain a site-specific NPDES permit for such discharges;
4. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation;
5. Taxing all costs of this action to the Respondent pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT III
FAILURE TO COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN
("SWPPP") REQUIREMENTS OF THE NPDES PERMIT

1-36. Complainant realleges and incorporates by reference herein Paragraphs 1 through 36 of Count II as Paragraphs 1 through 36 of this Count III.

37. Pursuant to Section E of the NPDES Permit, Respondent was required to develop and implement a SWPPP for the Site.

38. On March 31, 2009, the Illinois EPA inspector reviewed the Facility's SWPPP. The SWPPP failed to contain the information required by Sections 5 (a, c, d, e, and f), 6, 7, 8, 9

and 11 of the NPDES Permit. See Attachment 1.

39. On March 31, 2009, an Illinois EPA inspector gave a Super Mix representative a checklist to complete the SWPPP.

40. By failing to develop and implement a SWPPP in conformance with Section E of its NPDES Permit, Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against Respondent, SUPER MIX, INC., with respect to Count III:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;
2. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010);
3. Ordering the Respondent to comply with all terms and conditions of its NPDES Permit;
4. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation;
5. Taxing all costs of this action to the Respondent pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT IV
OPERATION OF A TREATMENT WORKS WITHOUT
AN OPERATING PERMIT

1-36. Complainant realleges and incorporates by reference herein Paragraphs 1 through 36 of Count I as Paragraphs 1 through 36 of this Count IV.

37. Section 309.204(a) of the Illinois Pollution Control Board ("Board") Water Pollution Regulations, 35 Ill. Adm. Code 309.204(a), provides as follows:

- a) No person shall cause or allow the use or operation of any treatment works, pretreatment works or wastewater source without an operating permit issued by the Agency, except as provided in subsections (b), (c) and (d).

38. Section 301.415 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.415, provides the following definition:

"Treatment Works" means individually or collectively those constructions or devices (except sewers, and except constructions or devices used for the pretreatment of wastewater prior to its introduction into publicly owned or regulated treatment works) used for collecting, pumping, treating, or disposing of wastewaters or for the recovery of byproducts from such wastewater.

39. The settling basin, which is used for collection and disposal of wash water discharges and industrial waste storm water discharges from the Site, is a "Treatment Works" as that term is defined in Section 301.415 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.415.

40. The settling basin allows deposits from the wash water discharges and industrial waste storm water discharges to settle out and accumulate on the bottom of the settling basin.

41. From at least November 12, 2008, or a date better known by the Respondent, to the filing date of this Complaint, Respondent channeled wash water discharges and industrial waste storm water discharges into the settling basin, allowed discharge deposits to settle out and

accumulate in the settling basin, removed the discharge deposits from the settling basin annually with an excavator, and disposed of the discharge deposits, thereby causing or allowing the use or operation of a treatment works.

42. Respondent does not have an Illinois EPA operating permit for the use and operation of its treatment works.

43. Respondent's NPDES permit neither permits Respondent's use and operation of its treatment works, nor is the requirement to obtain an operating permit excluded by Sections 309.204(b), (c), or (d) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.204(b), (c), and (d).

44. By causing or allowing the use or operation of a treatment works without an operating permit issued by the Illinois EPA, Respondent violated Section 309.204(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.204(a).

45. By violating Section 309.204(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.204(a), Respondent thereby caused or threatened or allowed the discharge of contaminants into the environment so as to violate regulations or standards adopted by the Board in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2010).

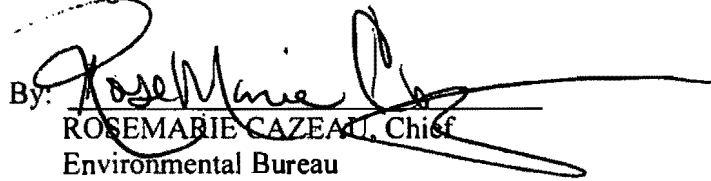
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against Respondent, SUPER MIX, INC., with respect to Count IV:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;

2. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2010), and Section 309.204(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.204(a);
3. Ordering Respondent to cease operating a treatment works without a permit or to obtain an Illinois EPA operating permit for its treatment works;
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations and an additional Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs of this action to the Respondent pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney
General of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

By: 
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

OF COUNSEL:

JENNIFER A. VAN WIE
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0609



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

217/782-0610

October 13, 2005

SUPER MIX INC/N ANDERSON
5435 BULL VALLEY RD STE 130
MCHENRY, IL 60050

Re: Facility: SUPER MIX MCHENRY
NPDES Permit No: IILR006479
COUNTY: MCHENRY
Notice of Coverage Under Industrial Activities Storm Water General Permit

Dear NPDES Permittee:

We have reviewed your application and determined that storm water discharges associated with industrial activity (excluding construction sites) are appropriately covered by the attached General NPDES Permit issued by the Agency.

The permit as issued covers application requirements, a storm water pollution prevention plan, and reporting requirements.

Failure to meet any portion of the permit could result in civil and/or criminal penalties. The Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge.

Your discharge is covered by this permit effective as of the date of this letter. You have the right to appeal the Agency's decision to cover the discharge by the General Permit to the Illinois Pollution Control Board within a 35-day period following the date of this letter.

Enclosed for you are five annual inspection report forms to be used for the submission of the report required by Section G Reporting.

This letter shows your facility permit number below your facility name. Please reference this number in all future correspondance. Should you have any questions concerning the Permit, please contact the Permit Section at the above telephone number and address.

Very truly yours,

Alan Keller
Alan Keller,
Manager, Permit Section
Division of Water Pollution Control

TF:med:indcoverage a

Enclosure

- Attachment 1 -

cc: Records Unit
ROCKFORD - 450 N. North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 A Hall Street, Collinsville, IL 62234 - (618) 346-5120
Region 2 MARION - 2109 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

General NPDES Permit No. ILR00

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
www.epa.state.il.us

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

**General NPDES Permit
For
Storm Water Discharges from Industrial Activities**

Expiration Date:	May 31, 2008	Issue Date:	May 30, 2003
		Effective Date:	June 1, 2003

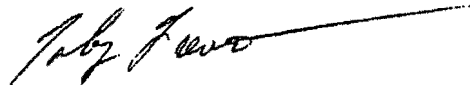
Discharges authorized by this General Permit: In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter 1) and the Clean Water Act, the following discharges may be authorized by this permit in accordance with the conditions herein:

Discharges of storm water associated with industrial activity, as defined and limited herein. Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

This general permit regulates only storm water discharges from a facility. Other discharges such as process wastewater or cooling water shall be regulated by other NPDES permits.

Receiving waters: Discharges may be authorized to any surface water of the State.

To receive authorization to discharge under this general permit, a facility operator must either submit an application as described in the permit conditions to the Illinois Environmental Protection Agency or have a valid Illinois General NPDES Permit for industrial storm water. Authorization, if granted, will be by letter and include a copy of this permit.



Toby Frevert, P.E.
Manager
Division of Water Pollution Control

<u>CONTENTS OF THIS GENERAL PERMIT</u>	Pages
A. Applicability of this General Permit	2 - 3
B. Types of Discharges not Covered by this Permit	3
C. Special Conditions	4
D. Application Requirements	4 - 6
E. Storm Water Pollution Prevention Plan	6 - 8
F. Construction Authorization	8 - 9
G. Reporting	9
H. Termination of Coverage Under this Permit	9 - 10
I. Reopener Clause	10
J. Definitions	10

A. APPLICABILITY OF THIS GENERAL PERMIT

This permit is applicable to storm water discharges associated with industrial activity from areas (except access roads and rail lines) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water in the state of Illinois from the facilities listed below.

1. Discharges of storm water from facilities whose process wastewater discharges are subject to new source performance standards or toxic pollutant effluent standards under 40 CFR Subchapter N, except:

- a. discharges subject to new source performance standards or toxic pollutant effluent standards and described in paragraph A.8. below which do not have materials or activities exposed to storm water;
- b. discharges subject to storm water effluent limitations guidelines listed in B.1. of this permit.

2. Discharges from facilities in the following SIC codes:

- SIC 20 (Food and kindred products manufacturing or processing)
- SIC 21 (Tobacco products)
- SIC 22 (Textile mill products)
- SIC 23 (Apparel and other finished products made from fabrics and similar materials)
- SIC 24 (Lumber and wood products except furniture)
- SIC 2434 (Wood kitchen cabinets)
- SIC 25 (Furniture and fixtures)
- SIC 26 (Paper and allied products)
- SIC 265 (Paperboard containers and boxes)
- SIC 267 (Converted paper and paperboard products)
- SIC 27 (Printing, publishing, and allied industries)
- SIC 28 (Chemicals and allied products)
- SIC 283 (Drugs)
- SIC 285 (Paints, varnishes, lacquers, enamels, and allied products)
- SIC 29 (Petroleum refining and related industries), except discharges subject to 40 CFR 419
- SIC 30 (Rubber and miscellaneous plastics products)
- SIC 31 (Leather and leather products)
- SIC 311 (Leather tanning and finishing)
- SIC 32 (Stone, clay, glass, and concrete products)
- SIC 323 (Glass products, made of purchased glass)
- SIC 33 (Primary metal industries)
- SIC 34 (Fabricated metal products, except machinery and transportation equipment)
- SIC 3441 (Fabricated structural metal)
- SIC 35 (Industrial and commercial machinery and computer equipment)
- SIC 36 (Electronic and other electrical equipment and components, except computer equipment)
- SIC 37 (Transportation equipment)
- SIC 373 (Ship and boat building and repairing)
- SIC 38 (Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks)
- SIC 39 (Miscellaneous manufacturing industries)
- SIC 4221-25 (Farm products warehousing and storage, refrigerated warehousing and storage, general warehousing and storage)

3. Facilities classified as SIC Codes 10-14 (Mineral Industry) including active or inactive mining operations and oil and gas exploration, production, processing, treatment operations, or transmission facilities, except discharges subject to 40 CFR 434, 436, or 440.
4. Landfills, land application sites (excluding land application sites which utilize agricultural land), and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described in 40 CFR 122.26(b)(14)).
5. Facilities involved in the recycling of materials including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards including but not limited to SIC 5015 (Used motor vehicle parts) and SIC 5093 (Scrap and waste materials)
6. Transportation facilities-portions of the following facilities involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport deicing operations:
 - SIC 40 (Railroad transportation)
 - SIC 41 (Local and suburban transit and inter-urban highway passenger transportation)
 - SIC 42 (Motor freight transportation and warehousing) except SIC 4221-4225 (Farm product warehousing and storage, refrigerated warehousing and storage, general warehousing and storage)
 - SIC 43 (United States Postal Service)
 - SIC 44 (Water transportation)
 - SIC 45 (Transportation by air)
 - SIC 5171 (Petroleum bulk stations and terminals-wholesale)
7. Treatment Works treating domestic sewage with a design flow of 1.0 mgd or more; includes sludge or wastewater treatment devices or systems used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, and land dedicated to sludge disposal located within the confines of the facility; excludes off-site sludge management lands, farm lands, and gardens.

B. TYPES OF DISCHARGES NOT COVERED BY THIS PERMIT

This permit is not applicable to storm water discharges from the following facilities:

1. Discharges subject to storm water effluent limitations guidelines in the following categories:
 - Cement Manufacturing (40 CFR 411)
 - Feedlots (40 CFR 412)
 - Fertilizer Manufacturing (40 CFR 418)
 - Petroleum Refining (40 CFR 419)
 - Phosphate Manufacturing (40 CFR 422)
 - Steam Electric (40 CFR 423)
 - Coal Mining (40 CFR 434)
 - Mineral Mining and Processing (40 CFR 436)
 - Ore Mining and Dressing (40 CFR 440)
 - Asphalt Emulsion (40 CFR 443).
2. Hazardous waste treatment, storage or disposal facilities.
3. Steam electric power generating facilities, including coal handling sites.
4. Construction activity including clearing, grading and excavation activities.
5. Storm water discharges associated with industrial activity from facilities with an existing NPDES individual or general permit for the storm water discharges.
6. Storm water discharges associated with industrial activity which are identified by the Agency as possibly causing or contributing to a violation of water quality standards.
7. Storm water discharges associated with inactive mining or inactive oil and gas operations occurring on Federal lands where an operator cannot be identified.
8. Storm water discharges to any receiving water identified under 35 Ill. Adm. Code 302.105(d)(6).
9. Storm water discharges that the Agency determines are not appropriately covered by this general permit.

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill, and does not supercede any reporting requirements for spills or releases of hazardous substances or oil.

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C. SPECIAL CONDITIONS

1. Prohibition on non-storm water discharges
 - a. Except as provided in C. 1. b. below, all discharges covered by this permit shall be composed entirely of storm water.
 - b.
 - i. Except as provided in C. 1. b. ii. below, discharges of material other than storm water must be in compliance with an NPDES permit (other than this permit) issued for the discharge.
 - ii. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharges is in compliance with paragraph E.7. of this permit: discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles without the use of detergents; waters used to control dust; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents.
2. Provisions for handling storm water from bulk storage and hazardous waste containment areas
 - a. This permit does not authorize the discharge of storm water collected in containment areas at bulk storage and hazardous waste facilities where the storm water becomes contaminated by direct contact with a spill or release of stored materials into the containment area. Such storm water should be handled properly by on-site treatment or hauling off-site for treatment and disposal.
 - b. Where a spill or release to a dry containment area occurs, the permittee shall institute procedures to clean up the spill in order to prevent contamination of any storm water, which subsequently collects in the containment area. Where these procedures are followed, collected storm water may be discharged; following visual inspection to assure that the storm water contains no unnatural turbidity, color, oil films, foams, settleable solids, or deposits.
 - b. If you have storage piles of salt used for deicing or other commercial or industrial purposes, they must be enclosed or covered to prevent exposure to precipitation (except for exposure resulting from adding or removing materials from the pile). Piles do not need to be enclosed or covered where storm water from the pile is not discharged to waters of the state or the discharges from the piles are authorized under another permit.
3. Discharging pollutants for which a water body is impaired with an approved TMDL
 - a. For existing dischargers, new dischargers and new sources: you must carefully document the justifications for all BMP selections in your SWPPP, and install, implement and maintain BMPs that are consistent with all relevant TMDL allocations and with all relevant conditions in an implementation plan.
4. Discharges covered by this permit, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard.

D. APPLICATION REQUIREMENTS

1. Dischargers that are covered by a valid Illinois General NPDES Permit for industrial storm water as of May 31, 2003 are automatically covered by this permit unless they request otherwise prior to the effective date of this permit. Other dischargers seeking coverage under this general permit shall provide the Illinois Environmental Protection Agency (IEPA) with the following information:
 - a. A completed IEPA Notice of Intent form, accompanied by quantitative sampling data for the storm water discharge(s) if available; or
 - b. A completed U.S. EPA Form 1, including Form 2F and quantitative sampling data if available; or
 - c. A completed U.S. EPA Notice of Intent form, accompanied by quantitative sampling data for the storm water discharge(s) if available.
3. Quantitative sampling data as required by U.S. EPA Form 2F for storm water discharges from the following existing facilities is required to be submitted, unless the facility is a participant in a group application accepted by U.S. EPA.
 - a. Facilities subject to reporting requirements under Section 313 of EPCRA for chemicals classified as "Section 313 water priority chemicals": Storm water discharges that come into contact with any equipment, tank, container, or other vessel or area used for storage of a Section 313 water priority chemical, or located at a truck or rail car unloading area where a Section 313 water priority chemical is handled.

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- b. Facilities classified as SIC 33 (Primary Metal Industries).
 - c. Active or inactive landfills, land application sites, or open dumps without a stabilized final cover which have received any industrial wastes.
 - d. Wood treatment facilities: Storm water discharges from areas that are used for wood treatment, wood surface application, or storage of treated or surface protected wood.
 - e. Coal pile runoff at industrial facilities other than coal mines.
 - f. Battery reclaiming facilities: Storm water discharges from areas used for storage of lead acid batteries, reclamation products, or waste products, and areas used for lead acid battery reclamation.
 - g. Airports with over 50,000 flight operations per year: storm water discharges from aircraft or airport deicing areas.
 - h. Meat packing plants, poultry packing plants, and facilities that manufacture animal and marine fats and oils.
 - i. Facilities classified as SIC 28 (Chemicals and Allied Products) and SIC 30 (Rubber and Miscellaneous Plastics Products): Storm water discharges that come into contact with solid chemical storage piles.
 - j. Automobile junkyards: Storm water discharges exposed to over 250 auto/truck bodies with drivelines, over 250 drivelines, or any combination thereof (in whole or in parts); over 500 auto/truck units (bodies with or without drivelines in whole or in parts); or over 100 units per year are dismantled and drainage or storage of automotive fluids occurs in areas exposed to storm water.
 - k. Lime manufacturing facilities: Storm water discharges that have come into contact with lime storage piles.
 - l. Cement manufacturing facilities and cement kilns: Storm water discharges other than those subject to 40 CFR 411.
 - m. Ready-mixed concrete facilities. Sampling data is not required for new ready-mixed concrete facilities or for relocated ready-mixed concrete facilities.
 - n. Ship building and repairing facilities.
3. When a facility has two or more outfalls that, based on consideration of features and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may sample the effluent of one such outfall and report that quantitative data also applied to the substantially identical outfalls. If the applicant is requesting approval to sample a representative outfall, identification of all storm water outfalls considered to be substantially identical along with the outfall being used to represent such outfalls and appropriate justification must be provided with the application.
 4. For existing facilities with an individual NPDES permit covering storm water associated with industrial activity, or those facilities who have previously submitted an application for an individual permit and not yet received a permit, the permittee/applicant may elect to seek coverage under this general permit in place of obtaining an individual permit. To be considered for coverage the permittee/applicant is required to submit the above information following the general permit issue date.
 5. For new facilities, the NOI and required information shall be submitted 180 days prior to the date on which the discharge is to commence unless permission for a later date has been granted by the IEPA. Mobile facilities (such as concrete or asphalt batch plants) shall apply at least 30 days prior to discharge.
 6. The required information shall be submitted to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Permit Section
Post Office Box 19276
Springfield, Illinois 62794-9276
 7. In any case where an NPDES Permit has been timely applied for but final administrative disposition of such application has not been made, it shall not be a violation of Section 12-F of the Environmental Protection Act to discharge without such permit unless the complainant proves that final administrative disposition has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application. For purposes of this provision, participation in a group application filed with U.S. EPA shall be deemed an application filed with the Agency. This provision does not relieve the applicant from the responsibility for compliance with any other requirement of the Act or regulations promulgated under the Act.
 8. Facilities which discharge storm water associated with industrial activity to a municipal separate storm sewer system shall notify the municipality, and shall provide the municipality with a copy of their application if requested.

9. Permittees who wish to continue to discharge after the expiration date of this permit shall submit a Notice of Intent to the Agency not less than 180 days prior to the expiration date.

E. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

1. A storm water pollution prevention plan shall be developed by the permittee for each facility covered by this permit. The plan shall identify potential sources of pollution which may be expected to affect the quality of storm water discharges associated with the industrial activity at the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.

- a. Waters not classified as impaired pursuant to Section 303(d) of the Clean Water Act

Unless otherwise specified by federal regulation, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event.

- b. Waters classified as impaired pursuant to Section 303(d) of the Clean Water Act

For any site which discharges directly to an impaired water identified in the Agency's 303(d) listing, and if any parameter in the subject discharge has been identified as the cause of impairment, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations, the storm water pollution prevention plan shall adhere to a more restrictive design criteria.

2. The plan shall be completed within 180 days of notification by the Agency of coverage by this permit or in the case of new facilities, prior to submitting an NOI to be covered under this permit. Plans shall provide for compliance with the terms of the plan within 365 days of notification by the Agency of coverage by this permit, or in the case of new facilities, prior to submitting an NOI to be covered under this permit. [Note: If the plan has already been required to be developed under a previous permit it shall be maintained in accordance with all requirements of this special condition.]. The owner or operator of a facility with storm water discharges covered by this permit shall make a copy of the plan available to the Agency at any reasonable time upon request.

Facilities which discharge to a municipal separate storm sewer system shall also make a copy available to the operator of the municipal system at any reasonable time upon request.

3. The permittee may be notified by the Agency at any time that the plan does not meet the requirements of this permit. After such notification, the permittee shall make changes to the plan and shall submit a written certification that the requested changes have been made. Unless otherwise provided, the permittee shall have 30 days after such notification to make the changes.

4. The discharger shall amend the plan whenever there is a change in construction, operation, or maintenance which may affect the discharge of significant quantities of pollutants to the waters of the State or if a facility inspection required by paragraph E.8. of this permit indicates that an amendment is needed. The plan should also be amended if the discharger is in violation of any conditions of this permit, or has not achieved the general objectives of controlling pollutants in storm water discharges. Amendments to the plan shall be made within the shortest reasonable period of time, and shall be provided to the Agency for review upon request.

5. The plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from the facility. The plan shall include, at a minimum, the following items:

- a. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate.

- b. A site map showing:

- i. The storm water conveyance and discharge structures;
- ii. An outline of the storm water drainage areas for each storm water discharge point;
- iii. Paved areas and buildings;
- iv. Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.
- v. Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);
- vi. Surface water locations and/or municipal storm drain locations

- vii. Areas of existing and potential soil erosion;
 - viii. Vehicle service areas;
 - ix. Material loading, unloading, and access areas.
- c. A narrative description of the following:
- i. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
 - ii. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
 - iii. Existing structural and non-structural control measures to reduce pollutants in storm water discharges;
 - iv. Industrial storm water discharge treatment facilities;
 - v. Methods of onsite storage and disposal of significant materials;
- d. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities.
- e. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
- f. A summary of existing sampling data describing pollutants in storm water discharges.
6. The plan shall describe the storm water management controls which will be implemented by the facility. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The description of the storm water management controls shall include:
- a. Storm Water Pollution Prevention Personnel - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.
 - b. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
 - c. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
 - d. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
 - e. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
 - i. Containment - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff;
 - ii. Oil & Grease Separation - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges;
 - iii. Debris & Sediment Control - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges;
 - iv. Waste Chemical Disposal - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges.

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- v. Storm Water Diversion - Storm water diversion away from materials manufacturing, storage and other areas of potential storm water contamination;
 - vi. Covered Storage or Manufacturing Areas - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
 - f. Sediment and Erosion Prevention - The plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion. The plan shall describe measures to limit erosion.
 - g. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
 - h. Inspection Procedures - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.
7. Non-Storm water Discharges - The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include a description of any tests for the presence of non-storm water discharges, the methods used, the dates of the testing, and any onsite drainage points that were observed during the testing. Any facility that is unable to provide this certification must describe the procedure of any test conducted for the presence of non-storm water discharges, the test results, potential sources of non-storm water discharges to the storm sewer, and why adequate tests for such storm sewers were not feasible. Except as provided in C.1. b., discharges not comprised entirely of storm water are not authorized by this permit.
 8. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.
 9. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.
 10. The plan is considered a report that shall be available to the public at any reasonable time upon request. The permittee may claim portions of the plan as confidential business information, including any portion describing facility security measures.
 11. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.
 12. Facilities which discharge storm water associated with industrial activity to municipal separate storm sewers may also be subject to additional requirements imposed by the operator of the municipal system.

F. CONSTRUCTION AUTHORIZATION

Authorization is hereby granted to construct treatment works and related equipment that may be required by the Storm Water Pollution Prevention Plan developed pursuant to this permit.

This Authorization is issued subject to the following condition(s).

1. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee thereupon waives all rights thereunder.
2. The issuance of this authorization (a) does not release the permittee from any liability for damage to persons or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (b) does not take into consideration the structural stability of any units or part of this project; and (c) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or other applicable local law, regulations or ordinances.
3. Plans and specifications of all treatment equipment being included as a part of the stormwater management practice shall be included in the SWPPP.
4. Any modification of or deviation from the plans and specifications originally submitted with the initial SWPPP requires amendment of the SWPPP.

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5. Construction activities which result from treatment equipment installation, including clearing, grading and excavation activities which result in the disturbance of one acre or more of land area, are not covered by this authorization. The permittee shall contact the IEPA regarding required permit(s).

G. REPORTING

1. The facility shall submit an annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part 8 of the Storm Water Pollution Prevention Plan of this permit. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s).
2. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.
3. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.
4. The permittee shall retain the annual inspection report on file at least 3 years. This period may be extended by request of the Illinois Environmental Protection Agency at any time.

Annual inspection reports shall be mailed to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
Annual Inspection Report
P.O. Box 19276
Springfield, Illinois 62794-9276

H. TERMINATION OF COVERAGE UNDER THIS PERMIT

Where all storm water discharges associated with industrial activity that have been authorized by this permit are eliminated, the operator of the facility may submit a termination request to the Agency at the address shown on Page 5 of this permit. The termination request shall include the name, address, telephone number, and location of the facility, and a description of actions taken to eliminate the storm water discharge or other justification for the request. Coverage under this permit is not terminated until the Agency acts on the termination request, and reports as described above are required until coverage is terminated.

1. The Agency may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Agency to take action under this paragraph. The Agency 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 the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The Agency may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Agency under this paragraph then the applicability of this permit to the individual NPDES permitted is automatically terminated at the end of the day specified for application submittal. The Agency may require an individual NPDES permit based on:
 - a. information received which indicates the receiving water may be of particular biological significance pursuant to 35 Ill. Adm. Code 302.105(d)(6);
 - b. whether the receiving waters are identified as impaired pursuant to the Agency's 303(d) listing and the site storm water is a potential contributing source of any parameter identified as a cause of that impairment;
 - c. size of construction site, proximity of site to the receiving stream, etc.

The Agency may also require monitoring of any storm water discharge from any site to determine whether an individual permit is required.

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2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR 122.28, to the Agency. The request shall be granted by issuing of an individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.
3. 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 applicability of this permit to the individual NPDES permittee is automatically terminated on the issue date of the individual 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 coverage under an alternative NPDES general permit the applicability of this permit to the individual NPDES permitted is automatically terminated on the date of such denial, unless otherwise specified by the Agency.

I. REOPENER CLAUSE

1. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with Part H.I. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Permit modification or revocation will be conducted according to provisions of 35 Ill. Adm. Code, Subtitle C, Chapter I and the provisions of 40 CFR 122.62, 122.63, 122.64 and 124.5 and any other applicable public participation procedures.
3. The Agency will reopen and modify this permit under the following circumstances:
 - a. the U.S. EPA amends its regulations concerning public participation;
 - b. a court of competent jurisdiction binding in the State of Illinois or the 7th Circuit issues an order necessitating a modification of public participation for general permits; or
 - c. to incorporate federally required modifications to the substantive requirements of this permit.

J. DEFINITIONS

1. Coal pile runoff means the rainfall runoff from or through any coal storage pile.
2. Land application site means an area where wastes are applied onto or incorporated into the soil surface for treatment or disposal.
3. Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site, surface impoundment, injection well or waste pile.
4. Section 313 water priority chemical means a chemical or chemical categories which: 1) Are listed at 40 CFR 372.65 pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986); 2) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) Are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.
5. Significant materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
6. Significant spills includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

Note that additional definitions are included in the permit Standard Conditions, Attachment H.

Attachment H
Standard Conditions
Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

- (6) Permit actions. This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62. 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 or 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

General NPDES Permit No. ILR00

- 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 time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (f) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).
- (g) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) Transfer of permits. A permit may be automatically transferred to a new permittee if:
- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
- (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit 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 discharge which would be subject to Sections 301 or 305 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:
- (a) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
- (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
- (c) Inspection, monitoring and entry pursuant to Section 309 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, sludges, 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.
- (Rev. 3-13-98)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by LISA MADIGAN, Attorney)
General of the State of Illinois,)

Complainant,)

v.)

PCB No. 11-88
(Enforcement - Water)

SUPER MIX, INC., an Illinois corporation,)

Respondent.)

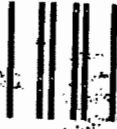
PROOF OF SERVICE FOR SUPER MIX, INC.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Super Mix, Inc. c/o Donald Stinespring, Agent 5414 Hill Road, Suite 382 Richmond, IL 60071	B. Received by (Printed Name) <i>Lee P. Pappin</i> C. Date of Delivery <i>6-2-11</i>
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

7010 3090 0003 0003 1643

Domestic Return Receipt 102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

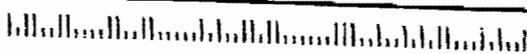
• Sender: Please print your name, address, and ZIP+4 in this box.

Ms. Jennifer A. Van Wie
 Assistant Attorney General
 Illinois Attorney General's Office
 Environmental Bureau
 69 West Washington Street, 18th Floor
 Chicago, IL 60602

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 JUN 06 2011
 ATTORNEY GENERAL
 Enforcement

EXHIBIT
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

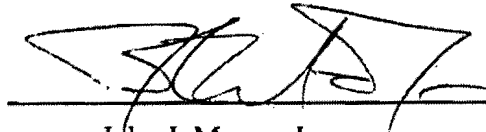
People of the State of Illinois)
By Lisa Madigan, Attorney General)
Of the State of Illinois)
)
Complainant)
)
v.)
)
SUPER MIX, INC., an Illinois Corporation)
)
Respondent)

RECEIVED
CLERK'S OFFICE
JUL 22 2011
STATE OF ILLINOIS
Pollution Control Board

PCB No. 11-88
(Enforcement- Water)

APPEARANCE

NOW COMES, DONALD C. STINESPRING & ASSOCIATES, as attorneys, and enters their appearance for Respondent, SUPER MIX, INC.



John J. Murray Jr.

ORIGINAL

DONALD C. STINESPRING & ASSOCIATES
Donald C. Stinespring, Jr. - ARDC#6243959
John J. Murray Jr. - ARDC# 6295292
Attorneys for Respondent
5414 Hill Road, P.O. Box 382
Richmond, Illinois 60071
815/678-4553

EXHIBIT
tabbles
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

People of the State of Illinois)
By Lisa Madigan, Attorney General)
Of the State of Illinois)
)
Complainant)
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v.)
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SUPER MIX, INC., an Illinois Corporation)
)
Respondent)

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JUL 22 2011
STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

RESPONDENT'S ANSWER TO COMPLAINT

NOW COMES, Respondent, SUPER MIX, INC., an Illinois Corporation, by and through its attorneys, DONALD C. STINESPRING & ASSOCIATES, answer the allegations contained in Complainants Complaint, as follows:

1. Upon information and belief, Respondent admits the allegations contained in Paragraph 1 of said Complaint.
2. Upon information and belief, Respondent admits the allegations contained in paragraph 2 of said Complaint.
3. Admits.
4. Admits.
5. Admits.
6. Admits.
7. Admits.
8. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 8, but demands strict proof thereof.
9. Respondent lacks sufficient knowledge or information to either admit or deny what an inspector observed as alleged in this Paragraph 9, but demands strict proof thereof.
10. Deny.
11. Deny.
12. Deny.
13. Deny.
14. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 14, but demands strict proof thereof.
15. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 15, but demands strict proof thereof.

16. Respondent lacks sufficient knowledge or information to either admit or deny what an Illinois EPA inspector observed as alleged in this paragraph 16. Respondent denies the use of discharges as defined in complaint and denies it traveled offsite.
17. Respondent lacks sufficient knowledge or information to either admit or deny what an Illinois EPA inspector observed as alleged in this paragraph 17, but demands strict proof thereof.
18. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 18, but demands strict proof thereof.
19. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 19, but demands strict proof thereof.
20. Respondent lacks sufficient knowledge or information to either admit or deny what an Illinois EPA inspector observed as alleged in this paragraph 20. Respondent denies the use of discharges as defined in complaint and denies it traveled offsite.
21. Respondent lacks sufficient knowledge or information to either admit or deny what action an inspector took, as alleged in this paragraph 21.
22. Respondent lacks sufficient knowledge or information to either admit or deny results as alleged in paragraph 22, and denies the results are related or caused by Super Mix, Inc. in as alleged in paragraph 22.
23. Respondent lacks sufficient knowledge or information to either admit or deny what an inspector noted as alleged in this paragraph 23.
24. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 24, but demands strict proof thereof.
25. Respondent lacks sufficient knowledge or information to either admit or deny what an inspector observed as alleged in this paragraph 25. Respondent denies any waste was caused by Super Mix, Inc.
26. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 26, but demands strict proof thereof.
27. Respondent lacks sufficient knowledge or information to either admit or deny what an inspector observed as alleged in this paragraph 27.
28. Upon information and belief Respondent admits the allegations contained in paragraph 28.
29. Upon information and belief Respondent admits the allegations contained in paragraph 29.
30. Upon information and belief Respondent admits the allegations contained in paragraph 30.
31. Upon information and belief Respondent admits the allegations contained in paragraph 31.
32. Respondent lacks sufficient knowledge or information to either admit or deny what was or was not present in the water as alleged in this paragraph 32. Respondent denies that Super Mix, Inc. caused any "contaminates" to be present.

33. Upon information and belief Respondent admits the allegations contained in paragraph 33.
34. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 34, but demands strict proof thereof.
35. Upon information and belief Respondent admits the allegations contained in paragraph 35.
36. Deny.
37. Deny.

WHEREFORE, Respondent, SUPER MIX, INC., respectfully request this Honorable Board, dismiss Complainant's Complaint and for such further other relief as just.

COUNT II

- 1-33. Respondent realleges and reaffirms its allegations contained in Paragraph I through 33 in Count I, as though fully set forth herein.
34. Upon information and belief Respondent admits the allegations contained in paragraph 33.
35. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 35, but demands strict proof thereof.
36. Upon information and belief Respondent admits the allegations contained in paragraph 36.
37. Upon information and belief Respondent admits the allegations contained in paragraph 37.
38. Deny.
39. Upon information and belief Respondent admits the allegations contained in paragraph 39.
40. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 40, but demands strict proof thereof.
41. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 41, but demands strict proof thereof.
42. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 42 but demands strict proof thereof.
43. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 43 but demands strict proof thereof. Denies Super Mix, Inc discharged pollutants to navigable waters.
44. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 44 but demands strict proof thereof.

45. Respondent denies Super Mix, Inc had discharges as alleged in the complaint.
46. Deny.

WHEREFORE, Respondent, SUPER MIX, INC., respectfully request this Honorable Board, dismiss Complainant's Complaint and for such further other relief as just.

COUNT III

- 1-36. Respondent realleges and reaffirms its allegations contained in Paragraph 1 through 36 in Count II, as though fully set forth herein.
37. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 37 but demands strict proof thereof.
38. Respondent lacks sufficient knowledge or information to either admit or deny allegations as to the Inspectors actions in this paragraph 38 but demands strict proof thereof.
39. Respondent lacks sufficient knowledge or information to either admit or deny allegations as to the Inspectors actions in this paragraph 39 but demands strict proof thereof.
40. Deny.

WHEREFORE, Respondent, SUPER MIX, INC., respectfully request this Honorable Board, dismiss Complainant's Complaint and for such further other relief as just.

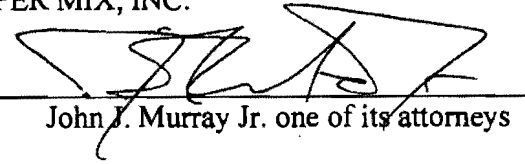
COUNT IV

- 1-36. Respondent realleges and reaffirms its allegations contained in Paragraph 1 through 33 in Count II, as though fully set forth herein.
37. Upon information and belief Respondent admits the allegations contained in paragraph 37.
38. Upon information and belief Respondent admits the allegations contained in paragraph 38.
39. Deny.
40. Respondent lacks sufficient knowledge or information to either admit or deny allegations in this paragraph 40 but demands strict proof thereof.
41. Deny.
42. Deny.
43. Deny.
44. Deny.
45. Deny.

WHEREFORE, Respondent, SUPER MIX, INC., respectfully request this Honorable Board, dismiss Complainant's Complaint and for such further other relief as just.

SUPER MIX, INC.

By:



John J. Murray Jr. one of its attorneys

DONALD C. STINESPRING & ASSOCIATES
Donald C. Stinespring, Jr. - ARDC#6243959
John J. Murray Jr.- ARDC# 6295292
Attorneys for Respondent
5414 Hill Road, P.O. Box 382
Richmond, Illinois 60071
815/678-4553

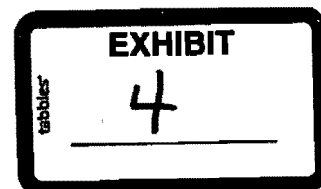
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by LISA MADIGAN, Attorney)
General of the State of Illinois,)
)
Complainant,)
)
v.) PCB No. 11-88
) (Enforcement - Water)
)
SUPER MIX, INC., an Illinois corporation,)
)
Respondent.)

**COMPLAINANT'S FIRST REQUEST FOR ADMISSION OF FACTS AND
GENUINENESS OF DOCUMENTS**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to 35 Ill. Adm. Code 101.618 and Illinois Supreme Court Rule 216, hereby serves its First Request for Admission of Facts and Genuineness of Documents upon Respondent, SUPER MIX, INC., to be answered in writing, under oath, within 28 days of the date of service hereof.

FAILURE TO RESPOND TO THE FOLLOWING REQUESTS TO ADMIT WITHIN 28 DAYS MAY HAVE SEVERE CONSEQUENCES. FAILURE TO RESPOND TO THE FOLLOWING REQUESTS WILL RESULT IN ALL THE FACTS REQUESTED BEING DEEMED ADMITTED AS TRUE FOR THIS PROCEEDING. IF YOU HAVE ANY QUESTIONS ABOUT THIS PROCEDURE, YOU SHOULD CONTACT THE HEARING OFFICER ASSIGNED TO THIS PROCEEDING OR AN ATTORNEY.



I. INSTRUCTIONS

1. With respect to any requested admission which Respondent refuses to answer because of a claim of privilege, provide a statement signed by an attorney representing Respondent setting forth as to each:

- a. the nature of the claim of privilege;
- b. the statute, rule or decision which is claimed to give rise to the claim of privilege;
- c. all facts relied upon in support of the claim of privilege;
- d. an identification of all documents related to the claim of privilege;
- e. an identification of all persons having knowledge of any facts related to the claim of privilege; and
- f. an identification of all events, transactions or occurrences related to the claim of privilege.

2. For all requested admissions which Respondent denies or which Respondent can neither admit nor deny, pursuant to 35 Ill. Adm. Code 101.618(g), Respondent shall specify the part which is denied or qualified and admit only the remainder.

II. DEFINITIONS

1. "Act" shall mean the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

2. "Complainant" shall mean the Illinois Environmental Protection Agency and Illinois Attorney General's Office, and any of their agents or representatives, representing the People of the State of Illinois as listed in the Complaint.

3. "Current" or "present" shall mean the date the Respondent is answering this First Request for Admission of Facts and Genuineness of Documents.

4. "Date" shall mean the exact date about which the request inquires, except that when the Respondent does not know the exact date, it should so state and further state its best approximation of the date about which it is asked.

5. "Document" shall be construed in its customary broad sense in accordance with Supreme Court Rules 213(e) and 214 and shall include, but is not limited to, the original and any non-identical copy, whether different from the original because of notes made on said copy or otherwise, of any agreement; bank record or statement; book of account, including any ledges, sub-ledger, journal, or sub-journal; brochure; calendar; chart; check; City Council resolution or ordinance; circular; communication; contract; copy; correspondence; diary; draft of any document; electronic mail; facsimile; graph; index; instruction; instruction manual or sheet; invoice job requisition; letter; license; log; manifest; manual; memorandum; minutes; newspaper or other clipping; note; note book; opinion; pamphlet, paper; periodical or other publication; photograph; police or fire department reports; print; receipt; record; report; statement; study; summary including any memorandum, minutes, note record, or summary of any (a) telephone,

videophone or intercom conversation or message, (b) personal conversation or interview, or (c) meeting or conference; telegram; telephone log; travel or expense record; voucher; worksheet or working paper; writing; any other handwritten, printed, reproduced, recorded, typewritten, or otherwise produced graphic material from which the information inquired of may be obtained, or any other documentary material of any nature, in the possession, custody or control of Defendant.

6. "General NPDES Permit" shall mean General National Pollutant Discharge Elimination System Permit No. ILR006479 for Storm Water Discharges from Industrial Activities.

7. "Illinois EPA" means the Illinois Environmental Protection Agency.

8. "Knowledge" shall mean first-hand information and/or information derived from any other source, including hearsay.

9. "North Ditch" shall mean the storm water drainage ditch on the north side of Spring Ridge Drive.

10. "NPDES" shall mean National Pollutant Discharge Elimination System.

11. "Operate" or "operation" shall mean use, exercise control over, supervise or having responsibility for the daily performance of.

12. "Or" shall mean and/or wherever appropriate.

13. "Own" or "ownership" shall mean having good legal title to, hold as property or possess.

14. "Person" shall include, but in not limited to, any natural person; business or corporation, whether for profit or not; firm, partnership, or other non-corporate business organization; charitable, religious, education, governmental, or other non-profit institution, foundation, body, or other organization; or employee, agent, or representative of any of the foregoing.

15. "Related to" or "relating to" or "in relation to" shall mean anything which, directly or indirectly, concerns, consists of, pertains to, reflects, evinces, describes, sets forth, constitutes, contains, shows, underlies, supports, refers to in any way, is or was used in the preparation of, is appended to, is legally logical or factually connected with, proves, disproves, or tends to prove or disprove.

16. "Relied upon" shall mean being or having been depended upon or referred to or being or having been arguably appropriate for such reliance.

17. "Respondent" shall mean Super Mix, Inc., and any of its officers, employees, agents, representatives, successors, or assigns, or any other person acting or believed by Super

Mix, Inc. to have acted on its behalf.

18. "Settling basin" shall mean the man-made settling basin located partially on the northwest corner of the Site and partially on a neighboring property to the west of the Site.

19. "Site" shall mean the Super Mix, Inc. facility located at 2203 Spring Ridge Drive, Spring Grove, McHenry County, Illinois.

20. "South Ditch" shall mean the storm water drainage ditch on the south side of Spring Ridge Drive.

21. "State" shall mean to declare definitely or specifically.

22. "Super Mix" shall mean Super Mix, Inc., and any of its officers, employees, agents, representatives, successors, or assigns, or any other person acting or believed by the Respondent to have acted on its behalf.

23. All terms not specifically defined herein shall have their logical, ordinary meaning, unless such terms are defined in the Act or the regulations promulgated thereunder, in which case the appropriate or regulatory definitions shall apply.

III. REQUEST TO ADMIT FACTS

Fact No. 1:

From at least November 12, 2008 until a date better known by Super Mix, truck washing has occurred on the northwest corner of the Site.

RESPONSE:

Fact No. 2:

The northwest corner of the Site slopes in such a way that water runoff from the Site naturally flows into the settling basin.

RESPONSE:

Fact No. 3:

From at least November 12, 2008 until the present date, Super Mix used the settling basin to capture storm water runoff from the Site.

RESPONSE:

Fact No. 4:

From at least November 12, 2008 until the present date, Super Mix used the settling basin to capture truck wash water runoff from the Site.

RESPONSE:

Fact No. 5:

The settling basin is not fully enclosed on all four (4) sides such that water cannot flow out of the settling basin.

RESPONSE:

Fact No. 6:

The settling basin overflows into the South Ditch.

RESPONSE:

Fact No. 7:

The South Ditch crosses underneath Spring Ridge Drive to connect to the North Ditch.

RESPONSE:

Fact No. 8:

The North Ditch is connected to a storm sewer pipe.

RESPONSE:

Fact No. 9:

The settling basin accumulates dirt, sediment, concrete dust, and other deposits from the Site.

RESPONSE:

Fact No. 10:

Super Mix removes the accumulated dirt, sediment, concrete dust, and other deposits from the settling basin with an excavator.

RESPONSE:

Fact No. 11:

Iron, total suspended solids, aluminum, barium, chromium, copper, lead, magnesium, manganese, nickel, potassium, and zinc are all compounds associated with concrete mixing operations.

RESPONSE:

Fact No. 12:

Super Mix does not have any Illinois EPA permits for the removal of accumulated dirt, sediment, concrete dust, and other deposits from the settling basin.

RESPONSE:

Fact No. 13:

On September 8, 2005, Super Mix submitted to the Illinois EPA a renewal Notice of Intent for General Permit to Discharge Storm Water Associated with Industrial Activity.

RESPONSE:

Fact No. 14:

On October 13, 2005, the Illinois EPA granted Super Mix coverage for the Site under the General NPDES Permit.

RESPONSE:

Fact No. 15:

Super Mix does not have any additional NPDES permits for the Site (other than the General NPDES Permit).

RESPONSE:

Fact No. 16:

At no point has Super Mix sought to terminate its coverage of the Site under the General NPDES Permit.

RESPONSE:

Fact No. 17:

The storm sewer inlet located in the back area of the concrete filling station at the Site discharges into a road ditch that leads to the settling basin and South Ditch.

RESPONSE:

IV. REQUEST FOR ADMISSION OF GENUINENESS OF DOCUMENTS

Document No. 1:

Notice of Intent for General Permit to Discharge Storm Water Associated with Industrial Activity, dated September 8, 2005. See Attachment 1.

RESPONSE:

Document No. 2:

General National Pollutant Discharge Elimination System Permit for Storm Water Discharges from Industrial Activities, Issue Date of May 30, 2003, Effective Date of June 1, 2003, and Expiration Date of May 31, 2008. See Attachment 2.

RESPONSE:

Document No. 3:

General National Pollutant Discharge Elimination System Permit for Storm Water Discharges from Industrial Activities, Issue Date of April 3, 2009, Effective Date of May 1, 2009, and Expiration Date of April 30, 2014. See Attachment 3.

RESPONSE:

Respectfully Submitted,


JENNIFER A. VAN WIE

Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0609
jvanwie@atg.state.il.us

Dated: June 7, 2012

Handwritten notes:
 308
 10-5-05

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 NOTICE OF INTENT (NOI)
 FOR
 GENERAL PERMIT TO DISCHARGE STORM WATER
 ASSOCIATED WITH INDUSTRIAL ACTIVITY
 (EXCLUDING CONSTRUCTION ACTIVITY)**

OWNER/OPERATOR INFORMATION

NAME:	LAST Super Mix, Inc.	FIRST	MIDDLE INITIAL (OR COMPANY NAME)	OWNER TYPE:	(select one)
MAILING ADDRESS:	5435 Bull Valley Road, Suite 130				
CITY:	Mc Henry	STATE:	IL	ZIP:	60050
CONTACT PERSON:	Nyle Anderson	TELEPHONE NUMBER:	AREA CODE 815	NUMBER	675-9000

FACILITY/SITE INFORMATION

SELECT ONE:	<input type="checkbox"/> NEW SITE <input checked="" type="checkbox"/> RENEWAL <input type="checkbox"/> CHANGE OF INFORMATION TO GENERAL NPDES PERMIT NO.: ILR00 _____												
FACILITY NAME:	Super Mix			OTHER NPDES PERMIT NUMBERS:									
FACILITY LOCATION:	2203 Spring Ridge Drive				TELEPHONE NUMBER:	AREA CODE 815		NUMBER 675-9000					
CITY:	Spring Grove	ST:	IL	ZIP:	60081	LATITUDE:	DEG. 42	MIN. 26	SEC. 01	LONGITUDE:	DEG. 88	MIN. 14	SEC. 30
COUNTY:	Mc Henry	SECTION:	25		TOWNSHIP:	T46N		RANGE:	R8E				
SIC OR DESIGNATED ACTIVITY CODE(S):	PRIMARY 3273		2ND		3RD		4TH						
STORM WATER POLLUTION PREVENTION PLAN COMPLETED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (IF NO, SEPARATE NOTIFICATION REQUIRED TO AGENCY PRIOR TO COVERAGE LETTER SENT BY AGENCY)													

RECEIVING WATER INFORMATION

DOES YOUR STORM WATER DISCHARGE DIRECTLY TO:	<input type="checkbox"/> WATER OF THE STATE OR <input checked="" type="checkbox"/> STORM SEWER		OWNER OF STORM SEWER SYSTEM	Village of Spring Grove
NAME OF CLOSEST RECEIVING WATER:	Nippersink Creek			
DOES QUANTITATIVE DATA CURRENTLY EXIST WHICH DESCRIBES THE CONCENTRATION OF POLLUTANTS IN THE STORM WATER DISCHARGES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				

ADDITIONAL INFORMATION

ATTACH A LIST OF MATERIAL HANDLING ACTIVITIES, RAW MATERIALS, INTERMEDIATE PRODUCTS, FINAL PRODUCTS, WASTE MATERIALS, BY-PRODUCTS OR INDUSTRIAL MACHINERY THAT IS EXPOSED TO STORMWATER.

ATTACH A LIST IF YOU HAVE OTHER INDUSTRIAL ACTIVITIES TAKING PLACE AT YOUR FACILITY NOT COVERED BY THE ABOVE SIC CODES.

FORM 2-F ATTACHED Yes No (SEE INSTRUCTIONS)

I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a storm water pollution prevention plan and a monitoring program plan, will be complied with. I also certify that, to the best of my knowledge, the storm water which is discharged from this facility/site does not contain process wastewater, domestic wastewater, or cooling water.

APPLICANT SIGNATURE: Nyle Anderson Title: Area Manager Date: Sept. 8, 2005

MAIL COMPLETED FORM TO:
 (DO NOT SUBMIT ADDITIONAL DOCUMENTATION UNLESS REQUESTED)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF WATER POLLUTION CONTROL
 ATTN: PERMIT SECTION
 POST OFFICE BOX 19276
 SPRINGFIELD, ILLINOIS 62794-9276
www.epa.state.il.us

FOR OFFICE USE ONLY

LOG:
PERMIT NO. ILR00 <u>6479</u>
DATE:

Information required by this form must be provided to comply with 415 ILCS 5/39 (1996). Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

Attachment 1

General NPDES Permit No. ILR00

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
www.epa.state.il.us

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

**General NPDES Permit
For
Storm Water Discharges from Industrial Activities**

Expiration Date: May 31, 2008

Issue Date: May 30, 2003

Effective Date: June 1, 2003

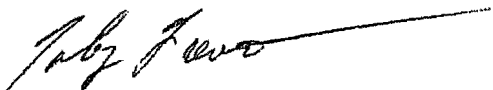
Discharges authorized by this General Permit: In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter 1) and the Clean Water Act, the following discharges may be authorized by this permit in accordance with the conditions herein:

Discharges of storm water associated with industrial activity, as defined and limited herein. Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

This general permit regulates only storm water discharges from a facility. Other discharges such as process wastewater or cooling water shall be regulated by other NPDES permits.

Receiving waters: Discharges may be authorized to any surface water of the State.

To receive authorization to discharge under this general permit, a facility operator must either submit an application as described in the permit conditions to the Illinois Environmental Protection Agency or have a valid Illinois General NPDES Permit for industrial storm water. Authorization, if granted, will be by letter and include a copy of this permit.



Toby Frevert, P.E.
Manager
Division of Water Pollution Control

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A. APPLICABILITY OF THIS GENERAL PERMIT

This permit is applicable to storm water discharges associated with industrial activity from areas (except access roads and rail lines) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water in the state of Illinois from the facilities listed below.

1. Discharges of storm water from facilities whose process wastewater discharges are subject to new source performance standards or toxic pollutant effluent standards under 40 CFR Subchapter N, except:

- a. discharges subject to new source performance standards or toxic pollutant effluent standards and described in paragraph A.8. below which do not have materials or activities exposed to storm water;
- b. discharges subject to storm water effluent limitations guidelines listed in B.1. of this permit.

2. Discharges from facilities in the following SIC codes:

SIC 20	(Food and kindred products manufacturing or processing)
SIC 21	(Tobacco products)
SIC 22	(Textile mill products)
SIC 23	(Apparel and other finished products made from fabrics and similar materials)
SIC 24	(Lumber and wood products except furniture)
SIC 2434	(Wood kitchen cabinets)
SIC 25	(Furniture and fixtures)
SIC 26	(Paper and allied products)
SIC 265	(Paperboard containers and boxes)
SIC 267	(Converted paper and paperboard products)
SIC 27	(Printing, publishing, and allied industries)
SIC 28	(Chemicals and allied products)
SIC 283	(Drugs)
SIC 285	(Paints, varnishes, lacquers, enamels, and allied products)
SIC 29	(Petroleum refining and related industries), except discharges subject to 40 CFR 419
SIC 30	(Rubber and miscellaneous plastics products)
SIC 31	(Leather and leather products)
SIC 311	(Leather tanning and finishing)
SIC 32	(Stone, clay, glass, and concrete products)
SIC 323	(Glass products, made of purchased glass)
SIC 33	(Primary metal industries)
SIC 34	(Fabricated metal products, except machinery and transportation equipment)
SIC 3441	(Fabricated structural metal)
SIC 35	(Industrial and commercial machinery and computer equipment)
SIC 36	(Electronic and other electrical equipment and components, except computer equipment)
SIC 37	(Transportation equipment)
SIC 373	(Ship and boat building and repairing)
SIC 38	(Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks)
SIC 39	(Miscellaneous manufacturing industries)
SIC 4221-25	(Farm products warehousing and storage, refrigerated warehousing and storage, general warehousing and storage)

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3. Facilities classified as SIC Codes 10-14 (Mineral Industry) including active or inactive mining operations and oil and gas exploration, production, processing, treatment operations, or transmission facilities, except discharges subject to 40 CFR 434, 436, or 440.
4. Landfills, land application sites (excluding land application sites which utilize agricultural land), and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described in 40 CFR 122.26(b)(14)).
5. Facilities involved in the recycling of materials including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards including but not limited to SIC 5015 (Used motor vehicle parts) and SIC 5093 (Scrap and waste materials)
6. Transportation facilities-portions of the following facilities involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport deicing operations:
 - SIC 40 (Railroad transportation)
 - SIC 41 (Local and suburban transit and inter-urban highway passenger transportation)
 - SIC 42 (Motor freight transportation and warehousing) except SIC 4221-4225 (Farm product warehousing and storage, refrigerated warehousing and storage, general warehousing and storage)
 - SIC 43 (United States Postal Service)
 - SIC 44 (Water transportation)
 - SIC 45 (Transportation by air)
 - SIC 5171 (Petroleum bulk stations and terminals-wholesale)
7. Treatment Works treating domestic sewage with a design flow of 1.0 mgd or more; includes sludge or wastewater treatment devices or systems used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, and land dedicated to sludge disposal located within the confines of the facility; excludes off-site sludge management lands, farm lands, and gardens.

B. TYPES OF DISCHARGES NOT COVERED BY THIS PERMIT

This permit is not applicable to storm water discharges from the following facilities:

1. Discharges subject to storm water effluent limitations guidelines in the following categories;
 - Cement Manufacturing (40 CFR 411)
 - Feedlots (40 CFR 412)
 - Fertilizer Manufacturing (40 CFR 418)
 - Petroleum Refining (40 CFR 419)
 - Phosphate Manufacturing (40 CFR 422)
 - Steam Electric (40 CFR 423)
 - Coal Mining (40 CFR 434)
 - Mineral Mining and Processing (40 CFR 436)
 - Ore Mining and Dressing (40 CFR 440)
 - Asphalt Emulsion (40 CFR 443).
2. Hazardous waste treatment, storage or disposal facilities.
3. Steam electric power generating facilities, including coal handling sites.
4. Construction activity including clearing, grading and excavation activities.
5. Storm water discharges associated with industrial activity from facilities with an existing NPDES individual or general permit for the storm water discharges.
6. Storm water discharges associated with industrial activity which are identified by the Agency as possibly causing or contributing to a violation of water quality standards.
7. Storm water discharges associated with inactive mining or inactive oil and gas operations occurring on Federal lands where an operator cannot be identified.
8. Storm water discharges to any receiving water identified under 35 Ill. Adm. Code 302.105(d)(6).
9. Storm water discharges that the Agency determines are not appropriately covered by this general permit.

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill, and does not supercede any reporting requirements for spills or releases of hazardous substances or oil.

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C. SPECIAL CONDITIONS

1. Prohibition on non-storm water discharges
 - a. Except as provided in C. 1. b. below, all discharges covered by this permit shall be composed entirely of storm water.
 - b.
 - i. Except as provided in C. 1. b. ii. below, discharges of material other than storm water must be in compliance with an NPDES permit (other than this permit) issued for the discharge.
 - ii. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharges is in compliance with paragraph E.7. of this permit: discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles without the use of detergents; waters used to control dust; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.
2. Provisions for handling storm water from bulk storage and hazardous waste containment areas
 - a. This permit does not authorize the discharge of storm water collected in containment areas at bulk storage and hazardous waste facilities where the storm water becomes contaminated by direct contact with a spill or release of stored materials into the containment area. Such storm water should be handled properly by on-site treatment or hauling off-site for treatment and disposal.
 - b. Where a spill or release to a dry containment area occurs, the permittee shall institute procedures to clean up the spill in order to prevent contamination of any storm water, which subsequently collects in the containment area. Where these procedures are followed, collected storm water may be discharged; following visual inspection to assure that the storm water contains no unnatural turbidity, color, oil films, foams, settleable solids, or deposits.
 - b. If you have storage piles of salt used for deicing or other commercial or industrial purposes, they must be enclosed or covered to prevent exposure to precipitation (except for exposure resulting from adding or removing materials from the pile). Piles do not need to be enclosed or covered where storm water from the pile is not discharged to waters of the state or the discharges from the piles are authorized under another permit.
3. Discharging pollutants for which a water body is impaired with an approved TMDL
 - a. For existing dischargers, new dischargers and new sources: you must carefully document the justifications for all BMP selections in your SWPPP, and install, implement and maintain BMPs that are consistent with all relevant TMDL allocations and with all relevant conditions in an implementation plan.
4. Discharges covered by this permit, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard.

D. APPLICATION REQUIREMENTS

1. Dischargers that are covered by a valid Illinois General NPDES Permit for industrial storm water as of May 31, 2003 are automatically covered by this permit unless they request otherwise prior to the effective date of this permit. Other dischargers seeking coverage under this general permit shall provide the Illinois Environmental Protection Agency (IEPA) with the following information:
 - a. A completed IEPA Notice of Intent form, accompanied by quantitative sampling data for the storm water discharge(s) if available; or
 - b. A completed U.S. EPA Form 1, including Form 2F and quantitative sampling data if available; or
 - c. A completed U.S. EPA Notice of Intent form, accompanied by quantitative sampling data for the storm water discharge(s) if available.
3. Quantitative sampling data as required by U.S. EPA Form 2F for storm water discharges from the following existing facilities is required to be submitted, unless the facility is a participant in a group application accepted by U.S. EPA.
 - a. Facilities subject to reporting requirements under Section 313 of EPCRA for chemicals classified as "Section 313 water priority chemicals": Storm water discharges that come into contact with any equipment, tank, container, or other vessel or area used for storage of a Section 313 water priority chemical, or located at a truck or rail car unloading area where a Section 313 water priority chemical is handled.

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- b. Facilities classified as SIC 33 (Primary Metal Industries).
 - c. Active or inactive landfills, land application sites, or open dumps without a stabilized final cover which have received any industrial wastes.
 - d. Wood treatment facilities: Storm water discharges from areas that are used for wood treatment, wood surface application, or storage of treated or surface protected wood.
 - e. Coal pile runoff at industrial facilities other than coal mines.
 - f. Battery reclaiming facilities: Storm water discharges from areas used for storage of lead acid batteries, reclamation products, or waste products, and areas used for lead acid battery reclamation.
 - g. Airports with over 50,000 flight operations per year: storm water discharges from aircraft or airport deicing areas.
 - h. Meat packing plants, poultry packing plants, and facilities that manufacture animal and marine fats and oils.
 - i. Facilities classified as SIC 28 (Chemicals and Allied Products) and SIC 30 (Rubber and Miscellaneous Plastics Products): Storm water discharges that come into contact with solid chemical storage piles.
 - j. Automobile junkyards: Storm water discharges exposed to over 250 auto/truck bodies with drivelines, over 250 drivelines, or any combination thereof (in whole or in parts); over 500 auto/truck units (bodies with or without drivelines in whole or in parts); or over 100 units per year are dismantled and drainage or storage of automotive fluids occurs in areas exposed to storm water.
 - k. Lime manufacturing facilities: Storm water discharges that have come into contact with lime storage piles.
 - l. Cement manufacturing facilities and cement kilns: Storm water discharges other than those subject to 40 CFR 411.
 - m. Ready-mixed concrete facilities. Sampling data is not required for new ready-mixed concrete facilities or for relocated ready-mixed concrete facilities.
 - n. Ship building and repairing facilities.
3. When a facility has two or more outfalls that, based on consideration of features and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may sample the effluent of one such outfall and report that quantitative data also applied to the substantially identical outfalls. If the applicant is requesting approval to sample a representative outfall, identification of all storm water outfalls considered to be substantially identical along with the outfall being used to represent such outfalls and appropriate justification must be provided with the application.
 4. For existing facilities with an individual NPDES permit covering storm water associated with industrial activity, or those facilities who have previously submitted an application for an individual permit and not yet received a permit, the permittee/applicant may elect to seek coverage under this general permit in place of obtaining an individual permit. To be considered for coverage the permittee/applicant is required to submit the above information following the general permit issue date.
 5. For new facilities, the NOI and required information shall be submitted 180 days prior to the date on which the discharge is to commence unless permission for a later date has been granted by the IEPA. Mobile facilities (such as concrete or asphalt batch plants) shall apply at least 30 days prior to discharge.
 6. The required information shall be submitted to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Permit Section
Post Office Box 19276
Springfield, Illinois 62794-9276
 7. In any case where an NPDES Permit has been timely applied for but final administrative disposition of such application has not been made, it shall not be a violation of Section 12-F of the Environmental Protection Act to discharge without such permit unless the complainant proves that final administrative disposition has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application. For purposes of this provision, participation in a group application filed with U.S. EPA shall be deemed an application filed with the Agency. This provision does not relieve the applicant from the responsibility for compliance with any other requirement of the Act or regulations promulgated under the Act.
 8. Facilities which discharge storm water associated with industrial activity to a municipal separate storm sewer system shall notify the municipality, and shall provide the municipality with a copy of their application if requested.

9. Permittees who wish to continue to discharge after the expiration date of this permit shall submit a Notice of Intent to the Agency not less than 180 days prior to the expiration date.

E. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

1. A storm water pollution prevention plan shall be developed by the permittee for each facility covered by this permit. The plan shall identify potential sources of pollution which may be expected to affect the quality of storm water discharges associated with the industrial activity at the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.

- a. Waters not classified as Impaired pursuant to Section 303(d) of the Clean Water Act

Unless otherwise specified by federal regulation, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event.

- b. Waters classified as Impaired pursuant to Section 303(d) of the Clean Water Act

For any site which discharges directly to an impaired water identified in the Agency's 303(d) listing, and if any parameter in the subject discharge has been identified as the cause of impairment, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations, the storm water pollution prevention plan shall adhere to a more restrictive design criteria.

2. The plan shall be completed within 180 days of notification by the Agency of coverage by this permit or in the case of new facilities, prior to submitting an NOI to be covered under this permit. Plans shall provide for compliance with the terms of the plan within 365 days of notification by the Agency of coverage by this permit, or in the case of new facilities, prior to submitting an NOI to be covered under this permit. [Note: If the plan has already been required to be developed under a previous permit it shall be maintained in accordance with all requirements of this special condition.]. The owner or operator of a facility with storm water discharges covered by this permit shall make a copy of the plan available to the Agency at any reasonable time upon request.

Facilities which discharge to a municipal separate storm sewer system shall also make a copy available to the operator of the municipal system at any reasonable time upon request.

3. The permittee may be notified by the Agency at any time that the plan does not meet the requirements of this permit. After such notification, the permittee shall make changes to the plan and shall submit a written certification that the requested changes have been made. Unless otherwise provided, the permittee shall have 30 days after such notification to make the changes.
4. The discharger shall amend the plan whenever there is a change in construction, operation, or maintenance which may affect the discharge of significant quantities of pollutants to the waters of the State or if a facility inspection required by paragraph E.8. of this permit indicates that an amendment is needed. The plan should also be amended if the discharger is in violation of any conditions of this permit, or has not achieved the general objectives of controlling pollutants in storm water discharges. Amendments to the plan shall be made within the shortest reasonable period of time, and shall be provided to the Agency for review upon request.
5. The plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from the facility. The plan shall include, at a minimum, the following items:

- a. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate.

- b. A site map showing:

- i. The storm water conveyance and discharge structures;
- ii. An outline of the storm water drainage areas for each storm water discharge point;
- iii. Paved areas and buildings;
- iv. Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.
- v. Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);
- vi. Surface water locations and/or municipal storm drain locations

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- vii. Areas of existing and potential soil erosion;
 - viii. Vehicle service areas;
 - ix. Material loading, unloading, and access areas.
- c. A narrative description of the following:
- i. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
 - ii. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
 - iii. Existing structural and non-structural control measures to reduce pollutants in storm water discharges;
 - iv. Industrial storm water discharge treatment facilities;
 - v. Methods of onsite storage and disposal of significant materials;
- d. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities.
- e. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
- f. A summary of existing sampling data describing pollutants in storm water discharges.
6. The plan shall describe the storm water management controls which will be implemented by the facility. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The description of the storm water management controls shall include:
- a. Storm Water Pollution Prevention Personnel - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.
 - b. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
 - c. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
 - d. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
 - e. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
 - i. Containment - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff;
 - ii. Oil & Grease Separation - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges;
 - iii. Debris & Sediment Control - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges;
 - iv. Waste Chemical Disposal - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges.

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- v. Storm Water Diversion - Storm water diversion away from materials manufacturing, storage and other areas of potential storm water contamination;
 - vi. Covered Storage or Manufacturing Areas - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
 - f. Sediment and Erosion Prevention - The plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion. The plan shall describe measures to limit erosion.
 - g. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
 - h. Inspection Procedures - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.
7. Non-Storm water Discharges - The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include a description of any tests for the presence of non-storm water discharges, the methods used, the dates of the testing, and any onsite drainage points that were observed during the testing. Any facility that is unable to provide this certification must describe the procedure of any test conducted for the presence of non-storm water discharges, the test results, potential sources of non-storm water discharges to the storm sewer, and why adequate tests for such storm sewers were not feasible. Except as provided in C.1. b., discharges not comprised entirely of storm water are not authorized by this permit.
8. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.
9. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.
10. The plan is considered a report that shall be available to the public at any reasonable time upon request. The permittee may claim portions of the plan as confidential business information, including any portion describing facility security measures.
11. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.
12. Facilities which discharge storm water associated with industrial activity to municipal separate storm sewers may also be subject to additional requirements imposed by the operator of the municipal system.

F. CONSTRUCTION AUTHORIZATION

Authorization is hereby granted to construct treatment works and related equipment that may be required by the Storm Water Pollution Prevention Plan developed pursuant to this permit.

This Authorization is issued subject to the following condition(s).

- 1. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee thereupon waives all rights thereunder.
- 2. The issuance of this authorization (a) does not release the permittee from any liability for damage to persons or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (b) does not take into consideration the structural stability of any units or part of this project; and (c) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or other applicable local law, regulations or ordinances.
- 3. Plans and specifications of all treatment equipment being included as a part of the stormwater management practice shall be included in the SWPPP.
- 4. Any modification of or deviation from the plans and specifications originally submitted with the initial SWPPP requires amendment of the SWPPP.

5. Construction activities which result from treatment equipment installation, including clearing, grading and excavation activities which result in the disturbance of one acre or more of land area, are not covered by this authorization. The permittee shall contact the IEPA regarding required permit(s).

G. REPORTING

1. The facility shall submit an annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part 8 of the Storm Water Pollution Prevention Plan of this permit. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s).
2. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.
3. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.
4. The permittee shall retain the annual inspection report on file at least 3 years. This period may be extended by request of the Illinois Environmental Protection Agency at any time.

Annual inspection reports shall be mailed to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
Annual Inspection Report
P.O. Box 19276
Springfield, Illinois 62794-9276

H. TERMINATION OF COVERAGE UNDER THIS PERMIT

Where all storm water discharges associated with industrial activity that have been authorized by this permit are eliminated, the operator of the facility may submit a termination request to the Agency at the address shown on Page 5 of this permit. The termination request shall include the name, address, telephone number, and location of the facility, and a description of actions taken to eliminate the storm water discharge or other justification for the request. Coverage under this permit is not terminated until the Agency acts on the termination request, and reports as described above are required until coverage is terminated.

1. The Agency may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Agency to take action under this paragraph. The Agency 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 the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The Agency may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Agency under this paragraph then the applicability of this permit to the individual NPDES permitted is automatically terminated at the end of the day specified for application submittal. The Agency may require an individual NPDES permit based on:
 - a. information received which indicates the receiving water may be of particular biological significance pursuant to 35 Ill. Adm. Code 302.105(d)(6);
 - b. whether the receiving waters are identified as impaired pursuant to the Agency's 303(d) listing and the site storm water is a potential contributing source of any parameter identified as a cause of that impairment;
 - c. size of construction site, proximity of site to the receiving stream, etc.

The Agency may also require monitoring of any storm water discharge from any site to determine whether an individual permit is required.

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2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR 122.28, to the Agency. The request shall be granted by issuing of an individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.
3. 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 applicability of this permit to the individual NPDES permittee is automatically terminated on the issue date of the individual 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 coverage under an alternative NPDES general permit the applicability of this permit to the individual NPDES permitted is automatically terminated on the date of such denial, unless otherwise specified by the Agency.

I. REOPENER CLAUSE

1. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with Part H.I. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Permit modification or revocation will be conducted according to provisions of 35 Ill. Adm. Code, Subtitle C, Chapter I and the provisions of 40 CFR 122.62, 122.63, 122.64 and 124.5 and any other applicable public participation procedures.
3. The Agency will reopen and modify this permit under the following circumstances:
 - a. the U.S. EPA amends its regulations concerning public participation;
 - b. a court of competent jurisdiction binding in the State of Illinois or the 7th Circuit issues an order necessitating a modification of public participation for general permits; or
 - c. to incorporate federally required modifications to the substantive requirements of this permit.

J. DEFINITIONS

1. Coal pile runoff means the rainfall runoff from or through any coal storage pile.
2. Land application site means an area where wastes are applied onto or incorporated into the soil surface for treatment or disposal.
3. Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site, surface impoundment, injection well or waste pile.
4. Section 313 water priority chemical means a chemical or chemical categories which: 1) Are listed at 40 CFR 372.65 pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986); 2) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) Are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.
5. Significant materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
6. Significant spills includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

Note that additional definitions are included in the permit Standard Conditions, Attachment H.

Attachment H
Standard Conditions
Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the Adaily 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 Adaily 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 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

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- 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 time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours

The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
 - (f) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).
 - (g) Other Information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) Transfer of permits. A permit may be automatically transferred to a new permittee if:
- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit 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 acetoin 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 discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (c) For purposes of this paragraph, adequate notice shall include information on (i) the impact 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 permittees shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
 - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
 - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (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, slurrries, 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.
- (Rev. 3-13-98)

General NPDES Permit No. ILR00

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
www.epa.state.il.us

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

**General NPDES Permit
For
Storm Water Discharges from Industrial Activities**

Expiration Date: April 30, 2014

Issue Date: April 3, 2009

Effective Date: May 1, 2009

Discharges authorized by this General Permit: In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter 1) and the Clean Water Act, the following discharges may be authorized by this permit in accordance with the conditions herein:

Discharges of storm water associated with industrial activity, as defined and limited herein. Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

This general permit regulates only storm water discharges from a facility. Other discharges such as process wastewater or cooling water shall be regulated by other NPDES permits.

Receiving waters: Discharges may be authorized to any surface water of the State.

To receive authorization to discharge under this general permit, a facility operator must either submit an application as described in the permit conditions to the Illinois Environmental Protection Agency or have a valid Illinois General NPDES Permit for industrial storm water. Authorization, if granted, will be by letter and include a copy of this permit.



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

Attachment 3

General NPDES Permit No. ILR00

<u>CONTENTS OF THIS GENERAL PERMIT</u>	<u>Pages</u>
A. Applicability of this General Permit	2 - 3
B. Types of Discharges not Covered by this Permit	3
C. Special Conditions	4
D. Application Requirements	4 - 6
E. Storm Water Pollution Prevention Plan	6 - 8
F. Construction Authorization	8 - 9
G. Reporting	9
H. Termination of Coverage Under this Permit	9 - 10
I. Reopener Clause	10
J. Definitions	10

A. APPLICABILITY OF THIS GENERAL PERMIT

This permit is applicable to storm water discharges associated with industrial activity from areas (except access roads and rail lines) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water in the state of Illinois from the facilities listed below.

1. Discharges of storm water from facilities whose process wastewater discharges are subject to new source performance standards or toxic pollutant effluent standards under 40 CFR Subchapter N, except:
 - a. discharges subject to new source performance standards or toxic pollutant effluent standards and described in paragraph A.2. below which do not have materials or activities exposed to storm water. Facilities with these discharges shall submit a No Exposure Certification form to the Agency.
 - b. discharges subject to storm water effluent limitations guidelines listed in B.1. of this permit.
2. Discharges from facilities in the following SIC codes:

SIC 20	(Food and kindred products manufacturing or processing)
SIC 21	(Tobacco products)
SIC 22	(Textile mill products)
SIC 23	(Apparel and other finished products made from fabrics and similar materials)
SIC 24	(Lumber and wood products except furniture)
SIC 2434	(Wood kitchen cabinets)
SIC 25	(Furniture and fixtures)
SIC 26	(Paper and allied products)
SIC 265	(Paperboard containers and boxes)
SIC 267	(Converted paper and paperboard products)
SIC 27	(Printing, publishing, and allied industries)
SIC 28	(Chemicals and allied products)
SIC 283	(Drugs)
SIC 285	(Paints, varnishes, lacquers, enamels, and allied products)
SIC 29	(Petroleum refining and related industries), except discharges subject to 40 CFR 419
SIC 30	(Rubber and miscellaneous plastics products)
SIC 31	(Leather and leather products)
SIC 311	(Leather tanning and finishing)
SIC 32	(Stone, clay, glass, and concrete products)
SIC 323	(Glass products, made of purchased glass)
SIC 33	(Primary metal industries)
SIC 34	(Fabricated metal products, except machinery and transportation equipment)
SIC 3441	(Fabricated structural metal)
SIC 35	(Industrial and commercial machinery and computer equipment)
SIC 36	(Electronic and other electrical equipment and components, except computer equipment)
SIC 37	(Transportation equipment)
SIC 373	(Ship and boat building and repairing)
SIC 38	(Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks)
SIC 39	(Miscellaneous manufacturing industries)
SIC 4221-25	(Farm products warehousing and storage, refrigerated warehousing and storage, general warehousing and storage)

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3. Facilities classified as SIC Codes 10-14 (Mineral Industry) including active or inactive mining operations and oil and gas exploration, production, processing, treatment operations, or transmission facilities, except discharges subject to 40 CFR 434, 436, or 440.
4. Landfills, land application sites (excluding land application sites which utilize agricultural land), and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described in 40 CFR 122.26(b)(14)).
5. Facilities involved in the recycling of materials including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards including but not limited to SIC 5015 (Used motor vehicle parts) and SIC 5093 (Scrap and waste materials)
6. Transportation facilities-areas of the following facilities involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport deicing operations:
 - SIC 40 (Railroad transportation)
 - SIC 41 (Local and suburban transit and inter-urban highway passenger transportation)
 - SIC 42 (Motor freight transportation and warehousing) except SIC 4221-4225 (Farm product warehousing and storage, refrigerated warehousing and storage, general warehousing and storage)
 - SIC 43 (United States Postal Service)
 - SIC 44 (Water transportation)
 - SIC 45 (Transportation by air)
 - SIC 5171 (Petroleum bulk stations and terminals-wholesale)
7. Treatment Works treating domestic sewage with a design flow of 1.0 mgd or more; includes sludge or wastewater treatment devices or systems used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, and land dedicated to sludge disposal located within the confines of the facility; excludes off-site sludge management lands, farm lands, and gardens.

B. TYPES OF DISCHARGES NOT COVERED BY THIS PERMIT

This permit is not applicable to storm water discharges from the facilities listed below. Storm water discharges from these facilities must be authorized by an individual NPDES permit or alternate general NPDES permit.

1. Discharges subject to storm water effluent limitations guidelines in the following categories;
 - Cement Manufacturing (40 CFR 411)
 - Feedlots (40 CFR 412)
 - Fertilizer Manufacturing (40 CFR 418)
 - Petroleum Refining (40 CFR 419)
 - Phosphate Manufacturing (40 CFR 422)
 - Steam Electric (40 CFR 423)
 - Coal Mining (40 CFR 434)
 - Mineral Mining and Processing (40 CFR 436)
 - Ore Mining and Dressing (40 CFR 440)
 - Asphalt Emulsion (40 CFR 443).
2. Hazardous waste treatment, storage or disposal facilities.
3. Steam electric power generating facilities, including coal handling sites.
4. Construction site activity including clearing, grading and excavation activities.
5. Storm water discharges associated with industrial activity from facilities with an existing NPDES individual or general permit for the storm water discharges.
6. Storm water discharges associated with industrial activity which are identified by the Agency as possibly causing or contributing to a violation of water quality standards.
7. Storm water discharges associated with inactive mining or inactive oil and gas operations occurring on Federal lands where an operator cannot be identified.
8. Storm water discharges to any receiving water identified under 35 Ill. Adm. Code 302.105(d)(6).
9. Storm water discharges that the Agency determines are not appropriately covered by this general permit.

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill, and does not supercede any reporting requirements for spills or releases of hazardous substances or oil.

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C. SPECIAL CONDITIONS

1. Prohibition on non-storm water discharges
 - a. Except as provided in C. 1. b. below, all discharges covered by this permit shall be composed entirely of storm water.
 - b.
 - i. Except as provided in C. 1. b. ii. below, discharges of material other than storm water must be in compliance with an NPDES permit (other than this permit) issued for the discharge.
 - ii. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharges is in compliance with Part E.7. of this permit: discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles without the use of detergents; waters used to control dust; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; condensate from refrigerants; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.
2. Provisions for handling storm water from bulk storage and hazardous waste containment areas
 - a. This permit does not authorize the discharge of storm water collected in containment areas at bulk storage and hazardous waste facilities where the storm water becomes contaminated by direct contact with a spill or release of stored materials into the containment area. Such storm water shall be handled properly by on-site treatment or hauling off-site for treatment and disposal.
 - b. Where a spill or release to a dry containment area occurs, the permittee shall institute procedures to clean up the spill in order to prevent contamination of any storm water, which subsequently collects in the containment area. Spills shall be cleaned and any contaminated water or solids shall be disposed of in accordance with applicable regulations. Where these procedures are followed, collected storm water may be discharged; following visual inspection to assure that the storm water contains no unnatural turbidity, color, oil films, foams, settleable solids, or deposits.
 - c. If you have storage piles of salt used for deicing or other commercial or industrial purposes, they must be enclosed or covered to prevent exposure to precipitation (except for exposure resulting from adding or removing materials from the pile). Piles do not need to be enclosed or covered where storm water from the pile is not discharged to waters of the state or the discharges from the piles are authorized under another permit.
3. Discharging pollutants for which a water body is impaired with an approved TMDL
 - a. For existing dischargers, new dischargers and new sources: you must carefully document the justifications for all Best Management Practices (BMP) selections in your SWPPP, and install, implement and maintain BMPs that are consistent with all relevant TMDL allocations and with all relevant conditions in an implementation plan.
4. Discharges covered by this permit, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard.
5. Additional Monitoring Required by IEPA – IEPA may provide written notice requiring additional discharge monitoring. Any such notice will briefly state the reasons for the monitoring, locations and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

D. APPLICATION REQUIREMENTS

1. Dischargers that are covered by a valid Illinois General NPDES Permit for industrial storm water as of May 31, 2008 are automatically covered by this permit unless they request otherwise prior to the effective date of this permit. Other dischargers seeking coverage under this general permit shall provide the Illinois Environmental Protection Agency (IEPA) with the following information:
 - a.
 - i. A completed IEPA Notice of Intent form, accompanied by quantitative sampling data for the storm water discharge(s) if available; or
 - ii. A completed U.S. EPA Form 1, including form 2F and quantitative sampling data when requested by the Agency.

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- b. An electronic copy of the storm water pollution prevention plan that has been prepared for the industrial site in accordance with Part E of this permit. The electronic copy shall be submitted to the Agency at the following email address:
epa.indlr00swppp@illinois.gov.
2. Quantitative sampling data as required by U.S. EPA Form 2F for storm water discharges from the following existing or new facilities is required to be submitted.
 - a. Facilities subject to reporting requirements under Section 313 of EPCRA for chemicals classified as "Section 313 water priority chemicals": Storm water discharges that come into contact with any equipment, tank, container, or other vessel or area used for storage of a Section 313 water priority chemical, or located at a truck or rail car unloading area where a Section 313 water priority chemical is handled.
 - b. Facilities classified as SIC 33 (Primary Metal Industries).
 - c. Active or inactive landfills, land application sites, or open dumps without a stabilized final cover which have received any industrial wastes.
 - d. Wood treatment facilities: Storm water discharges from areas that are used for wood treatment, wood surface application, or storage of treated or surface protected wood.
 - e. Coal pile runoff at industrial facilities other than coal mines.
 - f. Battery reclaiming facilities: Storm water discharges from areas used for storage of lead acid batteries, reclamation products, or waste products, and areas used for lead acid battery reclamation.
 - g. Airports with over 50,000 flight operations per year: storm water discharges from aircraft or airport deicing areas.
 - h. Meat packing plants, poultry packing plants, and facilities that manufacture animal and marine fats and oils.
 - i. Facilities classified as SIC 28 (Chemicals and Allied Products) and SIC 30 (Rubber and Miscellaneous Plastics Products): Storm water discharges that come into contact with solid chemical storage piles.
 - j. Automobile junkyards: Storm water discharges exposed to over 250 auto/truck bodies with drivelines, over 250 drivelines, or any combination thereof (in whole or in parts); over 500 auto/truck units (bodies with or without drivelines in whole or in parts); or over 100 units per year are dismantled and drainage or storage of automotive fluids occurs in areas exposed to storm water.
 - k. Lime manufacturing facilities: Storm water discharges that have come into contact with lime storage piles.
 - l. Cement manufacturing facilities and cement kilns: Storm water discharges other than those subject to 40 CFR 411.
 - m. Ready-mixed concrete facilities. Sampling data is not required for new ready-mixed concrete facilities or for relocated ready-mixed concrete facilities.
 - n. Ship building and repairing facilities.
 3. When a facility has two or more outfalls that, based on consideration of features and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may sample the effluent of one such outfall and report that quantitative data also applied to the substantially identical outfalls. If the applicant is requesting approval to sample a representative outfall, identification of all storm water outfalls considered to be substantially identical along with the outfall being used to represent such outfalls and appropriate justification must be provided with the application.
 4. For existing facilities with an individual NPDES permit covering storm water associated with industrial activity, or those facilities who have previously submitted an application for an individual permit and not yet received a permit, the permittee/applicant may elect to seek coverage under this general permit in place of obtaining an individual permit. To be considered for coverage the permittee/applicant is required to submit the above information.
 5. For new facilities, the NOI and required information shall be submitted 180 days prior to the date on which the discharge is to commence unless permission for a later date has been granted by the IEPA. Mobile facilities (such as concrete or asphalt batch plants) shall apply at least 30 days prior to discharge.

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6. The required information shall be submitted to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Permit Section #15
Post Office Box 19276
Springfield, Illinois 62794-9276

7. In any case where an NPDES Permit has been timely applied for but final administrative disposition of such application has not been made, it shall not be a violation of Section 12-F of the Environmental Protection Act to discharge without such permit unless the complainant proves that final administrative disposition has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application. This provision does not relieve the applicant from the responsibility for compliance with any other requirement of the Act or regulations promulgated under the Act.
8. Facilities which discharge storm water associated with industrial activity to a municipal separate storm sewer system shall notify the municipality, and shall provide the municipality with a copy of their application if requested.

E. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

1. A storm water pollution prevention plan shall be developed by the permittee and submitted to the Agency for each facility covered by this permit. The plan shall identify potential sources of pollution which may be expected to affect the quality of storm water discharges associated with the industrial activity at the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. An electronic copy of the plan shall be submitted to the Agency at the following email address: epa.indlr00swppp@illinois.gov. The permittee shall submit any modified plan to the Agency, when such modification includes substantive changes to the plan or modification is made to the plan for compliance with this permit.

- a. Waters not classified as Impaired pursuant to Section 303(d) of the Clean Water Act

Unless otherwise specified by federal regulation, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event.

- b. Waters classified as Impaired pursuant to Section 303(d) of the Clean Water Act

For any site which discharges directly to an impaired water identified in the Agency's 303(d) listing, and if any parameter in the subject discharge has been identified as the cause of impairment, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations, the storm water pollution prevention plan shall adhere to a more restrictive design criteria.

2. Plans for new facilities shall be completed prior to submitting an NOI to be covered under this permit. An electronic copy of the storm water pollution prevention plan shall be submitted to the Agency at the following email address: epa.indlr00swppp@illinois.gov. Plans shall provide for compliance with the terms of this permit prior to operation of any industrial activity to be covered under this permit. [Note: If the plan has already been required to be developed under a previous permit it shall be maintained in accordance with all requirements of this special condition.]. The owner or operator of an existing facility with storm water discharges covered by this permit shall make a copy of the plan available to the Agency at any reasonable time upon request.

Facilities which discharge to a municipal separate storm sewer system shall also make a copy available to the operator of the municipal system at any reasonable time upon request.

3. The permittee may be notified by the Agency at any time that the plan does not meet the requirements of this permit. After such notification, the permittee shall make changes to the plan and shall submit a revised plan to the Agency, with the requested changes that have been made. Unless otherwise provided, the permittee shall have 30 days after such notification to make the changes.
4. The discharger shall amend the plan whenever there is a change in construction, operation, or maintenance which may affect the discharge of significant quantities of pollutants to the waters of the State or if a facility inspection required by paragraph E.8. of this permit indicates that an amendment is needed. The plan should also be amended if the discharger is in violation of any conditions of this permit, or has not achieved the general objectives of controlling pollutants in storm water discharges. Amendments to the plan shall be made within 30 days of any proposed construction or operational changes at the facility, and shall be submitted to the Agency.
5. The plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from the facility. The plan shall include, at a minimum, the following items:

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- a. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate. Any map or portion of map may be withheld for security reasons.
 - b. A site map showing:
 - i. The storm water conveyance and discharge structures;
 - ii. An outline of the storm water drainage areas for each storm water discharge point;
 - iii. Paved areas and buildings;
 - iv. Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates;
 - v. Location of existing or future storm water structural control measures/practices (dikes, coverings, detention facilities, etc.);
 - vi. Surface water locations and/or municipal storm drain locations;
 - vii. Areas of existing and potential soil erosion;
 - viii. Vehicle service areas;
 - ix. Material loading, unloading, and access areas;
 - x. Areas under Items iv and ix above may be withheld from the site map for security reasons.
 - c. A narrative description of the following:
 - i. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
 - ii. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
 - iii. Existing or future structural and non-structural control measures/practices to reduce pollutants in storm water discharges;
 - iv. Industrial storm water discharge treatment facilities;
 - v. Methods of onsite storage and disposal of significant materials.
 - d. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities. Also provide a list of any pollutant that is listed as impaired in the most recent 303(d) report.
 - e. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
 - f. A summary of existing sampling data describing pollutants in storm water discharges.
6. The plan shall describe the storm water management controls which will be implemented by the facility. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The description of the storm water management controls shall include:
- a. Storm Water Pollution Prevention Personnel - Identification by job titles, direct telephone numbers and email addresses of the individuals who are responsible for developing, implementing, and revising the plan.
 - b. Preventive Maintenance - Procedures and frequencies for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
 - c. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
 - d. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill

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clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.

- e. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
 - i. Containment - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff. To the maximum extent practicable, storm water discharged from any area where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water should not enter vegetated areas or surface waters or infiltrate into the soil unless adequate treatment is provided.
 - ii. Oil & Grease Separation - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges.
 - iii. Debris & Sediment Control - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges.
 - iv. Waste Chemical Disposal - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges.
 - v. Storm Water Diversion - Storm water diversion away from materials manufacturing, storage and other areas of potential storm water contamination. Minimize the quantity of storm water entering areas where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water using green infrastructure techniques where practicable in the areas outside the exposure area, and otherwise divert storm water away from the exposure area.
 - vi. Covered Storage or Manufacturing Areas - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
 - vii. Mercury Switch Removal and Recycling - Mercury-containing convenience lighting switches and anti-lock brake assemblies shall be removed from vehicles, and recycled in an approved manner, in a way which prevents mercury from entering the storm water discharges.
 - viii. Storm Water Reduction - Install vegetation on roofs of buildings within and adjacent to the exposure area to detain and evapotranspire runoff where the precipitation falling on the roof is not exposed to contaminants, to minimize storm water runoff; capture storm water in devices that minimize the amount of storm water runoff and use this water as appropriate based on quality.
 - f. Sediment and Erosion Prevention - The plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion. The plan shall describe measures to limit erosion.
 - g. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
 - h. Inspection Procedures - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.
7. Non-Storm water Discharges - The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include a description of any tests for the presence of non-storm water discharges, the methods used, the dates of the testing, and any onsite drainage points that were observed during the testing. Any facility that is unable to provide this certification must describe the procedure of any test conducted for the presence of non-storm water discharges, the test results, potential sources of non-storm water discharges to the storm sewer, and why adequate tests for such storm sewers were not feasible. Except as provided in C.1. b., discharges not comprised entirely of storm water are not authorized by this permit.
8. Quarterly Visual Observation of Discharges - The requirements and procedures for quarterly visual observations are applicable to all facilities covered under this permit, regardless of your sector of industrial activity.
- a. You must perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation must be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, you are excused from the visual observation requirement for that quarter, provided you document in your records that no runoff occurred. You must sign and certify the documentation.

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- b. Your visual observation must be made on samples collected as soon as practical, but not to exceed 1 hour of when the runoff or snowmelt begins discharging from your facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The observation must document: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. If visual observations indicate any unnatural color, odor, turbidity, floatable material, oil sheen or other indicators of storm water pollution, the permittee shall obtain a sample and monitor for the parameter or the list of pollutants in Part E.5.d.
 - c. You must maintain your visual observation reports onsite with the SWPPP. The report must include the observation date and time, inspection personnel, nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
 - d. You may exercise a waiver of the visual observation requirement at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. If you exercise this waiver, you must maintain a certification with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water.
 - e. Representative Outfalls -- If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, you may conduct visual observation of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s).
 - f. The visual observation documentation shall be made available to the Agency and general public upon written request.
9. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.
10. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.
11. The plan is considered a report that shall be available to the public at any reasonable time upon request.
12. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.
13. Facilities which discharge storm water associated with industrial activity to municipal separate storm sewers may also be subject to additional requirements imposed by the operator of the municipal system.

F. CONSTRUCTION AUTHORIZATION

Authorization is hereby granted to construct treatment works and related equipment that may be required by the Storm Water Pollution Prevention Plan developed pursuant to this permit.

This Authorization is issued subject to the following condition(s).

- 1. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee thereupon waives all rights thereunder.
- 2. The issuance of this authorization (a) does not release the permittee from any liability for damage to persons or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (b) does not take into consideration the structural stability of any units or part of this project; and (c) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or other applicable local law, regulations or ordinances.
- 3. Plans and specifications of all treatment equipment being included as a part of the stormwater management practice shall be included in the SWPPP.
- 4. Any modification of or deviation from the plans and specifications originally submitted with the initial SWPPP requires amendment of the SWPPP.
- 5. Construction activities which result from treatment equipment installation, including clearing, grading and excavation activities which result in the disturbance of one acre or more of land area, are not covered by this authorization. The permittee shall contact the IEPA regarding required permit(s).

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G. REPORTING

1. The facility shall submit an electronic copy of the annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part 9 of the Storm Water Pollution Prevention Plan of this permit. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s). The annual inspection report is considered a public document that shall be available to the public at any reasonable time upon request.
2. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.
3. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.
4. The permittee shall retain the annual inspection report on file at least 3 years. This period may be extended by request of the Illinois Environmental Protection Agency at any time.

Annual inspection reports shall be submitted to the following email and office addresses: epa.indannualinsp@illinois.gov

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section #19
Annual Inspection Report
P.O. Box 19276
Springfield, Illinois 62794-9276

5. Any permittee shall notify any regulated small municipal separate storm water system owner (MS4 Community) that they have received coverage of a general ILR00 permit. The permittee shall submit any SWPPP or any annual inspection to the MS4 community upon request by the MS4 community.

H. TERMINATION OF COVERAGE UNDER THIS PERMIT

Where all storm water discharges associated with industrial activity that have been authorized by this permit are eliminated, the operator of the facility may submit a termination request to the Agency at the address shown on Page 6 of this permit. The termination request shall include the name, address, telephone number, and location of the facility, and a description of actions taken to eliminate the storm water discharge or other justification for the request. Coverage under this permit is not terminated until the Agency acts on the termination request, and reports as described above are required until coverage is terminated.

1. The Agency may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Agency to take action under this paragraph. The Agency 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 the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The Agency may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Agency under this paragraph then the applicability of this permit to the individual NPDES permitted is automatically terminated at the end of the day specified for application submittal. The Agency may require an individual NPDES permit based on:
 - a. information received which indicates the receiving water may be of particular biological significance pursuant to 35 Ill. Adm. Code 302.105(d)(6);
 - b. whether the receiving waters are identified as impaired pursuant to the Agency's 303(d) listing and the site storm water is a potential contributing source of any parameter identified as a cause of that impairment;
 - c. size of industrial site, proximity of site to the receiving stream, etc.

The Agency may also require monitoring of any storm water discharge from any site to determine whether an individual permit is required.

2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR 122.28, to the Agency. The request shall be granted by issuing of an individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

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3. 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 applicability of this permit to the individual NPDES permittee is automatically terminated on the issue date of the individual 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 coverage under an alternative NPDES general permit the applicability of this permit to the individual NPDES permitted is automatically terminated on the date of such denial, unless otherwise specified by the Agency.

I. REOPENER CLAUSE

1. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with Part H.I. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Permit modification or revocation will be conducted according to provisions of 35 Ill. Adm. Code, Subtitle C, Chapter I and the provisions of 40 CFR 122.62, 122.63, 122.64 and 124.5 and any other applicable public participation procedures.
3. The Agency will reopen and modify this permit under the following circumstances:
 - a. the U.S. EPA amends its regulations concerning public participation;
 - b. a court of competent jurisdiction binding in the State of Illinois or the 7th Circuit issues an order necessitating a modification of public participation for general permits; or
 - c. to incorporate federally required modifications to the substantive requirements of this permit.

J. DEFINITIONS

1. Coal pile runoff means the rainfall runoff from or through any coal storage pile.
2. Green Infrastructure means wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse. Green infrastructure approaches currently in use include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, porous and permeable pavements, porous piping systems, dry wells, vegetated median strips, reforestation/revegetation, rain barrels and cisterns and protection and enhancement of riparian buffers and floodplains.
3. Land application site means an area where wastes are applied onto or incorporated into the soil surface for treatment or disposal.
4. Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site, surface impoundment, injection well or waste pile.
5. Section 313 water priority chemical means a chemical or chemical categories which: 1) Are listed at 40 CFR 372.65 pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986); 2) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) Are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.
6. Significant materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
7. Significant spills includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.6 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

Note that additional definitions are included in the permit Standard Conditions, Attachment H.

**Attachment H
Standard Conditions
Definitions**

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

- (6) **Permit actions.** This permit may be modified, revoked and reissued, or 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 time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours.
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (f) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).
- (g) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Transfer of permits.** A permit may be automatically transferred to a new permittee if:
- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
- (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit 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 discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
- (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (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:
- (a) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
- (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
- (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (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, slimes, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (24) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (25) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board.
- (26) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.
- (Rev.6-1-2007)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

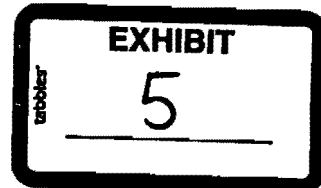
PEOPLE OF THE STATE OF ILLINOIS,)
by LISA MADIGAN, Attorney)
General of the State of Illinois,)
)
Complainant,)
)
v.) PCB No. 11-88
) (Enforcement - Water)
)
SUPER MIX, INC., an Illinois corporation,)
)
Respondent.)

**COMPLAINANT'S FIRST SET OF INTERROGATORIES
TO RESPONDENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney
General of the State of Illinois, pursuant to 35 Ill. Adm. Code 101.620 and Illinois
Supreme Court Rule 213, hereby serves its First Set of Interrogatories upon the
Respondent, SUPER MIX, INC., to be answered in writing, under oath, within 28 days of
the date of service hereof:

I. INSTRUCTIONS

1. Super Mix, Inc. is required, in answering these interrogatories to furnish all information available to Super Mix, Inc. or its officers, employees, agents, contractors, experts, or consultants, or which is ascertainable by reasonable inquiry whether or not the requested information might be available from another entity.
2. If an interrogatory has subparts, Super Mix, Inc. is required to answer each part separately and in full.
3. Each interrogatory must be answered separately and fully in writing under oath, unless it is objected to. Answers must be signed by the person making them and objections must be signed by the attorney making them or, in the event of an individual representing himself or herself, the individual making them.
4. Grounds for an objection to an interrogatory must be stated with specificity, and be accompanied by a copy of the interrogatory. Any ground that is not stated in a timely objection is waived unless it results in material prejudice or good cause



for the delay shown.

5. If Super Mix, Inc. cannot answer an interrogatory in full, it is required to answer all parts of the interrogatory to the extent possible and specify the reason for its inability to provide additional information.

6. As to each interrogatory, or portion thereof, identify in the answer every oral communication, document or writing which relates to the interrogatory or response, whether or not such identification is specifically requested by the interrogatory.

7. In answering each interrogatory, identify each document, person, communication or meeting which relates to, corroborates, or in any way forms the basis for the answer given.

6. Super Mix, Inc. is requested to serve upon Plaintiff, corrected, supplemented or augmented answers hereto, documents or other forms of information from whatever source, which arguably tends to show that Super Mix, Inc.'s prior answers are, might be, were or might have been in a sense incorrect, incomplete, potentially misleading or less than fully responsive or truthful.

7. If dates are requested, the exact date should be given if possible. However, if the exact date cannot be determined due to absence or inadequacy of records, the best estimate should be given to the interrogatory and labeled as such.

8. If you are unable to answer or respond to any interrogatory fully and completely after exercising due diligence to secure the information necessary to make a full and complete answer, so state, and answer the interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions and the efforts you made to obtain the requested information.

9. If Super Mix, Inc. contends that it would be unreasonably burdensome to obtain and to provide all of the information called for in response to any interrogatory, then it should:

- a. set forth all information that is available without unreasonable burden; and
- b. describe with particularity the efforts made to secure any information the provision of which it claims would be an unreasonable burden.

10. If information used in answering these interrogatories was gathered from any document or confirmed through any document, and the document has not otherwise been produced in response to a specific request, identify each document and attach a copy

to your responses to these interrogatories. On the copy of each document, set forth the number of the interrogatory with respect to which it was consulted.

11. In construing these interrogatories:

- a. the singular shall include the plural and the plural shall include the singular; and
- b. a masculine, feminine or gender neutral pronoun shall not exclude the other genders.

12. If Super Mix, Inc. encounters any ambiguity in construing any interrogatory or any definition or instruction pertaining to any interrogatory, set forth the matter deemed "ambiguous" and the construction chosen or used in responding to the interrogatory.

13. Unless otherwise stated, all interrogatories refer to the time period from November 12, 2008 to the present date.

14. If Super Mix, Inc. answers an interrogatory by producing documents (*see* Illinois Supreme Court Rule 213(e)), Super Mix, Inc. shall make the requested documents available for inspection and copying at the Office of the Illinois Attorney General, Environmental Bureau, 69 West Washington Street, Suite 1800, Chicago, Illinois.

II. CLAIMS OF PRIVILEGE

1. If Super Mix, Inc. withholds or declines to produce any document responsive to these requests based upon any claim of privilege or work product, state the following:

- a. the name and address of the originator or sender of the document;
- b. the name and address of the author of the document;
- c. the name and address of each person to whom the document was directed or addressed;
- d. the name and address of each person to whom a copy of the document was directed or sent;
- e. the name and address of each person who has seen the document;
- f. the job title of each person listed in items (a) through (e) above;
- g. the date of the document;
- h. the length of the document;

- i. whether the document contained any attachment, exhibits or appendices;
- j. a general description of the nature and subject matter of the document;
- k. the present custodian of the document;
- l. the date on which the document was received by each person having the possession of the document; and
- m. the reason(s) the document was not produced.

2. If the claim of privilege applies to only a portion of the document, produce all portions of the document to which the claim does not apply.

III. DEFINITIONS

1. "Act" shall mean the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

2. "Communication" shall mean, without limitation, any and all forms of transferring information, including, but not limited to, discussions, conversations, meetings, conferences, interviews, negotiations, agreements, understandings, inquiries, correspondence, documents, or other transfers of information whether written or oral or by any other means, and includes any document which abstracts, digests, transcribes or records any communication.

3. "Complainant" shall mean the Illinois Environmental Protection Agency and Illinois Attorney General's Office, and any of their agents or representatives, representing the People of the State of Illinois as listed in the Complaint.

4. "Current" or "present" shall mean the date the Respondent is answering this First Request for Admission of Facts and Genuineness of Documents.

5. "Date" shall mean the exact date about which the request inquires, except that when the Respondent does not know the exact date, it should so state and further state its best approximation of the date about which it is asked.

6. "Document" shall be construed in its customary broad sense in accordance with Supreme Court Rules 213(e) and 214 and shall include, but is not limited to, the original and any non-identical copy, whether different from the original because of notes made on said copy or otherwise, of any agreement; bank record or statement; book of account, including, but not limited to, any ledges, sub-ledger, journal, or sub-journal; brochure; calendar; chart; check; City Council resolution or ordinance; circular; communication; contract; copy; correspondence; diary; draft of any document; electronic mail; facsimile; graph; index; instruction; instruction manual or sheet; invoice job requisition; letter; license; log; manifest; manual; memorandum; minutes; newspaper or other clipping; note; note book; opinion; pamphlet, paper; periodical or other publication; photograph; police or fire department reports; print; receipt; record; report;

statement; study; summary including, but not limited to, any memorandum, minutes, note record, or summary of any (a) telephone, videophone or intercom conversation or message, (b) personal conversation or interview, or (c) meeting or conference; telegram; telephone log; travel or expense record; voucher; worksheet or working paper; writing; any other handwritten, printed, reproduced, recorded, typewritten, or otherwise produced graphic material from which the information inquired of may be obtained, or any other documentary material of any nature, in the possession, custody or control of Super Mix, Inc..

7. "General NPDES Permit" shall mean General National Pollutant Discharge Elimination System Permit No. ILR006479 for Storm Water Discharges from Industrial Activities.

8. "Identification" or "identify" shall mean:

- a. As to an individual, stating his:
 - i. full and customarily used names;
 - ii. present business and residence addresses;
 - iii. business or profession during the relevant time period;
 - iv. every office, title, or position held during the relevant time period; and
 - v. every employer during the relevant time period.
- b. As to any person other than an individual, stating:
 - i. its legal name and any other name used by it;
 - ii. the form or manner of its organization (*e.g.*, partnership, corporation, etc.); and
 - iii. the state of its incorporation (if it is incorporated) and the address of its principal place of business.
- c. As to a document, stating:
 - i. the date of its creation, execution, and receipt;
 - ii. its author or signatory;
 - iii. its addressee and any other recipient;
 - iv. its type or nature (*e.g.*, letter, memorandum, etc.);
 - v. the identity of the custodian;
 - vi. the identity of the document; and
 - vii. the present location of the document.
- d. As to any event, incident, conversation, transaction or occurrence, stating:
 - i. the date;
 - ii. the place where it took place and the manner of its occurrence;
 - iii. identification of all the participants;
 - iv. its purpose and subject matter; and
 - v. a description of what transpired.

9. "Illinois EPA" means the Illinois Environmental Protection Agency.
10. "Knowledge" shall mean first-hand information and/or information derived from any other source, including hearsay.
11. "NPDES" shall mean National Pollutant Discharge Elimination System.
12. "Operate" or "operation" shall mean use, exercise control over, supervise or having responsibility for the daily performance of.
13. "Or" shall mean and/or wherever appropriate.
14. "Own" or "ownership" shall mean having good legal title to, hold as property or possess.
15. "Person" shall include, but in not limited to, any natural person; business or corporation, whether for profit or not; firm, partnership, or other non-corporate business organization; charitable, religious, education, governmental, or other non-profit institution, foundation, body, or other organization; or employee, agent, or representative of any of the foregoing.
16. "Present" or "Present Date" shall mean the date on which Super Mix, Inc. serves its answers to these interrogatories on Complainant's attorney.
17. "Related to" or "relating to" or "in relation to" shall mean anything which, directly or indirectly, concerns, consists of, pertains to, reflects, evinces, describes, sets forth, constitutes, contains, shows, underlies, supports, refers to in any way, is or was used in the preparation of, is appended to, is legally logical or factually connected with, proves, disproves, or tends to prove or disprove.
18. "Relied upon" shall mean being or having been depended upon or referred to or being or having been arguably appropriate for such reliance.
19. "Respondent" shall mean Super Mix, Inc., and any of its officers, employees, agents, representatives, successors, or assigns, or any other person acting or believed by Super Mix, Inc. to have acted on its behalf.
20. "Settling basin" shall mean the man-made settling basin located partially on the northwest corner of the Site and partially on a neighboring property to the west of the Site.
21. "Site" shall mean the Super Mix, Inc. facility located at 2203 Spring Ridge Drive, Spring Grove, McHenry County, Illinois.
22. "Super Mix" shall mean Super Mix, Inc., and any of its officers, employees, agents, representatives, successors, or assigns, or any other person acting or believed by the Respondent to have acted on its behalf.

23. "SWPPP" shall mean the Storm Water Pollution Prevention Plan required by Section E of the General NPDES Permit.

24. All terms not specifically defined herein shall have their logical, ordinary meaning, unless such terms are defined in the Act or the regulations promulgated thereunder, in which case the appropriate or regulatory definitions shall apply.

IV. INTERROGATORIES

Interrogatory No. 1:

Identify all persons who supplied information for the answers to these Interrogatories. For each identified person:

- a. Specify the particular interrogatories to which each person contributed.
- b. Describe each person's relationship with the Respondent.

ANSWER:

Interrogatory No. 2:

Identify all persons responsible for compliance with and/or implementation of the General NPDES Permit at the Site from November 12, 2008 to the present date. Specify which areas of compliance and/or implementation of the General NPDES Permit each person was responsible for.

ANSWER:

Interrogatory No. 3:

From March 31, 2009 to the present, identify each and every action taken by the Respondent to assess, inspect, investigate, and implement the SWPPP at the Site. For each and every measure, provide the following:

- a. describe in detail the measure taken; and
- b. state the date on which the measure was initiated.

ANSWER:

Interrogatory No. 4:

From March 31, 2009 to the present, identify each and every amendment that was made to the SWPPP. For each and every amendment, provide the following:

- a. describe in detail the amendment taken;
- b. state the date on which the amendment was made;

ANSWER:

Interrogatory No. 5:

Identify all persons or entities who acted under Respondent's permission, direction, or control in constructing the settling basin.

ANSWER:

Interrogatory No. 6:

State whether Respondent, its officers, employees, agents, representatives, successors, or assigns, or any other person has taken or has otherwise obtained any statements of any person who witnessed, claims to have witnessed, or claims to have knowledge of any facts regarding the matters alleged in the complaint. If so, state:

- a. The name, current business and residence address, and current employer of each such person and the type of statement taken; and
- b. Who has possession of the statement.

ANSWER:

Interrogatory No. 7:

State whether Respondent, its officers, employees, agents, representatives, successors, or assigns, or any other person has knowledge or information concerning the existence of any statements, oral or written, not in Respondent's possession, that pertain in any way to the matters alleged in the complaint. If so, state:

- a. The type of statement, *e.g.* written, reported, shorthand, oral, recorded;
- b. The full name and residence and business address of each person who provided the statement; and

- c. The full name and residence and business address of each person who has possession of the original or any copy of the statement.

ANSWER:

Interrogatory No. 8:

State whether any photographs have been taken of the Site from November 12, 2008 to the present date. If so, state:

- a. By whom, when, and how many photographs were taken;
- b. Who now has possession of said photographs; and
- c. The nature of the photographs.

ANSWER:

Interrogatory No. 9:

Set forth in detail the facts and circumstances surrounding Super Mix's denial of the following factual allegation contained in Paragraph 11 of Count I of Complainant's Complaint: "The northwest corner of the Site is pitched such that it causes any water flows to migrate into a man-made settling basin on the south side of Spring Ridge Drive".

ANSWER:

Interrogatory No. 10:

Set forth in detail the facts and circumstances surrounding Super Mix's denial of the following factual allegation contained in Paragraph 12 of Count I of Complainant's Complaint: "The settling basin is located partially on the northwest corner of the Site and partially on a neighboring property to the west of the Site".

ANSWER:

Interrogatory No. 11:

Set forth in detail the facts and circumstances surrounding Super Mix's denial of the following factual allegation contained in Paragraph 38 of Count II of Complainant's Complaint: "The wash water discharges and industrial waste storm water discharges from the Site are not covered

by Respondent's NPDES Permit".

ANSWER:

Interrogatory No. 12:

Set forth in detail the facts and circumstances surrounding Super Mix's lack of knowledge or information of the following factual allegation contained in Paragraph 37 of Count III of Complainant's Complaint: "Pursuant to Section E of the NPDES Permit, Respondent was required to develop and implement a SWPPP for the Site".

ANSWER:

Interrogatory No. 13:

Set forth in detail the facts and circumstances surrounding Super Mix's lack of knowledge or information of the following factual allegation contained in Paragraph 42 of Count IV of Complainant's Complaint: "Respondent does not have an Illinois EPA operating permit for the use and operation of its treatment works".

ANSWER:

Interrogatory No. 14:

Set forth in detail the facts and circumstances surrounding Super Mix's lack of knowledge or information of the following factual allegation contained in Paragraph 43 of Count IV of Complainant's Complaint: "Respondent's NPDES permit neither permits Respondent's use and operation of its treatment works, nor is the requirement to obtain an operating permit excluded by Sections 309.204(b), (c), or (d) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.204(b), (c), and (d)".

ANSWER:

Interrogatory No. 15:

Identify any ownership interest Super Mix or its officers, employees, agents, representatives, successors, or assigns may have in the quarry property located west of the Site.

ANSWER:

Interrogatory No. 16:

State whether Respondent, its officers, employees, agents, representatives, successors, or assigns, or any other person has any communications or documents regarding stormwater or other drainage from the quarry property located west of the Site.

ANSWER:

Interrogatory No. 17:

Identify all lay witnesses who may be called upon by the Respondent to testify as a fact or opinion witness at any hearing in this matter. A "lay witness" is a person giving only fact or lay opinion testimony. For each lay witness, identify the subjects on which the witness will testify.

ANSWER:

Interrogatory No. 18:

Identify all independent expert witnesses who may be called upon by the Respondent to testify at any hearing in this matter. An "independent expert witness" is a person giving expert testimony who is not the party, the party's current employee, or the party's retained expert. For each independent expert witness, identify:

- a. the subjects on which the witness will testify; and
- b. the opinions the Respondent expects to elicit.

ANSWER:

Interrogatory No. 19:

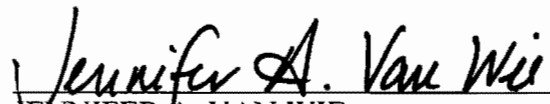
Identify all controlled expert witnesses who may be called upon by the Respondent to testify at any hearing in this matter. A "controlled expert witness" is a person giving expert testimony who is the party, the party's current employee, or the party's retained expert. For each controlled expert witness, identify:

- a. the subject matter on which the witness will testify;
- b. the conclusions and opinions of the witness and the bases therefor;

- c. the qualifications of the witness; and
- d. any reports prepared by the witness about the case.

ANSWER:

Respectfully Submitted,



JENNIFER A. VAN WIE
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0609
jvanwie@atg.state.il.us

Dated: June 7, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 11-88
)	(Enforcement - Water)
)	
SUPER MIX, INC., an Illinois corporation,)	
)	
Respondent.)	

COMPLAINANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS, OBJECTS, AND TANGIBLE THINGS TO RESPONDENT

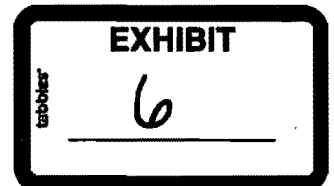
Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to 35 Ill. Adm. Code 101.616 and Illinois Supreme Court Rule 214, hereby serves its First Request for Production of Documents upon Respondent, SUPER MIX, INC., to produce the following documents for Complainant's inspection and copying at 69 W. Washington Street, Suite 1800, Chicago, Illinois 60602, within 28 days of service. Complainant further requests pursuant to Supreme Court Rule 214 that the Respondent furnish an affidavit(s) stating whether the production is complete in accordance with the request.

I. INSTRUCTIONS

1. Super Mix, Inc. is required, in answering this production request to furnish all information available to Super Mix, Inc. or its officers, employees, agents, contractors, experts, or consultants, or which is ascertainable by reasonable inquiry whether or not the requested information might be available from another entity.

2. If a production request has subparts, Super Mix, Inc. is required to answer each part separately and in full.

3. If Super Mix, Inc. cannot answer a production request in full, it is required to answer all parts of the production request to the extent possible and specify the reason for its inability to provide additional information.



4. Unless otherwise stated, Super Mix, Inc. shall make the requested documents available for inspection and copying at the Office of the Illinois Attorney General, 69 West Washington Street, Suite 1800, Chicago, Illinois.

5. If dates are requested, the exact date should be given if possible. However, if the exact date cannot be determined due to absence or inadequacy of records, the best estimate should be given as to the production request and labeled as such.

6. In construing this production request:

- a. the singular shall include the plural and the plural shall include the singular; and
- b. a masculine, feminine or gender neutral pronoun shall not exclude the other genders.

7. If Super Mix, Inc. encounters any ambiguity in construing any production request or any definition or instruction pertaining to any production request, set forth the matter deemed "ambiguous" and the construction chosen or used in responding to the production request.

8. In producing documents, objects or tangible things, Super Mix, Inc. is requested to furnish all documents, objects, or tangible things in its actual or constructive possession, custody or control, or known or available to Super Mix, Inc., regardless of whether such documents or things are possessed directly by Super Mix, Inc. or by Super Mix, Inc.'s officers, agents, employees, representatives or investigators.

9. If any requested document is not or cannot be produced in full, produce it to the extent possible, indicating with particularity what documents or portion of any such documents is not or cannot be produced and the reason therefore.

10. In producing documents, Super Mix, Inc. is requested to produce the original of each document requested together with all non-identical copies and drafts of that document.

11. All documents should be produced in the same order as they are kept or maintained by Super Mix, Inc.

12. All documents should be produced in a file, folder, envelope, or other container in which the documents are kept or maintained by Super Mix, Inc. If for any reason the container cannot be produced, please produce copies of all labels or other identifying markings.

13. Documents attached to each other should not be separated.

14. Documents not otherwise responsive to this request shall be produced if such documents refer to, relate to, or explain the documents called for by this request and constitute routing slips, transmittal memoranda or letters, comments, evaluations, or similar documents.

15. Each document request should be construed and responded to independently from each other request. The scope of any requests should not be construed to limit or narrow the scope of any other request.

16. Pursuant to Illinois Supreme Court Rule 214, this discovery is deemed continuing, necessitating supplemental responses by Super Mix, Inc., or anyone acting on its behalf, when or if additional documents, objects or tangible things come into Super Mix, Inc.'s possession or control or become known to Super Mix, Inc..

17. Super Mix, Inc. shall furnish an affidavit stating whether the production is complete in accordance with the request and in accordance with Supreme Court Rule 214.

II. CLAIMS OF PRIVILEGE

1. If Super Mix, Inc. withholds or declines to produce any document responsive to these requests based upon any claim of privilege or work product, state the following:

- a. the name and address of the originator or sender of the document;
- b. the name and address of the author of the document;
- c. the name and address of each person to whom the document was directed or addressed;
- d. the name and address of each person to whom a copy of the document was directed or sent;
- e. the name and address of each person who has seen the document;
- f. the job title of each person listed in items (a) through (e) above;
- g. the date of the document;
- h. the length of the document;
- i. whether the document contained any attachment, exhibits or appendices;
- j. a general description of the nature and subject matter of the document;
- k. the present custodian of the document;
- l. the date on which the document was received by each person having the possession of the document; and
- m. the reason(s) the document was not produced.

2. If the claim of privilege applies to only a portion of the document, produce all portions of the document to which the claim does not apply.

III. DEFINITIONS

1. "Act" shall mean the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

2. "Communication" shall mean, without limitation, any and all forms of transferring information, including, but not limited to, discussions, conversations, meetings, conferences, interviews, negotiations, agreements, understandings, inquiries, correspondence, documents, or other transfers of information whether written or oral or by any other means, and includes any document which abstracts, digests, transcribes or records any communication.

3. "Complainant" shall mean the Illinois Environmental Protection Agency and Illinois Attorney General's Office, and any of their agents or representatives, representing the People of the State of Illinois as listed in the Complaint.

4. "Current" or "present" shall mean the date the Respondent is answering this First Request for Admission of Facts and Genuineness of Documents.

5. "Date" shall mean the exact date about which the request inquires, except that when the Respondent does not know the exact date, it should so state and further state its best approximation of the date about which it is asked.

6. "Document" shall be construed in its customary broad sense in accordance with Supreme Court Rules 213(e) and 214 and shall include, but is not limited to, the original and any non-identical copy, whether different from the original because of notes made on said copy or otherwise, of any agreement; bank record or statement; book of account, including, but not limited to, any ledges, sub-ledger, journal, or sub-journal; brochure; calendar; chart; check; City Council resolution or ordinance; circular; communication; contract; copy; correspondence; diary; draft of any document; electronic mail; facsimile; graph; index; instruction; instruction manual or sheet; invoice job requisition; letter; license; log; manifest; manual; memorandum; minutes; newspaper or other clipping; note; note book; opinion; pamphlet, paper; periodical or other publication; photograph; police or fire department reports; print; receipt; record; report; statement; study; summary including, but not limited to, any memorandum, minutes, note record, or summary of any (a) telephone, videophone or intercom conversation or message, (b) personal conversation or interview, or (c) meeting or conference; telegram; telephone log; travel or expense record; voucher; worksheet or working paper; writing; any other handwritten, printed, reproduced, recorded, typewritten, or otherwise produced graphic material from which the information inquired of may be obtained, or any other documentary material of any nature, in the possession, custody or control of Super Mix, Inc..

7. "General NPDES Permit" shall mean General National Pollutant Discharge Elimination System Permit No. ILR006479 for Storm Water Discharges from Industrial Activities.

8. "Identification" or "identify" shall mean:

a. As to an individual, stating his:

- i. full and customarily used names;
- ii. present business and residence addresses;
- iii. business or profession during the relevant time period;
- iv. every office, title, or position held during the relevant time period; and
- v. every employer during the relevant time period.

b. As to any person other than an individual, stating:

- i. its legal name and any other name used by it;
- ii. the form or manner of its organization (*e.g.*, partnership, corporation, etc.); and
- iii. the state of its incorporation (if it is incorporated) and the address of its principal place of business.

c. As to a document, stating:

- i. the date of its creation, execution; and receipt;
- ii. its author or signatory;
- iii. its addressee and any other recipient;
- iv. its type or nature (*e.g.*, letter, memorandum, etc.);
- v. the identity of the custodian;
- vi. the identity of the document; and
- vii. the present location of the document.

d. As to any event, incident, conversation, transaction or occurrence, stating:

- i. the date;
- ii. the place where it took place and the manner of its occurrence;
- iii. identification of all the participants;
- iv. its purpose and subject matter; and
- v. a description of what transpired.

9. "Illinois EPA" means the Illinois Environmental Protection Agency.

10. "Knowledge" shall mean first-hand information and/or information derived from any other source, including hearsay.

11. "NPDES" shall mean National Pollutant Discharge Elimination System.

12. "Operate" or "operation" shall mean use, exercise control over, supervise or having responsibility for the daily performance of.

13. "Or" shall mean and/or wherever appropriate.

14. "Own" or "ownership" shall mean having good legal title to, hold as property or possess.
15. "Person" shall include, but in not limited to, any natural person; business or corporation, whether for profit or not; firm, partnership, or other non-corporate business organization; charitable, religious, education, governmental, or other non-profit institution, foundation, body, or other organization; or employee, agent, or representative of any of the foregoing.
16. "Present Date" shall mean the date on which Super Mix, Inc. serves its answers to this production request on Complainant's attorney.
17. "Related to" or "relating to" or "in relation to" shall mean anything which, directly or indirectly, concerns, consists of, pertains to, reflects, evinces, describes, sets forth, constitutes, contains, shows, underlies, supports, refers to in any way, is or was used in the preparation of, is appended to, is legally logical or factually connected with, proves, disproves, or tends to prove or disprove.
18. "Relied upon" shall mean being or having been depended upon or referred to or being or having been arguably appropriate for such reliance.
19. "Respondent" shall mean Super Mix, Inc., and any of its officers, employees, agents, representatives, successors, or assigns, or any other person acting or believed by Super Mix, Inc. to have acted on its behalf.
20. "Settling basin" shall mean the man-made settling basin located partially on the northwest corner of the Site and partially on a neighboring property to the west of the Site.
21. "Site" shall mean the Super Mix, Inc. facility located at 2203 Spring Ridge Drive, Spring Grove, McHenry County, Illinois.
22. "Super Mix" shall mean Super Mix, Inc., and any of its officers, employees, agents, representatives, successors, or assigns, or any other person acting or believed by the Respondent to have acted on its behalf.
23. All terms not specifically defined herein shall have their logical, ordinary meaning, unless such terms are defined in the Act or the regulations promulgated thereunder, in which case the appropriate or regulatory definitions shall apply.

IV. PRODUCTION REQUESTS

Production Request No. 1:

Each and every document that Respondent referred to, identified, or relied upon in answering Complainant's Complaint.

Production Request No. 2:

Each and every document that Respondent referred to, identified, or relied upon in responding to Complainant's First Set of Interrogatories to Respondent.

Production Request No. 3:

Each and every document comprising the stormwater pollution prevention plan ("SWPPP") for General NPDES Permit No. ILR006479 including, but not limited to, site maps, inspection reports, notices of noncompliance, and all modifications made to the SWPPP.

Production Request No. 4:

Each and every document relating to the assessment, inspection, investigation, and implementation of the SWPPP for the General NPDES Permit at the Site.

Production Request No. 5:

Any photographs of the subject site or any portion thereof obtained during the period November 12, 2008 through the present date.

Production Request No. 6:

All drawings, studies, schematics, maps, plans, blueprints or charts depicting the Site or illustrating any plans for its development, use, or operation.

Production Request No. 7:

Any and all inspections or maintenance logs for the storm sewer inlet located in the back area of the concrete filling station at the Site from November 12, 2008 through the present date.

Production Request No. 8:

All statements, notes, and correspondence obtained from any person(s) with knowledge of the subject matter of the Complainant's complaint.

Production Request No. 9:

All documents reflecting or relating to any inspection and/or environmental audit of the subject Site by any person during the period November 12, 2008 through the present date.


Production Request No. 10:

All documents and communications regarding stormwater drainage or other drainage from the quarry located west of the Site.

Production Request No. 11:

All documents Respondent intends to offer into evidence at hearing.

Respectfully Submitted,


JENNIFER A. VAN WIE

Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0609
jvanwie@atg.state.il.us

Dated: June 7, 2012

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Super Mix, Inc. c/o Donald Stinespring, Agent 5414 Hill Road, Suite 382 Richmond, IL 60071</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7011 2970 0003 7748 1739</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED
ATTORNEY GENERAL

JUN 12 2012

ENVIRONMENTAL

Ms. Jennifer A. Van Wie
Assistant Attorney General
Illinois Attorney General's Office
Environmental Bureau
69 West Washington Street, 18th Floor
Chicago, Illinois 60602

EXHIBIT
7

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by LISA MADIGAN, Attorney)
General of the State of Illinois,)
)
Complainant,)
)
v.) PCB No. 11-88
) (Enforcement - Water)
)
SUPER MIX, INC., an Illinois corporation,)
)
Respondent.)

**COMPLAINANT'S FIRST REQUEST FOR ADMISSION OF FACTS AND
GENUINENESS OF DOCUMENTS**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to 35 Ill. Adm. Code 101.618 and Illinois Supreme Court Rule 216, hereby serves its First Request for Admission of Facts and Genuineness of Documents upon Respondent, SUPER MIX, INC., to be answered in writing, under oath, within 28 days of the date of service hereof.

FAILURE TO RESPOND TO THE FOLLOWING REQUESTS TO ADMIT WITHIN 28 DAYS MAY HAVE SEVERE CONSEQUENCES. FAILURE TO RESPOND TO THE FOLLOWING REQUESTS WILL RESULT IN ALL THE FACTS REQUESTED BEING DEEMED ADMITTED AS TRUE FOR THIS PROCEEDING. IF YOU HAVE ANY QUESTIONS ABOUT THIS PROCEDURE, YOU SHOULD CONTACT THE HEARING OFFICER ASSIGNED TO THIS PROCEEDING OR AN ATTORNEY.



I. INSTRUCTIONS

1. With respect to any requested admission which Respondent refuses to answer because of a claim of privilege, provide a statement signed by an attorney representing Respondent setting forth as to each:

- a. the nature of the claim of privilege;
- b. the statute, rule or decision which is claimed to give rise to the claim of privilege;
- c. all facts relied upon in support of the claim of privilege;
- d. an identification of all documents related to the claim of privilege;
- e. an identification of all persons having knowledge of any facts related to the claim of privilege; and
- f. an identification of all events, transactions or occurrences related to the claim of privilege.

2. For all requested admissions which Respondent denies or which Respondent can neither admit nor deny, pursuant to 35 Ill. Adm. Code 101.618(g), Respondent shall specify the part which is denied or qualified and admit only the remainder.

II. DEFINITIONS

1. "Act" shall mean the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*

2. "Complainant" shall mean the Illinois Environmental Protection Agency and Illinois Attorney General's Office, and any of their agents or representatives, representing the People of the State of Illinois as listed in the Complaint.

3. "Current" or "present" shall mean the date the Respondent is answering this First Request for Admission of Facts and Genuineness of Documents.

4. "Date" shall mean the exact date about which the request inquires, except that when the Respondent does not know the exact date, it should so state and further state its best approximation of the date about which it is asked.

5. "Document" shall be construed in its customary broad sense in accordance with Supreme Court Rules 213(e) and 214 and shall include, but is not limited to, the original and any non-identical copy, whether different from the original because of notes made on said copy or otherwise, of any agreement; bank record or statement; book of account, including any ledges, sub-ledger, journal, or sub-journal; brochure; calendar; chart; check; City Council resolution or ordinance; circular; communication; contract; copy; correspondence; diary; draft of any document; electronic mail; facsimile; graph; index; instruction; instruction manual or sheet; invoice job requisition; letter; license; log; manifest; manual; memorandum; minutes; newspaper or other clipping; note; note book; opinion; pamphlet, paper; periodical or other publication; photograph; police or fire department reports; print; receipt; record; report; statement; study; summary including any memorandum, minutes, note record, or summary of any (a) telephone,

videophone or intercom conversation or message, (b) personal conversation or interview, or (c) meeting or conference; telegram; telephone log; travel or expense record; voucher; worksheet or working paper; writing; any other handwritten, printed, reproduced, recorded, typewritten, or otherwise produced graphic material from which the information inquired of may be obtained, or any other documentary material of any nature, in the possession, custody or control of Defendant.

6. "General NPDES Permit" shall mean General National Pollutant Discharge Elimination System Permit No. ILR006479 for Storm Water Discharges from Industrial Activities.

7. "Illinois EPA" means the Illinois Environmental Protection Agency.

8. "Knowledge" shall mean first-hand information and/or information derived from any other source, including hearsay.

9. "North Ditch" shall mean the storm water drainage ditch on the north side of Spring Ridge Drive.

10. "NPDES" shall mean National Pollutant Discharge Elimination System.

11. "Operate" or "operation" shall mean use, exercise control over, supervise or having responsibility for the daily performance of.

12. "Or" shall mean and/or wherever appropriate.

13. "Own" or "ownership" shall mean having good legal title to, hold as property or possess.

14. "Person" shall include, but is not limited to, any natural person; business or corporation, whether for profit or not; firm, partnership, or other non-corporate business organization; charitable, religious, education, governmental, or other non-profit institution, foundation, body, or other organization; or employee, agent, or representative of any of the foregoing.

15. "Related to" or "relating to" or "in relation to" shall mean anything which, directly or indirectly, concerns, consists of, pertains to, reflects, evinces, describes, sets forth, constitutes, contains, shows, underlies, supports, refers to in any way, is or was used in the preparation of, is appended to, is legally logical or factually connected with, proves, disproves, or tends to prove or disprove.

16. "Relied upon" shall mean being or having been depended upon or referred to or being or having been arguably appropriate for such reliance.

17. "Respondent" shall mean Super Mix, Inc., and any of its officers, employees, agents, representatives, successors, or assigns, or any other person acting or believed by Super

Mix, Inc. to have acted on its behalf.

18. "Settling basin" shall mean the man-made settling basin located partially on the northwest corner of the Site and partially on a neighboring property to the west of the Site.

19. "Site" shall mean the Super Mix, Inc. facility located at 2203 Spring Ridge Drive, Spring Grove, McHenry County, Illinois.

20. "South Ditch" shall mean the storm water drainage ditch on the south side of Spring Ridge Drive.

21. "State" shall mean to declare definitely or specifically.

22. "Super Mix" shall mean Super Mix, Inc., and any of its officers, employees, agents, representatives, successors, or assigns, or any other person acting or believed by the Respondent to have acted on its behalf.

23. All terms not specifically defined herein shall have their logical, ordinary meaning, unless such terms are defined in the Act or the regulations promulgated thereunder, in which case the appropriate or regulatory definitions shall apply.

III. REQUEST TO ADMIT FACTS

Fact No. 1:

From at least November 12, 2008 until a date better known by Super Mix, truck washing has occurred on the northwest corner of the Site.

RESPONSE:

DENY

Fact No. 2:

The northwest corner of the Site slopes in such a way that water runoff from the Site naturally flows into the settling basin.

RESPONSE:

ADMIT

Fact No. 3:

From at least November 12, 2008 until the present date, Super Mix used the settling basin to capture storm water runoff from the Site.

RESPONSE:

YES CAPTURE DIRT SILT, NOT STORM WATER SINCE IT MIGHT PASS THRU TO THE WEST THEN NORTH OCCASIONALLY

Fact No. 4:

From at least November 12, 2008 until the present date, Super Mix used the settling basin to capture truck wash water runoff from the Site.

RESPONSE: ^{NO,}
SINCE 2008 SUPER MIX HAS
STOPPED WASHING TRUCKS IN THIS AREA.

Fact No. 5:

The settling basin is not fully enclosed on all four (4) sides such that water cannot flow out of the settling basin.

RESPONSE: ADMIT

Fact No. 6:

The settling basin overflows into the South Ditch.

RESPONSE: ADMIT

Fact No. 7:

The South Ditch crosses underneath Spring Ridge Drive to connect to the North Ditch.

RESPONSE: ADMIT

Fact No. 8:

The North Ditch is connected to a storm sewer pipe.

RESPONSE: ADMIT

Fact No. 9:

The settling basin accumulates dirt, sediment, concrete dust, and other deposits from the Site.

RESPONSE: ADMIT

Fact No. 10:

Super Mix removes the accumulated dirt, sediment, concrete dust, and other deposits from the settling basin with an excavator.

RESPONSE:

ADMIT

Fact No. 11:

Iron, total suspended solids, aluminum, barium, chromium, copper, lead, magnesium, manganese, nickel, potassium, and zinc are all compounds associated with concrete mixing operations.

RESPONSE:

DENY

Fact No. 12:

Super Mix does not have any Illinois EPA permits for the removal of accumulated dirt, sediment, concrete dust, and other deposits from the settling basin.

RESPONSE:

DENY

Fact No. 13:

On September 8, 2005, Super Mix submitted to the Illinois EPA a renewal Notice of Intent for General Permit to Discharge Storm Water Associated with Industrial Activity.

RESPONSE:

ADMIT

Fact No. 14:

On October 13, 2005, the Illinois EPA granted Super Mix coverage for the Site under the General NPDES Permit.

RESPONSE:

ADMIT

Fact No. 15:

Super Mix does not have any additional NPDES permits for the Site (other than the General NPDES Permit).

ADMIT

RESPONSE:

Fact No. 16:

At no point has Super Mix sought to terminate its coverage of the Site under the General NPDES Permit.

RESPONSE:

ADMIT

Fact No. 17:

The storm sewer inlet located in the back area of the concrete filling station at the Site discharges into a road ditch that leads to the settling basin and South Ditch.

RESPONSE:

ADMIT

IV. REQUEST FOR ADMISSION OF GENUINENESS OF DOCUMENTS

Document No. 1:

Notice of Intent for General Permit to Discharge Storm Water Associated with Industrial Activity, dated September 8, 2005. See Attachment 1.

RESPONSE:

ADMIT

Document No. 2:

General National Pollutant Discharge Elimination System Permit for Storm Water Discharges from Industrial Activities, Issue Date of May 30, 2003, Effective Date of June 1, 2003, and Expiration Date of May 31, 2008. See Attachment 2.

RESPONSE:

ADMIT

Document No. 3:

General National Pollutant Discharge Elimination System Permit for Storm Water Discharges from Industrial Activities, Issue Date of April 3, 2009, Effective Date of May 1, 2009, and Expiration Date of April 30, 2014. See Attachment 3.

RESPONSE:

ADMIT

Respectfully Submitted,


JENNIFER A. VAN WIE

Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0609
jvanwie@atg.state.il.us

Dated: June 7, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 11-88
)	(Enforcement - Water)
)	
SUPER MIX, INC., an Illinois corporation,)	
)	
Respondent.)	

**COMPLAINANT'S FIRST SET OF INTERROGATORIES
TO RESPONDENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to 35 Ill. Adm. Code 101.620 and Illinois Supreme Court Rule 213, hereby serves its First Set of Interrogatories upon the Respondent, SUPER MIX, INC., to be answered in writing, under oath, within 28 days of the date of service hereof:

I. INSTRUCTIONS

1. Super Mix, Inc. is required, in answering these interrogatories to furnish all information available to Super Mix, Inc. or its officers, employees, agents, contractors, experts, or consultants, or which is ascertainable by reasonable inquiry whether or not the requested information might be available from another entity.
2. If an interrogatory has subparts, Super Mix, Inc. is required to answer each part separately and in full.
3. Each interrogatory must be answered separately and fully in writing under oath, unless it is objected to. Answers must be signed by the person making them and objections must be signed by the attorney making them or, in the event of an individual representing himself or herself, the individual making them.
4. Grounds for an objection to an interrogatory must be stated with specificity, and be accompanied by a copy of the interrogatory. Any ground that is not stated in a timely objection is waived unless it results in material prejudice or good cause



for the delay shown.

5. If Super Mix, Inc. cannot answer an interrogatory in full, it is required to answer all parts of the interrogatory to the extent possible and specify the reason for its inability to provide additional information.

6. As to each interrogatory, or portion thereof, identify in the answer every oral communication, document or writing which relates to the interrogatory or response, whether or not such identification is specifically requested by the interrogatory.

7. In answering each interrogatory, identify each document, person, communication or meeting which relates to, corroborates, or in any way forms the basis for the answer given.

6. Super Mix, Inc. is requested to serve upon Plaintiff, corrected, supplemented or augmented answers hereto, documents or other forms of information from whatever source, which arguably tends to show that Super Mix, Inc.'s prior answers are, might be, were or might have been in a sense incorrect, incomplete, potentially misleading or less than fully responsive or truthful.

7. If dates are requested, the exact date should be given if possible. However, if the exact date cannot be determined due to absence or inadequacy of records, the best estimate should be given to the interrogatory and labeled as such.

8. If you are unable to answer or respond to any interrogatory fully and completely after exercising due diligence to secure the information necessary to make a full and complete answer, so state, and answer the interrogatory to the fullest extent possible, specifying the extent of your knowledge and your inability to answer the remainder, and setting forth whatever information or knowledge you may have concerning the unanswered portions and the efforts you made to obtain the requested information.

9. If Super Mix, Inc. contends that it would be unreasonably burdensome to obtain and to provide all of the information called for in response to any interrogatory, then it should:

- a. set forth all information that is available without unreasonable burden; and
- b. describe with particularity the efforts made to secure any information the provision of which it claims would be an unreasonable burden.

10. If information used in answering these interrogatories was gathered from any document or confirmed through any document, and the document has not otherwise been produced in response to a specific request, identify each document and attach a copy

to your responses to these interrogatories. On the copy of each document, set forth the number of the interrogatory with respect to which it was consulted.

11. In construing these interrogatories:

- a. the singular shall include the plural and the plural shall include the singular; and
- b. a masculine, feminine or gender neutral pronoun shall not exclude the other genders.

12. If Super Mix, Inc. encounters any ambiguity in construing any interrogatory or any definition or instruction pertaining to any interrogatory, set forth the matter deemed "ambiguous" and the construction chosen or used in responding to the interrogatory.

13. Unless otherwise stated, all interrogatories refer to the time period from November 12, 2008 to the present date.

14. If Super Mix, Inc. answers an interrogatory by producing documents (*see* Illinois Supreme Court Rule 213(e)), Super Mix, Inc. shall make the requested documents available for inspection and copying at the Office of the Illinois Attorney General, Environmental Bureau, 69 West Washington Street, Suite 1800, Chicago, Illinois.

II. CLAIMS OF PRIVILEGE

1. If Super Mix, Inc. withholds or declines to produce any document responsive to these requests based upon any claim of privilege or work product, state the following:

- a. the name and address of the originator or sender of the document;
- b. the name and address of the author of the document;
- c. the name and address of each person to whom the document was directed or addressed;
- d. the name and address of each person to whom a copy of the document was directed or sent;
- e. the name and address of each person who has seen the document;
- f. the job title of each person listed in items (a) through (e) above;
- g. the date of the document;
- h. the length of the document;

- i. whether the document contained any attachment, exhibits or appendices;
- j. a general description of the nature and subject matter of the document;
- k. the present custodian of the document;
- l. the date on which the document was received by each person having the possession of the document; and
- m. the reason(s) the document was not produced.

2. If the claim of privilege applies to only a portion of the document, produce all portions of the document to which the claim does not apply.

III. DEFINITIONS

1. "Act" shall mean the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*
2. "Communication" shall mean, without limitation, any and all forms of transferring information, including, but not limited to, discussions, conversations, meetings, conferences, interviews, negotiations, agreements, understandings, inquiries, correspondence, documents, or other transfers of information whether written or oral or by any other means, and includes any document which abstracts, digests, transcribes or records any communication.
3. "Complainant" shall mean the Illinois Environmental Protection Agency and Illinois Attorney General's Office, and any of their agents or representatives, representing the People of the State of Illinois as listed in the Complaint.
4. "Current" or "present" shall mean the date the Respondent is answering this First Request for Admission of Facts and Genuineness of Documents.
5. "Date" shall mean the exact date about which the request inquires, except that when the Respondent does not know the exact date, it should so state and further state its best approximation of the date about which it is asked.
6. "Document" shall be construed in its customary broad sense in accordance with Supreme Court Rules 213(e) and 214 and shall include, but is not limited to, the original and any non-identical copy, whether different from the original because of notes made on said copy or otherwise, of any agreement; bank record or statement; book of account, including, but not limited to, any ledges, sub-ledger, journal, or sub-journal; brochure; calendar; chart; check; City Council resolution or ordinance; circular; communication; contract; copy; correspondence; diary; draft of any document; electronic mail; facsimile; graph; index; instruction; instruction manual or sheet; invoice job requisition; letter; license; log; manifest; manual; memorandum; minutes; newspaper or other clipping; note; note book; opinion; pamphlet, paper; periodical or other publication; photograph; police or fire department reports; print; receipt; record; report;

statement; study; summary including, but not limited to, any memorandum, minutes, note record, or summary of any (a) telephone, videophone or intercom conversation or message, (b) personal conversation or interview, or (c) meeting or conference; telegram; telephone log; travel or expense record; voucher; worksheet or working paper; writing; any other handwritten, printed, reproduced, recorded, typewritten, or otherwise produced graphic material from which the information inquired of may be obtained, or any other documentary material of any nature, in the possession, custody or control of Super Mix, Inc..

7. "General NPDES Permit" shall mean General National Pollutant Discharge Elimination System Permit No. ILR006479 for Storm Water Discharges from Industrial Activities.

8. "Identification" or "identify" shall mean:

a. As to an individual, stating his:

- i. full and customarily used names;
- ii. present business and residence addresses;
- iii. business or profession during the relevant time period;
- iv. every office, title, or position held during the relevant time period; and
- v. every employer during the relevant time period.

b. As to any person other than an individual, stating:

- i. its legal name and any other name used by it;
- ii. the form or manner of its organization (*e.g.*, partnership, corporation, etc.); and
- iii. the state of its incorporation (if it is incorporated) and the address of its principal place of business.

c. As to a document, stating:

- i. the date of its creation, execution, and receipt;
- ii. its author or signatory;
- iii. its addressee and any other recipient;
- iv. its type or nature (*e.g.*, letter, memorandum, etc.);
- v. the identity of the custodian;
- vi. the identity of the document; and
- vii. the present location of the document.

d. As to any event, incident, conversation, transaction or occurrence, stating:

- i. the date;
- ii. the place where it took place and the manner of its occurrence;
- iii. identification of all the participants;
- iv. its purpose and subject matter; and
- v. a description of what transpired.

9. "Illinois EPA" means the Illinois Environmental Protection Agency.
10. "Knowledge" shall mean first-hand information and/or information derived from any other source, including hearsay.
11. "NPDES" shall mean National Pollutant Discharge Elimination System.
12. "Operate" or "operation" shall mean use, exercise control over, supervise or having responsibility for the daily performance of.
13. "Or" shall mean and/or wherever appropriate.
14. "Own" or "ownership" shall mean having good legal title to, hold as property or possess.
15. "Person" shall include, but in not limited to, any natural person; business or corporation, whether for profit or not; firm, partnership, or other non-corporate business organization; charitable, religious, education, governmental, or other non-profit institution, foundation, body, or other organization; or employee, agent, or representative of any of the foregoing.
16. "Present" or "Present Date" shall mean the date on which Super Mix, Inc. serves its answers to these interrogatories on Complainant's attorney.
17. "Related to" or "relating to" or "in relation to" shall mean anything which, directly or indirectly, concerns, consists of, pertains to, reflects, evinces, describes, sets forth, constitutes, contains, shows, underlies, supports, refers to in any way, is or was used in the preparation of, is appended to, is legally logical or factually connected with, proves, disproves, or tends to prove or disprove.
18. "Relied upon" shall mean being or having been depended upon or referred to or being or having been arguably appropriate for such reliance.
19. "Respondent" shall mean Super Mix, Inc., and any of its officers, employees, agents, representatives, successors, or assigns, or any other person acting or believed by Super Mix, Inc. to have acted on its behalf.
20. "Settling basin" shall mean the man-made settling basin located partially on the northwest corner of the Site and partially on a neighboring property to the west of the Site.
21. "Site" shall mean the Super Mix, Inc. facility located at 2203 Spring Ridge Drive, Spring Grove, McHenry County, Illinois.
22. "Super Mix" shall mean Super Mix, Inc., and any of its officers, employees, agents, representatives, successors, or assigns, or any other person acting or believed by the Respondent to have acted on its behalf.

23. "SWPPP" shall mean the Storm Water Pollution Prevention Plan required by Section E of the General NPDES Permit.

24. All terms not specifically defined herein shall have their logical, ordinary meaning, unless such terms are defined in the Act or the regulations promulgated thereunder, in which case the appropriate or regulatory definitions shall apply.

IV. INTERROGATORIES

Interrogatory No. 1:

Identify all persons who supplied information for the answers to these Interrogatories. For each identified person:

- a. Specify the particular interrogatories to which each person contributed.
- b. Describe each person's relationship with the Respondent.

ANSWER:

JACK PEASE
OWNER

Interrogatory No. 2:

Identify all persons responsible for compliance with and/or implementation of the General NPDES Permit at the Site from November 12, 2008 to the present date. Specify which areas of compliance and/or implementation of the General NPDES Permit each person was responsible for.

ANSWER:

NYLE ANDERSON
JACK PEASE

Interrogatory No. 3:

From March 31, 2009 to the present, identify each and every action taken by the Respondent to assess, inspect, investigate, and implement the SWPPP at the Site. For each and every measure, provide the following:

- a. describe in detail the measure taken; and
- b. state the date on which the measure was initiated.

ALL REQUIRED
ACTIONS

ANSWER:

ON A REGULAR BASIS

Interrogatory No. 4:

From March 31, 2009 to the present, identify each and every amendment that was made to the SWPPP. For each and every amendment, provide the following:

- a. describe in detail the amendment taken;
- b. state the date on which the amendment was made;

ANSWER:

NONE

Interrogatory No. 5:

Identify all persons or entities who acted under Respondent's permission, direction, or control in constructing the settling basin.

ANSWER:

JACK PEASE

Interrogatory No. 6:

State whether Respondent, its officers, employees, agents, representatives, successors, or assigns, or any other person has taken or has otherwise obtained any statements of any person who witnessed, claims to have witnessed, or claims to have knowledge of any facts regarding the matters alleged in the complaint. If so, state:

- a. The name, current business and residence address, and current employer of each such person and the type of statement taken; and
- b. Who has possession of the statement.

JACK PEASE
 NYLE ANDERSON
 TORY PEASE

ANSWER:

MEMORY

Interrogatory No. 7:

State whether Respondent, its officers, employees, agents, representatives, successors, or assigns, or any other person has knowledge or information concerning the existence of any statements, oral or written, not in Respondent's possession, that pertain in any way to the matters alleged in the complaint. If so, state:

- a. The type of statement, e.g. written, reported, shorthand, oral, recorded;
- b. The full name and residence and business address of each person who provided the statement; and

NONE

- c. The full name and residence and business address of each person who has possession of the original or any copy of the statement.

ANSWER:

Interrogatory No. 8:

State whether any photographs have been taken of the Site from November 12, 2008 to the present date. If so, state:

- a. By whom, when, and how many photographs were taken; JACK PEASE
b. Who now has possession of said photographs; and 1 DNR + JACK PEASE
c. The nature of the photographs.

ANSWER:

NEIGHBORING SURFACE
CONDITIONS

Interrogatory No. 9:

Set forth in detail the facts and circumstances surrounding Super Mix's denial of the following factual allegation contained in Paragraph 11 of Count I of Complainant's Complaint: "The northwest corner of the Site is pitched such that it causes any water flows to migrate into a man-made settling basin on the south side of Spring Ridge Drive".

ANSWER:

AGREE

Interrogatory No. 10:

Set forth in detail the facts and circumstances surrounding Super Mix's denial of the following factual allegation contained in Paragraph 12 of Count I of Complainant's Complaint: "The settling basin is located partially on the northwest corner of the Site and partially on a neighboring property to the west of the Site".

ANSWER:

ADMIT

Interrogatory No. 11:

Set forth in detail the facts and circumstances surrounding Super Mix's denial of the following factual allegation contained in Paragraph 38 of Count II of Complainant's Complaint: "The wash water discharges and industrial waste storm water discharges from the Site are not covered

by Respondent's NPDES Permit".

ANSWER: DISAGREE

Interrogatory No. 12:

Set forth in detail the facts and circumstances surrounding Super Mix's lack of knowledge or information of the following factual allegation contained in Paragraph 37 of Count III of Complainant's Complaint: "Pursuant to Section E of the NPDES Permit, Respondent was required to develop and implement a SWPPP for the Site".

ANSWER: AGREE

Interrogatory No. 13:

Set forth in detail the facts and circumstances surrounding Super Mix's lack of knowledge or information of the following factual allegation contained in Paragraph 42 of Count IV of Complainant's Complaint: "Respondent does not have an Illinois EPA operating permit for the use and operation of its treatment works".

ANSWER:

Interrogatory No. 14:

Set forth in detail the facts and circumstances surrounding Super Mix's lack of knowledge or information of the following factual allegation contained in Paragraph 43 of Count IV of Complainant's Complaint: "Respondent's NPDES permit neither permits Respondent's use and operation of its treatment works, nor is the requirement to obtain an operating permit excluded by Sections 309.204(b), (c), or (d) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.204(b), (c), and (d)".

ANSWER: IT WAS ALWAYS PART OF THE PERMITTED OPERATION

Interrogatory No. 15:

Identify any ownership interest Super Mix or its officers, employees, agents, representatives, successors, or assigns may have in the quarry property located west of the Site.

ANSWER: JACK PEASE - SOLE OWNER

Interrogatory No. 16:

State whether Respondent, its officers, employees, agents, representatives, successors, or assigns, or any other person has any communications or documents regarding stormwater or other drainage from the quarry property located west of the Site.

ANSWER:

NONE

Interrogatory No. 17:

Identify all lay witnesses who may be called upon by the Respondent to testify as a fact or opinion witness at any hearing in this matter. A "lay witness" is a person giving only fact or lay opinion testimony. For each lay witness, identify the subjects on which the witness will testify.

ANSWER:

JACK PEASE - ALL FACTS
NYLE ANDERSON - PERMITTING INFO.

Interrogatory No. 18:

Identify all independent expert witnesses who may be called upon by the Respondent to testify at any hearing in this matter. An "independent expert witness" is a person giving expert testimony who is not the party, the party's current employee, or the party's retained expert. For each independent expert witness, identify:

- a. the subjects on which the witness will testify; and
- b. the opinions the Respondent expects to elicit.

MIKE TRYON

WATER QUALITY

ANSWER:

EXPERT

Interrogatory No. 19:


Identify all controlled expert witnesses who may be called upon by the Respondent to testify at any hearing in this matter. A "controlled expert witness" is a person giving expert testimony who is the party, the party's current employee, or the party's retained expert. For each controlled expert witness, identify:

- a. the subject matter on which the witness will testify;
- b. the conclusions and opinions of the witness and the bases therefor;

- c. the qualifications of the witness; and
- d. any reports prepared by the witness about the case.

ANSWER:

Respectfully Submitted,


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(312) 814-0609
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Dated: June 7, 2012

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

AFFIDAVIT OF KAREN KATAMAY

I, KAREN KATAMAY, after being duly sworn on oath, state that if called upon to testify in this matter, I would competently testify as follows:

1. I am employed by the Illinois Environmental Protection Agency (“Illinois EPA”), Division of Water Pollution Control, and am located in the Des Plaines Regional Office, 9511 West Harrison Street, Des Plaines, Illinois. I have been employed by the Illinois EPA for 15 years.

2. As part of the Field Office Staff of the Illinois EPA, my duties include, but are not limited to, inspecting locations within my assigned region for water-related violations of the Illinois Environmental Protection Act (Act), National Pollutant Discharge Elimination System (NPDES) permit program, and related statutes and regulations, including the Illinois Pollution Control Board (Board) regulations; requesting documentation to demonstrate compliance with the Act, NPDES permit program, and related statutes and regulations; taking samples, and photographing conditions.

3. On November 12, 2008, March 31, 2009, August 17, 2010, and December 11, 2012, I conducted inspections of the Super Mix, Inc. (“Super Mix”) site located at 2203 Spring Ridge Drive, Spring Grove, McHenry County, Illinois (“Site”). Super Mix operates a ready mix concrete and aggregate business out of the Site.

4. I prepared reports that describe my inspection activities and observations at the Site on November 12, 2008, March 31, 2009, August 17, 2010, and December 11, 2012. The reports I prepared are attached to the Motion for Summary Judgment as Exhibits 11, 12, 13, and



14. The reports for November 12, 2008, March 31, 2009, August 17, 2010, and December 11, 2012 are true and accurate copies of the original, official records in the custody of the Illinois EPA. The reports were made in the regular course of my business as part of the Field Office Staff of the Illinois EPA Division of Water Pollution Control, and it is my usual practice to make such reports at the time of my inspections or within a reasonable time thereafter.

5. I took photographs during the November 12, 2008, March 31, 2009, August 17, 2010, and December 11, 2012 inspections of the Site that are included in the reports. The photographs attached to my reports fairly and accurately depict Site conditions at the time of my inspections.

6. During the November 12, 2008 inspection of the Super Mix Site, I observed a truck washout area near the front edge of the Site, which allows runoff from the washout area to go into a settling basin that is located in the road ditch for Spring Ridge Drive. The settling basin is located outside of the Site's fence line and is able to overflow into the road ditch. The flow path of the discharge was followed and deposits from the wash water were observed across the street to the north road ditch and into a storm sewer catch basin. In my November 18, 2008 Inspection Report, I included a narrative of my observations and photographs taken at the Site. A true and correct copy of my November 18, 2008 Inspection Report is attached to the Motion for Summary Judgment as Exhibit 11.

7. During the March 31, 2009 inspection of the Super Mix Site, I observed that wash water from truck rinsing operations was entering the settling basin. I reviewed the Storm Water Pollution Prevention Plan (SWPPP) for the Site and found it incomplete. I took a water sample from the settling basin. The sample results for total suspended solids (TSS) were 238 milligrams per liter (mg/L). The regulatory level for TSS is 30 mg/L. The sample results for iron were 6.76

mg/L. The regulatory level for iron is 2.0 mg/L. The sample results for TSS and iron exceed the NPDES effluent limitations for TSS and iron. The sample results also indicated the presence of several other parameters associated with industrial waste from a concrete mixing facility, such as aluminum, barium, chromium, copper, lead, magnesium, manganese, nickel, potassium, and zinc. In my March 31, 2009 Inspection Report, I included a narrative of my observations and photographs taken at the Site. A true and correct copy of my March 31, 2009 Inspection Report is attached to the Motion for Summary Judgment as Exhibit 12.

8. During the August 17, 2010 inspection of the Super Mix Site, I observed that contaminated storm water from the Site was still entering the settling basin and road ditches. A copy of the Site's SWPPP was not available for inspection. I observed a storm sewer inlet on-site that was not protected and was allowing contaminants to be directed to the road ditch in front of the facility. This road ditch empties into the settling basin. In my August 17, 2010 Inspection Report, I included a narrative of my observations and photographs taken at the Site. A true and correct copy of my August 17, 2010 Inspection Report is attached to the Motion for Summary Judgment as Exhibit 13.

9. During the December 11, 2012 inspection of the Super Mix Site, I observed that many of the conditions I noted in my 2008, 2009, and 2010 inspections continued. I also observed process water runoff and materials in the road ditch and settling pond. In my December 11, 2012 Inspection Report, I included a narrative of my observations and photographs taken at the Site. A true and correct copy of my December 11, 2012 Inspection Report is attached to the Motion for Summary Judgment as Exhibit 14.

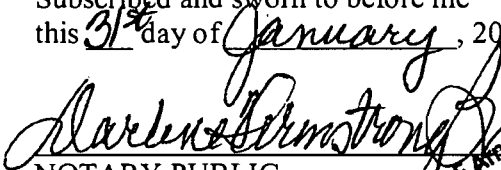
10. To my knowledge, Super Mix does not have an Illinois EPA permit to operate or excavate the settling basin located near the Site.

11. I have direct and personal knowledge of the facts stated herein and could competently testify to the same if required to do so.

12. The factual matters set forth in this affidavit are true and correct in substance and in fact to the best of my knowledge and belief.


KAREN KATAMAY

Subscribed and sworn to before me
this 31st day of January, 2013.


NOTARY PUBLIC
Darlene F. Armstrong-Barnes
State of Illinois
Notary Public
My Commission Expires 05/12/2015
Commission Number 663810