

EXHIBIT B

NPDES Permit No. IL0028088

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: February 28, 2007

Issue Date: January 22, 2002

Effective Date: March 1, 2002

Name and Address of Permittee:

Metropolitan Water Reclamation District
of Greater Chicago
100 East Erie Street
Chicago, Illinois 60611

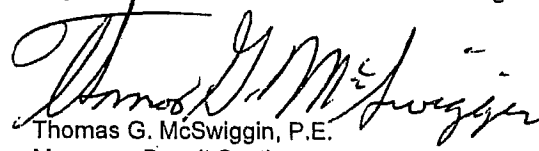
Facility Name and Address:

MWRDGC North Side Water Reclamation Plant
3500 West Howard Street
Skokie, Illinois 60076
(Cook County)

Receiving Waters: North Shore Channel

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

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



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

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Effluent Limitations, Monitoring, and Reporting

FINAL

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

Load limits computed based on a design average flow (DAF) of 333 MGD (design maximum flow (DMF) of 450 MGD).

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

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

PARAMETER	LOAD LIMITS lbs/day			CONCENTRATION			SAMPLE FREQUENCY	SAMPLE TYPE
	MONTHLY AVG.	WEEKLY AVG.	DAILY MAX.	MONTHLY AVG.	WEEKLY AVG.	DAILY MAX.		
Flow (MGD)							Continuous	
CBOD ₅ **	27,772 (37,530)	33,327 (45,036)		10	12		Daily	Composite
Suspended Solids	33,327 (45,036)	49,990 (67,554)		12	18		Daily	Composite
pH	Shall be in the range of 6 to 9 Standard Units						Daily	Grab
Ammonia Nitrogen as (N)	April through October 6,943 (9,383) 13,886 (18,765) 2.5 November through March 11,108 (15,012) 22,218 (30,024) 4.0						5.0 8.0	Composite Composite

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

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

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

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

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Effluent Limitations, Monitoring, and Reporting

FINAL

Discharge Number(s) and Name(s): 107 CSO at North Branch Pumping Station

These flow facilities shall not be utilized until the collection system and treatment facility is receiving its maximum practical flow.

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

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

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

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

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

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Influent Monitoring and Reporting

The influent to the plant shall be monitored as follows:

PARAMETER	SAMPLE FREQUENCY	SAMPLE TYPE
Flow (MGD)	Continuous	
BOD ₅	Daily	Composite
Suspended Solids	Daily	Composite

Influent samples shall be taken at a point representative of the influent or influent data shall be adjusted to account for recycle flows.

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

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

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Special Conditions

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

SPECIAL CONDITION 2. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

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

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

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

SPECIAL CONDITION 6. The use or operation of this facility shall be by or under the supervision of a Certified Class 1 operator.

SPECIAL CONDITION 7.

A. POTW Pretreatment Program General Provisions

1. The Permittee shall implement and enforce its approved Pretreatment Program which was approved on November 18, 1985 and subsequent modifications thereto. The Permittee shall maintain legal authority adequate to fully implement the pretreatment program in compliance with Federal (40 CFR 403), State, and local laws. The Permittee shall:
 - a. Carry out independent inspection and monitoring procedures at least once per year, which will determine whether each significant industrial user (SIU) is in compliance with applicable pretreatment standards;
 - b. Perform an evaluation, at least once every two years, to determine whether each SIU needs a slug control plan. If needed, the SIU slug control plan shall include the items specified in 40 CFR 403.8 (f)(2)(V);
 - c. Update its inventory of Industrial Users (IUs) at least annually and as needed to ensure that all SIUs are properly identified, characterized, and categorized;
 - d. Receive and review self monitoring and other IU reports to determine compliance with all pretreatment standards and requirements, and obtain appropriate remedies for noncompliance by any IU with any pretreatment standard and/or requirement;
 - e. Investigate instances of noncompliance, collect and analyze samples, and compile other information with sufficient care as to produce evidence admissible in enforcement proceedings, including judicial action;
 - f. Require development, as necessary, of compliance schedules by each industrial user for the installation of control technologies to meet applicable pretreatment standards; and,
 - g. Maintain an adequate revenue structure for continued operation of the pretreatment program.
2. The Permittee shall issue/reissue permits or equivalent control mechanisms to all SIUs prior to expiration of existing permits or prior to commencement of discharge in the case of new discharges. The permits at a minimum shall include the elements listed in 40 CFR 403.8(f)(1)(iii).
3. The Permittee shall develop, maintain, and enforce, as necessary, local limits to implement the prohibitions in 40 CFR 403.5 which prohibit the introduction of specific pollutants to the waste treatment system from any source of nondomestic discharge.

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4. In addition to the general limitations expressed in paragraph 3 above, applicable Pretreatment Standards must be met by all industrial users of the POTW. These limitations include specific standards for certain industrial categories as determined by Section 307(b) and (c) of the Clean Water Act, State limits, or local limits, whichever are more stringent.
5. The USEPA and IEPA individually retain the right to take legal action against any industrial user and/or the POTW for those cases where an industrial user has failed to meet an applicable pretreatment standard by the deadline date regardless of whether or not such failure has resulted in a permit violation.
6. The Permittee shall offer pollution prevention information to industrial users and include pollution prevention options in enforcement actions.
7. Unless already completed, the Permittee shall within twelve months of the effective date of this Permit submit to USEPA and IEPA a proposal to modify and update its approved pretreatment program to incorporate Federal revisions to the general pretreatment regulations and to implement the federal CSO Control Policy.
 - a. Modifications of your Pretreatment Program shall be submitted in accordance with 40 CFR 403.18, which established conditions for substantial and nonsubstantial modifications.
 - b. The permittee will review and modify, as appropriate, its existing industrial pretreatment program to minimize combined sewer overflow impacts related to discharges to the collection system from nondomestic users. This review shall include: (1) an inventory of nondomestic discharges to the combined sewers system, focusing on those dischargers with the greatest potential to impact CSOs (2) Assessment of the impact of these discharges on CSOs, and (3) Evaluation of feasible modifications to the pretreatment program to minimize CSO impacts, including the prohibition of batch discharges during wet weather events.
 - c. The Permittee shall: (1) address the public comments on record of its current pollution prevention (P2) activities; (2) consider new or expanded activities for promoting P2 to industrial users; (3) present its findings of (1) and (2) to a stakeholder group consisting of representatives of trade associations, environmental organizations, community organizations, industrial users and technical assistance providers; (4) obtain additional input from the stakeholder group; and (5) submit a written report within eighteen (18) months of the effective date of the Permit that summarizes the results of (1) through (4) and that includes the new and expanded activities it intends to implement and the schedule for implementation. At a minimum, new and expanded activities that shall be considered include: technical assistance and education outreach; integration into permitting, inspections and enforcement actions; and voluntary incentives. The Permittee shall initiate implementation of the pollution prevention activities report within three (3) months of Agency approval of the report.
8.
 - a. The Permittee's pretreatment program which was approved by USEPA on November 18, 1985 has been modified to incorporate a Pretreatment Program Amendment approved by USEPA on February 6, 1995. The amendment became effective on the date of approval by USEPA on February 6, 1995. The amendment became effective on the date of approval and is a fully enforceable provision of your pretreatment program.
 - b. The pretreatment program which was approved by USEPA on November 18, 1985 has been modified to incorporate a Pretreatment Program Amendment approved by USEPA on July 24, 1997. The amendment became effective on the date of approval and is a fully enforceable provision of the pretreatment program.

B. Reporting and Records Requirements

1. The Permittee shall provide an annual report briefly describing the Permittee's pretreatment program activities over the previous calendar year. Permittees who operate multiple plants may provide a single report providing all plant-specific reporting requirements are met. Such report shall be submitted no later than June 30 of each year, and shall be in the format set forth in IEPA's POTW Pretreatment Report Package which contains information regarding:
 - a. An updated listing of the Permittee's industrial users.
 - b. A descriptive summary of the compliance activities including numbers of any major enforcement actions, (i.e., administrative orders, penalties, civil actions, etc.), and the outcome of those actions. This includes an assessment of the compliance status of the Permittee's industrial users and the effectiveness of the Permittee's pretreatment program in meeting its needs and objectives.

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- c. A description of all substantive changes made to the Permittee's pretreatment program. Changes which are "substantial modifications" as described in 40 CFR 403.18(c) must receive prior approval from the Approval Authority.
 - d. Results of sampling and analysis of POTW influent, effluent, and sludge.
 - e. A summary of the findings from the priority pollutants sampling. As sufficient data becomes available the IEPA may modify this Permit to incorporate additional requirements relating to the evaluation, establishment, and enforcement of local limits for organic pollutants. Any permit modification is subject to formal due process procedures pursuant to State and Federal law and regulation. Upon a determination that an organic pollutant is present that causes interference or pass through, the Permittee shall establish local limits as required by 40 CFR 403.5(c).
2. The Permittee shall maintain all pretreatment data and records for a minimum of three years. This period shall be extended during the course of unresolved litigation or when requested by the IEPA or the Regional Administrator of USEPA. Records shall be available to USEPA and the IEPA upon request.
 3. The Permittee shall establish public participation requirements of 40 CFR 25 in implementation of its pretreatment program. The Permittee shall at least annually, publish the names of all IU's which were in significant noncompliance (SNC), as defined by 40 CFR 403.8(f)(2)(vii), in the largest daily paper in the municipality in which the POTW is located or based on any more restrictive definition of SNC that the POTW may be using.
 4. The Permittee shall provide written notification to the Deputy Legal Counsel for the Division of Water Pollution Control, IEPA, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois within five days of receiving notice that any Industrial User of its sewage treatment plant is appealing to the Circuit Court any condition imposed by the Permittee in any permit issued to the Industrial User by Permittee. A copy of the Industrial User's appeal and all other pleadings filed by all parties shall be mailed to the Deputy Legal Counsel within five days of the pleadings being filed in Circuit Court.
 5. 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 the monitoring shall be included in the annual pretreatment report.

C. Monitoring Requirements

1. The Permittee shall monitor its influent, effluent and sludge and report concentrations of the following parameters on monitoring report forms provided by the IEPA and include them in its annual report. Influent and effluent samples shall be taken at weekly intervals at the indicated detection limit or better and consist of a 24-hour composite unless otherwise specified below. Sludge samples shall be taken monthly of the final sludge, defined as sludge pumped to the Stickney WRP for treatment, and consist of a grab sample reported on a dry weight basis.

STORET

<u>CODE</u>	<u>PARAMETER</u>	<u>Minimum detection limit</u>
01097	Antimony	0.10 mg/L
01002	Arsenic	0.30 mg/L
01007	Barium	0.5 mg/L
01012	Beryllium	0.005 mg/L
01027	Cadmium	0.007 mg/L
01032	*Chromium (hex - grab not to exceed 24 hours)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.015 mg/L
00718	*Cyanide (weak acid dissociable)	10.0 ug/L
00720	*Cyanide (total)	10.0 ug/L
00951	*Fluoride	0.1 mg/L
01045	Iron (total)	0.5 mg/L
01046	*Iron (Dissolved)	0.5 mg/L
01051	Lead	0.08 mg/L
01055	Manganese	0.5 mg/L
71900	Mercury	0.2 ug/L

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01067	Nickel	0.02 mg/L
00556	*Oil (hexane soluble or equivalent) (Grab Sample only)	7.0 mg/L
32730	Phenols	0.005 mg/L
01147	Selenium	0.30 mg/L
01077	Silver (total)	0.02 mg/L
01059	Thallium	0.3 mg/L
01092	Zinc	0.050 mg/L

*(Influent and effluent only)

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

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

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

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

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

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

- b. The sludge shall be sampled and analyzed for the 110 organic priority pollutants. A sludge sample shall be collected on the same day as a wastewater sample and taken as final sludge pumped to the Stickney WRP for treatment.

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

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

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

4. Permittee shall report any noncompliance with effluent or water quality standards in accordance with Standard Condition #12(e).

5. Analytical detection limits shall be in accordance with 40 CFR 136 or as listed in section C.1 above.

SPECIAL CONDITION 8. The Permittee shall report names of all significant contributing industries annually to both IEPA and USEPA. The report shall include the flow and the Standard Industrial Classification for each major contributing industry and be submitted with the annual report required in Special Condition 7. The Permittee shall furnish industrial waste data for any specific industrial group that IEPA or USEPA requests, where such requests are reasonable in scope. Otherwise, at the request of IEPA or USEPA the Permittee shall provide access to files and guidance to IEPA or USEPA personnel for reviewing data related to industrial users.

SPECIAL CONDITION 9. To the extent different requirements are imposed by the Permittee's approved pretreatment program and this Permit, the stricter requirements shall be applicable.

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Special ConditionsSPECIAL CONDITION 10.

AUTHORIZATION OF
COMBINED SEWER AND TREATMENT PLANT DISCHARGES

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

<u>Discharge Number</u>	<u>Location</u>	<u>Receiving Water</u>
101	Sheridan Road	North Shore Channel
102	Greenbay Road	North Shore Channel
103	Emerson Street	North Shore Channel
104	Lake Street	North Shore Channel
105	Howard Street	North Shore Channel
106	Morse Avenue	North Shore Channel
107 *See Page 3	North Branch Pumping Station	North Branch of Chicago River
109	Rand Road	Des Plaines River
110	Niles Center Outlet Sewer - Oakton Street	North Shore Channel

Collection and Treatment Requirements

- All combined sewer overflows and treatment plant bypasses shall be given sufficient treatment to prevent pollution and the violation of applicable water quality standards. Sufficient treatment shall consist of the following:

All dry weather flows and the first flush of storm flows shall be transported to the main STP and shall meet all applicable effluent standards and the effluent limitations required for the main STP outfall. Additional flows, but not less than ten times the average dry weather flow for the design year, shall receive the equivalent of primary treatment and disinfection with adequate retention time.
- All CSO discharges authorized by this Permit shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203 and to prevent depression of oxygen levels below the applicable water quality standard.
- Overflows during dry weather are prohibited. Dry weather overflows, if discovered, shall be reported to the IEPA pursuant to Standard Condition 12(e) of this Permit (24 hour notice).
- The collection system shall be operated and maintained to optimize transport of wastewater flows.
- The treatment system shall be operated and maintained to maximize treatment of wastewater flows.

Pollution Prevention Activities

- The Permittee's Pollution Prevention activities are identified in Special Condition 7 Part A. 7.c.

Sensitive Area Considerations

- For outfalls 101, 102, 103, 104, 109, and 110 within one (1) year of the effective date of this Permit, the Permittee shall submit documentation indicating which of these outfalls do not discharge to sensitive areas. Such documentation shall include information regarding the use or potential use of the receiving water for primary contact activities (swimming, water-skiing, etc.) If the Permittee believes that it is not possible for primary recreation to occur in the vicinity of a CSO discharge, then justification as to why primary contact is not possible shall be submitted. Adequate justification includes, but is not limited to (1) inadequate water depth; (2) presence of physical obstacles sufficient to prevent access or primary contact activities; and, (3) uses of adjacent land sufficient to discourage primary activities. The IEPA will make a determination based on this documentation and other information available to the IEPA. This Permit may be reopened and modified, with Public Notice, to include additional CSO requirements for outfalls to sensitive areas. Such modification may include a schedule for relocating, controlling, or treating CSO flows to sensitive areas. If none of these are possible, the Permittee may then be required to submit justification consistent with Section II.C.3 of the National CSO Control Policy, as to why these are not possible.

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The IEPA has tentatively determined that outfalls 105, 106 and 107, do not discharge to sensitive areas. However, this Permit may be reopened and modified, with Public Notice, to include additional requirements for these outfalls if information becomes available that causes the IEPA to reverse this determination and/or to include a schedule for relocating, controlling, or treating CSO discharges to sensitive areas. If none of these are possible, the Permittee may then be required to submit justification consistent with Section II.C.3 of the National CSO Control Policy, as to why these are not possible.

Operational and Maintenance Plans

8. A CSO operational and maintenance plan ("OMP") shall be developed or revised and maintained employing a process that actively involves the affected communities within eighteen (18) months of the effective date of this Permit and submitted for IEPA administrative acceptance. Upon administrative acceptance, the Operational and Management Plan shall be presented to the general public at a public information meeting conducted by the Permittee. The Permittee shall submit documentation that the public information meeting was held within six (6) months of administrative acceptance. Such submittal shall include a summary of all significant issues raised by the public and the Permittee's response to each issue. The final plan shall be expeditiously implemented in accordance with the provisions contained in the OMP and will be made available to the public. Thereafter, the Permittee shall maintain a current operational plan updated to reflect system modifications, on file at the sewage treatment works or other acceptable location.

The objectives of the OMP are to reduce the total loading of pollutants and floatables entering the receiving stream to the greatest extent possible. These plans, tailored to the local government's collection and waste treatment systems, will include mechanisms and specific procedures where applicable to ensure:

- a. Collection system inspection;
- b. Sewer cleaning and maintenance;
- c. Collection system rehabilitation and replacement, where necessary;
- d. Detection and elimination of illegal connections;
- e. Detection and elimination of dry weather overflows;
- f. Collection system operation to maximize storage capacity;
- g. Treatment and collection systems operations to maximize treatment; and,
- h. Minimize the discharge of and adverse impacts from any solids or floatables discharged from CSOs.

Sewer Use Ordinances

9.
 - a. The Permittee shall implement and enforce all conditions and requirements of the Sewer Summit Agreement between the Permittee and tributary communities that are the responsibility and/or under the jurisdiction of the District in the Agreement. The steps used to implement the Sewer Summit Agreement shall be included in the OMP contained in Paragraph 8 of this Special Condition.
 - b. The Permittee shall report to the IEPA's Compliance Assurance Section on an annual basis the progress obtained in its efforts to meet the goals of the Sewer Summit Agreement between the Permittee and tributary communities of 1) Prevention of water pollution; and 2) Elimination of basement sewage backups and adverse surcharging conditions that cause health hazards and financial losses. Also included in this report shall be the results of the District's efforts to reduce and effectively control sources of infiltration and inflow. The report shall be submitted by November 15th of each year and shall include the most recent October 1 through September 30 time period.

Compliance with Water Quality Standards

10. Pursuant to Section 301 of the federal Clean Water Act and 40 CFR § 122.4, discharges from the outfalls listed in this Special Condition shall not cause or contribute to violations of applicable water quality standards or cause use impairment in the receiving waters. The Permittee, no later than December 1 of each year, shall submit documentation of water quality data for the waterway systems within its jurisdiction. The Permittee shall also work with the IEPA and Municipalities with CSO outfall structures connected to TARP, or planned to be connected to TARP, to develop and implement a plan to assess, and if necessary, abate, impacts from CSO discharges.

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Within six (6) months of the completion of TARP, the Permittee shall develop and submit to IEPA at least two (2) copies of a plan to determine whether or not the CSOs in the TARP service area have the potential to cause or contribute to either violations of applicable water quality standards or use impairment in the Chicago area waterways. Such a plan should be developed with input from other CSO communities within the service area and may include input from the general public. Once submitted, the Permittee shall submit a written response to any IEPA comments within sixty (60) days of receiving such comments. This plan shall be implemented within six (6) months of IEPA approval, or such other date as contained in the IEPA approval letter.

Reporting, Monitoring, and Notification Requirements

11. Beginning on the effective date of this Permit, the Permittee shall monitor the frequency of discharge (number of discharges per month) and estimate the duration (in hours) of each discharge of the following CSO outfalls: 101, 102, and 104. Within six (6) months of the effective date of this Permit, the Permittee shall submit a plan for monitoring the frequency of discharge (number of discharges per month) and estimate the duration (in hours) of the discharge from select, representative CSO outfalls authorized in the Permit and for all other CSO outfalls connected to TARP, for which the Permittee has the ability to monitor through telemetry equipment. Estimates of storm duration and total rainfall shall be provided for each storm event.

For frequency reporting, all discharges from the same storm, or occurring within 24 hours, shall be reported as one. The date that a discharge commences shall be recorded for each outfall. Reports shall be submitted to the IEPA by November 15th of each year and cover the most recent October 1 to September 30 period. In addition to the above required information, these reports shall include estimates of the pounds of BOD discharged, pounds of suspended solids discharged through CSO's on, or scheduled to be connected to the legs of TARP tributary to the North Side Water Reclamation Plant. The report shall also include estimates of the pounds of BOD, pounds of suspended solids, and volume of combined sewage treated at the North Side Water Reclamation Plant.

12. A public notification program in accordance with Section II.B.8 of the federal CSO Control Policy of 1994 shall be developed employing a process that actively informs the affected public. The program shall be submitted to IEPA within six (6) months of the effective date of this Permit for IEPA tentative approval. The program shall include at a minimum public notification of CSO occurrences and CSO impacts, shall include mass media and/or internet notification and provisions shall be made to include modifications of the program when necessary and notification to any additional affected public. The tentatively approved program shall be presented to the general public at a public information meeting conducted by the Permittee. The Permittee shall conduct the public information meeting within three (3) months of IEPA tentative approval of the public notification program. The Permittee shall submit documentation that the public information meeting was held, shall submit a summary of all significant issues raised by the public and the Permittee's response to each issue and shall identify any modifications to the program as a result of the public information meeting. The public information meeting summary shall be submitted to the IEPA within three (3) months after the Permittee conducts the meeting. The Permittee shall implement the public notification program within three (3) months of Agency final approval of the program.

Until such public notification program is implemented, the Permittee shall notify potable water supply agencies in Cook and Lake Counties withdrawing water from Lake Michigan and other municipal units of government in Cook and Lake Counties on the Lake Michigan Shore each time flows from the North Shore Channel and/or Chicago River are expected to be discharged to Lake Michigan.

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

Summary of Compliance Dates in this CSO Special Condition

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

Sewer Summit Agreement Report, and CSO Monitoring Data Report (Paragraphs 9 and 11)	Every November 15th
Water Quality Data (Paragraph 10)	Every December 1st
Documentation of CSO locations (Paragraph 7, Sensitive Areas)	1 year from the effective date of this Permit
Elimination of a CSO or Discovery of Additional CSO locations (Paragraph 13)	1 month from discovery or elimination

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Public Notification (PN) Program (Paragraph 12)	6 months from the effective date of this Permit
Conduct PN Public Information Meeting (Paragraph 12)	3 months from Agency Notification
Submit PN Public Information Meeting Summary (Paragraph 12)	3 months from Public Information Meeting Date
CSO Operational and Maintenance Plan (Paragraph 8)	18 months from the effective date of this Permit
Submit OMP Public Information Meeting Summary (Paragraph 8)	6 months from IEPA Acceptance
Water Quality Study (Paragraph 10)	6 months from the completion of TARP

Reopening and Modifying this Permit

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

SPECIAL CONDITION 11. The Permittee shall prepare a preliminary plan for biomonitoring and submit the plan to IEPA for review and approval within 90 days of the effective date of this Permit. The Permittee shall begin biomonitoring of the effluent discharge within 90 days after approval of the biomonitoring plan or other such date as contained in the IEPA's notification letter.

The Permittee is relieved from acute toxicity testing while chronic toxicity testing outside this Permit is being conducted.

Biomonitoring

1. Acute Toxicity - Standard definitive acute toxicity tests shall be run on at least two trophic levels of aquatic species (fish, invertebrate representative of the aquatic community of the receiving stream. Except as noted here and in the IEPA document "Effluent Biomonitoring and Toxicity Assessment", testing must be consistent with Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms (Fourth Ed.) EPA-600/4-90-027. Results shall be reported in accordance with Section 12. Unless substitute tests are pre-approved; the following tests are required:
 - a. Fish - 96 hour static LC₅₀ Bioassay using one to two week old fathead minnows (*Pimephales promelas*).
 - b. Invertebrate 48-hour static LC₅₀ Bioassay using *Ceriodaphnia*.
2. Testing Frequency:
 - a. Fathead minnow testing referenced above shall be conducted quarterly for one year.
 - b. *Ceriodaphnia* testing referenced above shall be conducted monthly for one year.

Testing for both fathead minnows and *Ceriodaphnia* shall be started on a weekday when maximum industrial discharges are anticipated. The tests for both species shall begin 90 days following approval of the biomonitoring plan or other such date as contained in the IEPA's notification (approval) letter. Tests shall be performed using 24-hour composite effluent samples unless otherwise authorized by the IEPA. Results shall be submitted to IEPA within one week of becoming available to the Permittee.

Should the results of two consecutive tests for either species indicate toxicity the Permittee may wish to contact the IEPA to request discontinuance of further testing for that species. At that time the IEPA may require the Permittee to begin the toxicity reduction evaluation and identification as outlined below.

After the one year sampling period, the IEPA will review the results of the toxicity testing for both species to determine if additional sampling will be required.

3. Toxicity Assessment - Should the review of the results of the biomonitoring program identify toxicity, the IEPA may require that the Permittee prepare a plan for toxicity reduction evaluation and identification. This plan shall include an evaluation to determine which chemicals have a potential for being discharged in the plant wastewater, a monitoring program to determine their presence or absence and to identify other compounds which are not being removed by treatment, and other measures as appropriate. The Permittee shall submit to the IEPA its plan for toxicity reduction evaluation within 90 days following notification by the IEPA. The Permittee shall implement the plan within 90 days or other such date as contained in a notification letter received from the IEPA.

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

SPECIAL CONDITION 12. The District shall maintain supplemental aeration capability in the North Branch Chicago River via the Devon Avenue and Webster Avenue instream aeration stations. Operation shall be provided at all times necessary to achieve compliance with the minimum acceptable dissolved oxygen concentration in the North Branch Chicago River (downstream of the North Side WRP) of 4.0 mg/L.

The District shall submit with their Discharge Monitoring Reports the dissolved oxygen results from samples taken a minimum of once every week in the North Shore Channel and North Branch Chicago River at the following locations: Touhy Avenue, Wilson Avenue, Diversey Parkway and Grand Avenue. The District shall submit a plan within six (6) months of the effective date of this permit to replace the grab sample monitoring for D.O. with the results of continuous D.O. monitoring.

SPECIAL CONDITION 13. Upon the results of the Use Attainability Analysis (UAA) that is being undertaken for the Chicago Area Waterways System, the District shall then determine the need to construct and maintain supplemental stream aeration capability for the North Branch Chicago River (downstream of the North Side WRP) sufficient to achieve consistent compliance with the minimum acceptable dissolved oxygen (D.O.) concentration.

If it is determined that the construction of additional SEPA stations are necessary to maintain the minimum DO concentration, the District shall conduct a feasibility study for additional aeration of the waterways and submit the results of the study to the IEPA within eighteen (18) months of the determination. The District shall also submit semi-annual progress reports to IEPA by June 30 and December 31 of each year concerning progress of the supplemental aeration system. The District shall document conformance with 40 CFR 125.3(f) for any future supplemental in-stream aeration systems.

SPECIAL CONDITION 14. For the duration of this Permit, the Permittee shall determine the quantity of sludge produced by the treatment facility in dry tons or gallons with average percent total solids analysis. The Permittee shall maintain adequate records of the quantities of sludge produced and have said records available for IEPA inspection. The Permittee shall submit to the IEPA, at a minimum, a semi-annual summary report of the quantities of sludge generated and disposed of, in units of dry tons or gallons (average total percent solids) by different disposal methods including but not limited to application on farmland, application on reclamation land, landfilling, public distribution, dedicated land disposal, sod farms, storage lagoons or any other specified disposal method. Said reports shall be submitted to the IEPA by January 31 and July 31 of each year reporting the preceding January thru June and July thru December interval of sludge disposal operations.

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

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

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

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

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

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

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

SPECIAL CONDITION 15. By August 31 of each year, MWRDGC shall submit the District's Annual Financial Report which will include a Balance Sheet and Statement of Revenue and Expenditures for all funds. The submittal shall be made to the Illinois Environmental Protection Agency/Division of Water Pollution Control/Compliance Assurance Section.

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SPECIAL CONDITION 16. The Permittee shall record monitoring results on Discharge Monitoring Report Forms using one such form for outfall 001 each month.

In the event that outfall 001 does not discharge during a monthly reporting period, the DMR form shall be submitted with no discharge indicated.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 20th day of the following month, unless otherwise specified by the permitting authority.

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

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

Attention: Compliance Assurance Section

SPECIAL CONDITION 17. The following is a list of emergency high level overflows associated with the MWRDGC North Side WRP and collection system. Discharges from any of these overflow points are subject to conditions 1-6 listed below:

<u>Discharge Number</u>	<u>Location</u>	<u>Receiving Stream</u>
108	Wheeling Drainage Ditch	Wheeling Drainage Ditch

Discharges from this overflow are subject to the following conditions:

(1) Definitions

- (i) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) Bypass not exceeding limitations. The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (3) and (4) of this section.

(3) Notice

- (i) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (ii) Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in Standard Condition 12(e) of this Permit (24-hour notice).

(4) Prohibition of bypass. Bypass is prohibited, and the IEPA may take enforcement action against a Permittee for bypass, unless:

- (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (ii) There was no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastewater, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment shall have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

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- (iii) The Permittee submitted notices as required under Standard Condition 12(e) of this Permit.
- (5) Emergency Bypass when discharging, shall be monitored daily by grab sample for BOD₅ and Suspended Solids. The Permittee shall submit the monitoring results on discharge monitoring report forms using one such form for each month in which bypassing occurs.
- (6) The IEPA shall be provided written notification within 7 days should any of the discharge structures referenced above be removed from the system or any new overflow structures be added. Written notification shall be submitted to the IEPA's Maywood Field Office.

SPECIAL CONDITION 18. For Discharge No. 001, any use of chlorine to control slime growths, odors or as an operational control, etc. shall not exceed the limit of 0.05 mg/L (daily maximum) total residual chlorine in the effluent. Sampling is required on a daily grab basis during the chlorination process. Reporting shall be submitted on the (DMR's) on a monthly basis.

SPECIAL CONDITION 19. The Permittee shall provide a dry-weather flow quantification on a mass basis of discharge for Discharge Number 001 for the parameters listed in Special Condition 7.C.1. This data shall be provided on an annual basis and submitted to the IEPA no later than June 30 of each year.

SPECIAL CONDITION 20. This Permit contains provisions implementing the federal Combined Sewer Overflow (CSO) Control Policy (published in the *Federal Register* on April 19, 1994) and recognizes the Tunnel and Reservoir Plan (TARP), now under construction, as the long-term control plan for the Chicago metropolitan area. Over the term of this Permit, TARP shall be constructed according to the following schedule:

- (1) Stage 1 - McCook Reservoir: Award March 31, 2002

This Permit may be modified, with Public Notice, to include revised construction dates set out in this Permit that are superseded or supplemented by dates in judicial orders, Pollution Control Board orders or grant agreements.

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

In addition to the above Phase I TARP Schedule, the Permittee shall continue to make progress on the construction of the reservoir portions of TARP. The following projected schedule for the reservoir construction is provided in this Permit for informational purposes:

- (1) Stage 1 - McCook Reservoir Completed December 31, 2009
(2) Stage 2 - McCook Reservoir Award January 31, 2010
(3) Stage 2 - McCook Reservoir Completed December 31, 2015

Milestones with projected completion dates extending beyond the expiration date of this Permit, may be revised and included in subsequent Permit renewals.

Annual progress reports shall be submitted to the Agency by January 1st of each year until the McCook Reservoir Stage 2 improvements are completed.

REPORTING

The Permittee shall submit a report no later than thirty (30) days following the completion dates indicated for each numbered item in the construction schedules, indicating a) the date the item was completed, or b) that the item was not completed. All reports shall be submitted to IEPA at the following address:

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

Attention: Compliance Assurance Section

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Following extensive studies by the State of Illinois, Cook County, the City of Chicago, and the Permittee, TARP was found to be the most cost-effective means of achieving the control of CSOs in compliance with the Clean Water Act. The Permittee adopted TARP in October 1972, and later the same year the other three agencies mentioned above also approved TARP. Approval of TARP by the USEPA for funding purposes was obtained in 1975. In 1995, IEPA confirmed that TARP met the "presumption" approach requirements of the 1994 CSO Policy. IEPA and USEPA have determined, consistent with Section 1.C.2. of the CSO Policy, that the completion of TARP without further planning would fulfill the obligations of the CSO Policy, since it is believed that upon completion of the reservoirs, CSOs will no longer cause or contribute to violations of water quality standards or use impairment. The permit does require identification of sensitive areas that may trigger the need for additional planning for CSO control and further requires water quality monitoring during and after construction of TARP, to assure that CSOs controlled by TARP meet applicable water quality standards.

Funding began in 1975 under the USEPA Construction Grants Program for construction of tunnels, drop shafts, connecting structures and a pumping station. The first portion of the TARP Mainstream System became operational in 1985. Construction of the TARP Des Plaines River System tunnel and the North-Branch tunnel was completed in 1998. Both of these extensions were funded under the State Revolving Fund loan program. Upon completion, these tunnel extensions became operational, marking the completion of the TARP tunnels for these two systems. Approximately \$1.6 billion has been expended on the construction of the TARP Mainstream and Des Plaines River Systems.

The TARP McCook Reservoir is being designed and will be constructed by the U.S. Army Corps of Engineers using federal public works funding. A Project Cooperation Agreement was executed with the Corps in 1999. The Permittee has secured the land rights for the McCook Reservoir and begun site preparation using its own funds. Construction of the McCook Reservoir is expected to cost \$0.5 billion and be completed by 2015.

During the last three decades of the 20th Century, the Permittee has expended \$4.5 billion on capital improvement projects. Of this total, \$2.3 billion has been spent on TARP and \$1.1 billion on treatment plant expansions and improvements. The balance has been spent on interconnector sewers, biosolids processing, flood control and facility replacement. The facilities constructed and operated by the Permittee have resulted in a dramatic improvement in water quality in the Calumet, Chicago and Des Plaines River systems and the return of over 50 species of fish to these river systems. The Permittee shall be a participant in and support the UAA that is being undertaken for the Chicago Waterways System.

SPECIAL CONDITION 21. The Permittee shall notify the Agency whenever any waterway locks are opened which may allow flow to discharge to Lake Michigan and shall notify the Agency of any fish kills in the Chicago area waterways or of any water pollution related emergencies. The Permittee shall report any of the above activities to the Des Plaines Regional Field Operations Office at (847) 294-4000 in accordance with Standard Condition 12(e).

ATTACHMENT H

Standard Conditions

Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.
- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to:
 - (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) **Monitoring and records.**
 - (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. This period may be extended by request of the Agency at any time.
 - (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
 - (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
 - (a) **Application.** All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph (a); and
 - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
 - (3) The written authorization is submitted to the Agency.

- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (12) **Reporting requirements.**
- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (d) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (e) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours;
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (f) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).
- (g) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Transfer of permits.** A permit may be automatically transferred to a new permittee if:
- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
- (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees; and
- (c) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (14) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
- (1) One hundred micrograms per liter (100 ug/l);
- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
- (4) The level established by the Agency in this permit.
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (15) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to Sections 301 or 308 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 effluents introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (16) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (1) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
- (2) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
- (3) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (17) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reassued 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.