



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397  
BRUCE RAUNER, GOVERNOR ALEC MESSINA, DIRECTOR

217/782-0610

April 10, 2017

Midwest Generation, LLC  
13082 East Manito Rd.  
Pekin, IL 61554

217-782-3397

Re: Midwest Generation, LLC  
Powerton Generating Station  
NPDES Permit No. IL0002232  
Modification of NPDES Permit (After Public Notice)

Gentlemen:

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

1. RO Reject was rerouted from outfall 002 to outfall 001. RO Wastes was changed to read RO Reject and Cleaning Wastes, subwastestream 7 on page 2 of the permit. RO Reject, subwastestream 8, was removed from page 4 of the permit.
2. In special condition 16 the minimum reporting limit for chloride was changed from 0.1 mg/l to 1.0 mg/l and sulfate was changed from 0.1 mg/l to 10 mg/l to be consistent with the minimum reporting limits used at the IEPA lab.
3. Special Condition 11 was revised to reflect the new electronic reporting rule.
4. Special Condition 19 was removed as requested.

Enclosed is a copy of the modified Permit. You have the right to appeal any condition of the Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

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

Sincerely,

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

SAK:JAR:16070701

Attachments: Modified Permit

cc: Compliance Assurance Section  
Records Unit  
Peoria FOS  
US EPA  
Billing



4302 N. Main St., Rockford, IL 61103 (815) 987-7740  
595 S. Stone, Elgin, IL 60120 (847) 408-3131  
2125 S. First St., Champaign, IL 61820 (217) 278-5800  
2009 Mall St., Collinsville, IL 62234 (618) 346-5120

9511 Hamilton St., Des Plaines, IL 60014 (847) 294-4000  
412 SW Washington St., Suite D, Peoria, IL 61602 (309) 671-3022  
2309 W. Main St., Suite 114, Moline, IL 62959 (618) 993-7200  
100 W. Randolph, Suite 10-300, Chicago, IL 60601

NPDES Permit No. IL0002232

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Modified (NPDES) Permit

Expiration Date: May 31, 2020

Issue Date: May 22, 2015

Effective Date: June 1, 2015

Modification Date: April 10, 2017

Name and Address of Permittee:  
Midwest Generation, LLC  
13082 East Manito Rd.  
Pekin, IL 61554

Facility Name and Address:  
Powerton Generating Station  
13082 East Manito Rd.  
Pekin, IL 61554  
(Tazewell County)

Discharge Number and Name:

001 Ash Treatment System Effluent  
A01 Metal Cleaning Waste Treatment System Effluent  
002 Cooling Pond Emergency Overflow  
A02 Coal Pile Runoff Treatment System Effluent  
B02 West Yard Treatment System Effluent  
004 RBC Sewage Treatment Plant Effluent  
006 Treated Asbestos Contaminated Stormwater

Receiving Waters:

Illinois River  
Unnamed tributary to the Illinois River  
Illinois River  
Illinois River

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

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



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

SAK:JAR:16070701

NPDES Permit No. IL0002232

Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		

Outfall: 001 Ash Treatment System Effluent (DAF = 7.33 MGD)\*

This discharge consists of:

Approximate Flow

- |   |              |
|---|--------------|
| 1. Bottom Ash and Economizer Ash Sluice Wastewater  | 10.9 MGD     |
| 2. Alternate Route for Boiler Room Sump   | Intermittent |
| 3. Intermittent Route for Boiler Room Floor and Roof Drains   | Intermittent |
| 4. Slag Tank Overflow Sump Wastes; Tripper Room Dust Extractor;<br>Tail End and Tripper Room Washdown; Alternate Route for Boiler<br>Room Floor Drains; Alternate Route for RO Reject and Cleaning Wastes | 6.2 MGD      |
| 5. Demineralizer Sand Filter Backwash   | 0.1 MGD      |
| 6. East Yard Runoff Basin Effluent  | Intermittent |
| a. East Yard Area Runoff  | 1.0 MGD      |
| b. Units 1-4 Roof and Yard Drains   | Intermittent |
| c. Boiler Room Sump Wastes  | 0.3 MGD      |
| d. Boiler Room Roof and Building Drains   | Intermittent |
| e. Polymer Building Floor Drains  | 0.01 MGD     |
| f. Scrubber and Limestone Building Area Drains  | 0.01 MGD     |
| g. Condensate Storage Tank  | Intermittent |
| h. Trona Mill Wash Water  | 1600 GPD     |
| i. Trona Mill Building Roof Drains  | Intermittent |
| 7. Demineralizer Regenerant, RO Reject and Cleaning Wastes<br>to South Equalization Basin; Alternate Route direct to Ash Treatment  | 0.3 MGD      |
| 8. Metal Cleaning Wastes Treatment System Effluent  | 0.50 MGD     |

Flow (MGD)	See Special Condition 1			1/Week	24 Hour Total
pH	See Special Condition 2			1/Week	Grab
Total Suspended Solids		15	30	2/Month	24 Hour Composite
Oil and Grease		15	20	2/Month	Grab

\*See Special Condition 16.

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Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		

Outfall: A01 Metal Cleaning Waste Treatment System Effluent (DAF = 0.5 MGD)

This discharge consists of:

Approximate Flow

1. Boiler and Air Heater, Precipitator, and Economizer Wash Water;  
(Gas Side Boiler Wash Water)
2. Water Side Boiler Cleaning Water
3. Alternate Route for Demineralizer Regenerant Waste and RO  
Reject and Cleaning Wastes

Intermittent  
Intermittent  
Intermittent

Flow (MGD)	See Special Condition 1			Daily	24 Hour Total
Total Suspended Solids		30	100	2/Week	24 Hour Composite
Oil and Grease		15	20	2/Week	Grab
Iron		1.0	1.0	2/Week	24 Hour Composite
Copper		0.5	1.0	2/Week	24 Hour Composite

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Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		

Outfall: 002 Cooling Pond Emergency Overflow (Intermittent Discharge)

This discharge consists of:

1. Condenser Cooling Water
2. House Service Water
3. Intermittent Ash Treatment System Effluent (Approximately 15%)
4. Coal Pile Runoff System Effluent
5. West Yard Runoff System Effluent
6. Pond Intake Screen Backwash
7. Boiler Drains

Approximate Flow

- 497 MGD/Unit
- Intermittent
- 7.33 MGD
- 1.64 MGD
- 1.14 MGD
- Intermittent
- Intermittent

Flow (MGD)	See Special Condition 1	Daily When Discharging	Estimate
pH	See Special Condition 3	Daily When Discharging	Grab
Temperature	See Special Condition 5	Daily When Discharging	Measure

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Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		

Outfall: A02 Coal Pile Runoff Treatment System Effluent (Intermittent Discharge)\*

This discharge consists of:

Approximate Flow

1. Crusher Building Area Runoff
2. East & West Coal Pile Runoff
3. Equipment Building Area Runoff
4. Reclaim Hopper and Car Dumper Sumps
5. Fuel Oil Tank Area Runoff
6. Treated Asbestos Contaminated Stormwater

Intermittent  
2.0 MGD  
Intermittent  
Intermittent  
Intermittent  
1.44 MGD

Flow (MGD)	See Special Condition 1			Daily	24 Hour Total
Total Suspended Solids		15	30	1/Week	24 Hour Composite
Oil and Grease		15	20	1/Week	Grab

\*See Special Condition 16.

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Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		

Outfall: B02 West Yard Runoff Treatment System Effluent (DAF = 1.14 MGD)

This discharge consists of:

Approximate Flow

- |   |              |
|---|--------------|
| 1. West Yard Area Runoff  | 0.115 MGD    |
| 2. North and South 345kV Switchyard Oil Separator Effluents           | 0.377 MGD    |
| 3. Oil Tank Area Oil Separator Effluent                               | 0.205 MGD    |
| 4. Crib House Roof and Floor Drains                                   | 0.09 MGD     |
| 5. Units 5 and 6 Turbine Room Roof and Floor Drains to Oil Separators | 0.134 MGD    |
| 6. Units 1-4 Area Runoff  | 0.115 MGD    |
| 7. 138kV Switchyard Area Runoff                                       | 0.176 MGD    |
| 8. Condenser Pit Oil Separator Effluents                              | Intermittent |
| 9. Parking Area Runoff  | 0.39 MGD     |
| 10. Administration Building Roof and Area Drains                      | Intermittent |

Flow (MGD)	See Special Condition 1		Daily	24 Hour Total
Total Suspended Solids		15	30	24 Hour Composite
Oil and Grease		15	20	Grab

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Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall: 004 RBC Sewage Treatment Plant Effluent (DAF = 0.036 MGD)						
Flow (MGD)	See Special Condition 1				Continuous	
pH	See Special Condition 2				1/Week	Grab
Total Suspended Solids	10	20	30	60	2/Month	24 Hour Composite
BOD <sub>5</sub>	10	20	30	60	2/Month	24 Hour Composite
Total Residual Chlorine	See Special Condition 4				Daily When Chlorinating	Grab



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Effluent Limitations and Monitoring

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

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall: 006 Treated Asbestos Contaminated Stormwater (DAF = 1.44 MGD)						
Flow (MGD)	See Special Condition 1				Weekly When Discharging	Single Reading
Asbestos				7 million fibers/L	Weekly When Discharging	Grab

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Special Conditions

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

**SPECIAL CONDITION 2.** The pH shall be in the range 6.0 to 9.0 for the discharge from outfalls 001 and 004. The monthly minimum and monthly maximum values shall be reported on the DMR form.

**SPECIAL CONDITION 3.** The pH shall be in the range 6.5 to 9.0 for the discharge from outfall 002. The monthly minimum and monthly maximum values shall be reported on the DMR form.

**SPECIAL CONDITION 4.** All samples for TRC shall be grab samples and analyzed by an applicable method contained in 40 CFR 136, equivalent in accuracy to low-level amperometric titration. Any analytical variability of the method used shall be considered when determining the accuracy and precision of the results obtained.

**SPECIAL CONDITION 5.** This facility meets the allowed mixing criteria for thermal discharges from outfall 002 pursuant to 35 IAC 302.102. No reasonable potential exists for the discharge to exceed thermal water quality standards. The permittee shall monitor the flow and temperature of the discharge prior to entry into the receiving water body. Monitoring results shall be reported on the monthly DMR. This permit may be modified to include formal temperature limitations should the results of the monitoring show that there is a reasonable potential to exceed a thermal water quality standard. Modification of this permit shall follow public notice and opportunity for comment.

**SPECIAL CONDITION 6.** Debris collected on river make-up intake screens is prohibited from being discharged back to the pond. Debris does not include living fish or other living aquatic organisms.

**SPECIAL CONDITION 7.** The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities for purposes of this permit reissuance, and no pollution prevention plan will be required for such storm water. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated storm water discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

**SPECIAL CONDITION 8.** There shall be no discharge of polychlorinated biphenyl compounds

**SPECIAL CONDITION 9.** The bypass provisions of 40 CFR 122.41(m) and upset provisions of 40 CFR 122.41(n) are hereby incorporated by reference.

**SPECIAL CONDITION 10.** Samples taken in compliance with the effluent monitoring requirements of outfalls 001, 002, 004 and 006 shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

Samples taken in compliance with the effluent monitoring requirements of outfalls A01, A02 and B02 shall be taken at a point representative of the discharge, but prior to comingling with other wastestreams.

**SPECIAL CONDITION 11.** The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) Forms using one such form for each outfall each month.

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

The Permittee will be required to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA beginning December 21, 2016 unless a waiver has been granted by the Agency. More information, including registration information for the NetDMR program, can be obtained on the IEPA website, <http://www.epa.state.il.us/water/net-dmr/index.html>.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 28<sup>th</sup> day of the following month, unless otherwise specified by the permitting authority.

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Special Conditions

Permittees that have been granted a waiver shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

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

**SPECIAL CONDITION 12.** 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. 302.

**SPECIAL CONDITION 13.** The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

**SPECIAL CONDITION 14.** In the event that the permittee shall require a change in the use of water treatment additives, the permittee must request a change in this permit in accordance with the Standard Conditions -- Attachment H.

**SPECIAL CONDITION 15.** In accordance 40 CFR 125.3 it is the Agency's Best Professional Judgment that the intake structure is considered the Best Technology Available for minimizing adverse environmental impact because utilization of a closed-cycle recirculating system was considered the best technology available for minimizing adverse environmental impact under the now remanded rule of 40 CFR 125.94(a)(1)(i). Furthermore, the Illinois River intake structure design intake velocity is less than 0.5 feet per second which is considered the best technology available for minimizing adverse environmental impact. This permit may also be revised or modified in accordance with any laws, regulations, or judicial orders issued pursuant to Section 316(b) of the Clean Water Act.

However, the Permittee shall comply with the requirements of the Cooling Water Intake Structure Existing Facilities Rule as found at 40 CFR 122 and 125. Any application materials and submissions required for compliance with the Existing Facilities Rule, shall be submitted to the Agency no later than 4 years from the effective date of this permit.

Nothing in this permit authorizes take for the purpose of a facility's compliance with the Endangered Species Act.

**SPECIAL CONDITION 16.** The Permittee shall monitor the effluent from outfalls 001 and A02 for the following parameters on a semi-annual basis. This Permit may be modified with public notice to establish effluent limitations if appropriate, based on information obtained through sampling. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted to the address in special condition 11 in June and December. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

<u>STORET CODE</u>	<u>PARAMETER</u>	<u>Minimum reporting limit</u>
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01022	Boron	0.1 mg/L
01027	Cadmium	0.001 mg/L
00940	Chloride	1.0 mg/L
01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (grab) (available *** or amendable to chlorination))	5.0 ug/L
00720	Cyanide (grab not to exceed 24 hours) (total)	5.0 ug/L
00951	Fluoride	0.1 mg/L
01045	Iron (total)	0.5 mg/L
01046	Iron (Dissolved)	0.5 mg/L
01051	Lead	0.05 mg/L
01055	Manganese	0.5 mg/L
71900	Mercury (grab)**	1.0 ng/L*
01067	Nickel	0.005 mg/L
00556	Oil (hexane soluble or equivalent) (Grab Sample only)	5.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
00945	Sulfate	10 mg/L
01077	Silver (total)	0.003 mg/L
01092	Zinc	0.025 mg/L

Unless otherwise indicated, concentrations refer to the total amount of the constituent present in all phases, whether solid, suspended or

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Special Conditions

dissolved, elemental or combined, including all oxidation states.

\*1.0 ng/L = 1 part per trillion.

\*\*Utilize USEPA Method 1631E and the digestion procedure described in Section 11.1.1.2 of 1631E. Mercury shall be monitored monthly for the first two years and quarterly thereafter. This Permit may be modified with public notice to establish effluent limitations if appropriate, based on information obtained through sampling. The quarterly monitoring results shall be submitted on the March, June, September and December DMRs.

\*\*\*USEPA Method OIA-1677

**SPECIAL CONDITION 17.** A zone of initial dilution (ZID) is recognized for ammonia, with dimensions of 1.0 feet outward across the river from the point where the canal/ditch receiving the effluent from outfall 004 flows into the Illinois River, and 1.0 feet downstream from this point. Within the ZID 11:1 dilution is afforded. A mixing zone is recognized with dimensions of 1.2 feet outward across the river from the outfall and 1.2 feet downstream from this point. Within the mixing zone 88:1 dilution is afforded.

**SPECIAL CONDITION 18.** A plan of study must be submitted to IEPA no later than 30 days from the effective date of the permit for a bacteria die-off demonstration. Fecal coliform bacteria must be measured at the end of the treatment process for Outfall 004 (the usual sampling location) and at points in the canal receiving the effluent leading to the Illinois River. The sampling for this demonstration must occur on at least three occasions, at least one week apart, during the months of July, August and/or September, 2015. A final report on the results of the study is due to the IEPA no later than October 15, 2015. IEPA will use the results of this demonstration to determine if the year-round disinfection exemption remains valid for this Outfall. If the IEPA finds that the Illinois River receives water at fecal coliform concentrations above the water quality standard (geometric mean of 200 cells per 100 mL) a modified permit will be issued that revokes the year-round exemption and requires seasonal disinfection.

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.

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

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

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

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.83. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency upon request, copies of records required to be kept by this permit.

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

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

(10) **Monitoring and records.**

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
- (c) Records of monitoring information shall include:
  - (1) The date, exact place, and time of sampling or measurements;
  - (2) The individual(s) who performed the sampling or measurements;
  - (3) The date(s) analyses were performed;
  - (4) The individual(s) who performed the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of such analyses.
- (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

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

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

person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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

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

(12) **Reporting requirements.**

- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.  
Notice is required when:
  - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
  - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
  - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
- (d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

- (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
    - (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
    - (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
    - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
  - (f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent 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) Any upset which exceeds any effluent limitation in the permit.
    - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.

The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
  - (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
  - (h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Bypass.**
- (a) **Definitions.**
    - (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
    - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  - (b) **Bypass not exceeding limitations.** The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
- (c) **Notice.**
    - (1) **Anticipated bypass.** If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
    - (2) **Unanticipated bypass.** The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
  - (d) **Prohibition of bypass.**
    - (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
      - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
      - (iii) The permittee submitted notices as required under paragraph (13)(c).
    - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) **Definition.** Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
  - (b) **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
  - (c) **Conditions necessary for a demonstration of upset.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
    - (2) The permitted facility was at the time being properly operated; and
    - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
    - (4) The permittee complied with any remedial measures required under paragraph (4).
  - (d) **Burden of proof.** In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

- (15) Transfer of permits. Permits may be transferred by modification or automatic transfer as described below:
- (a) Transfers by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
  - (b) Automatic transfers. As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:
    - (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
    - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
    - (3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    - (1) One hundred micrograms per liter (100 ug/l);
    - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
    - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
    - (4) The level established by the Agency in this permit.
  - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
  - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
  - (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
  - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
  - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
- (23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.
- (28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.