

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

EMERALD POLYMER ADDITIVES, LLC	)	
	)	
Petitioner,	)	PCB 2017- ____
	)	
v.	)	
	)	Water – Sixty Day Extension
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: See attached Certificate of Service

PLEASE TAKE NOTICE THAT I have today filed with the Office of the clerk of the Pollution Control Board the attached APPEARANCE of the Petitioner, Emerald Polymer Additives, LLC and JOINT REQUEST FOR EXTENSION OF TIME PERIOD TO APPEAL NPDES of both the Petitioner and Respondent, copies of which are attached hereto and herewith served upon you.

Dated: October 19, 2016

Respectfully submitted,

ICE MILLER LLP

By: /s/ Thomas W. Dimond

Thomas W. Dimond  
ICE MILLER LLP  
200 West Madison Street  
Suite 3500  
Chicago, IL 60606  
(312) 726-7125

Attorney for Respondent

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

EMERALD POLYMER ADDITIVES, LLC	)	
	)	
Petitioner,	)	PCB 2017- ____
	)	
v.	)	
	)	Water – Sixty Day Extension
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**APPEARANCE**

I, Thomas W. Dimond, hereby file my appearance in this proceeding on behalf of  
Petitioner, Emerald Polymer Additives, LLC.

Dated: October 19, 2016

Respectfully submitted,

ICE MILLER LLP

By: /s/ Thomas W. Dimond

Thomas W. Dimond  
ICE MILLER LLP  
200 West Madison Street  
Suite 3500  
Chicago, IL 60606  
(312) 726-7125

Attorney for Respondent

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

EMERALD POLYMER ADDITIVES, LLC	)	
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Petitioner,	)	PCB 2017- ____
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v.	)	
	)	Water – Sixty Day Extension
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

**JOINT REQUEST FOR EXTENSION OF TIME PERIOD TO APPEAL NPDES**

NOW COMES the Petitioner, EMERALD POLYMER ADDITIVES, LLC (“Petitioner”), by and through its undersigned counsel, and the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through one of its attorneys, and pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (“Act”) (415 ILCS 5/40(a)(1)) and the Illinois Pollution Control Board’s (“Board”) rules at 35 Ill. Adm. Code 309.181, 105.206, 105.208, hereby respectfully request that the Board grant an additional sixty (60) day extension of the 35 day period to petition for an appeal of NPDES Permit No. IL0001392. In support thereof, the Petitioner and Illinois EPA state as follows:

1. On September 28, 2016, the Illinois EPA issued a final determination of the NPDES Permit No. IL0001392 to the Petitioner. See IL0001392 permit attached as Exhibit A.
2. On September 30, 2016, the Petitioner was served Illinois EPA’s final determination for NPDES Permit No. IL0001392.
3. Pursuant to Section 40(a)(1) and 35 Ill. Adm. Code 105.206, the Petitioner currently has until November 4, 2016, to file an appeal of the Illinois EPA’s final determination on the permit.

4. On October 17, 2016, Petitioner made a request to the Illinois EPA asking that the 35-day period for an appeal be extended for an additional 60 days, up to and including January 3, 2017.

5. The additional time requested by the parties may eliminate the need for an appeal in this matter or, in the alternative, allow the parties to identify and limit the issues to be addressed at any appeal hearing that may be necessary to resolve this matter.

6. Respondent has reviewed the request for a 60 day extension of the appeal period and agrees with the contents of this request.

WHEREFORE, for the above reasons, the parties respectfully request that the Board grant a 60 day extension of the 35 day period to petition for any appeal of the NPDES Permit No. IL0001392 up to and including January 3, 2017.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

EMERALD POLYMER  
ADDITIVES, LLC

Respondent,

Petitioner,

By: /s/ Joanne Olson (with consent)  
Joanne Olson #6293500  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 N. Grand Ave. East  
Springfield, IL 62794-9276  
Telephone: (217) 782-5544

By: /s/ Thomas W. Dimond  
Thomas W. Dimond  
Ice Miller LLP  
200 West Madison Street  
Suite 3500  
Chicago, IL 60606  
Telephone: (312) 726-7125

**EXHIBIT A**



## 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, ACTING DIRECTOR

217/782-0610

September 28, 2016

Emerald Polymer Additives, LLC  
1550 County Road 1450 N  
Henry, Illinois 61537

Re: Emerald Polymer Additives, LLC  
NPDES Permit No. IL0001392  
Final Permit

Gentlemen:

Attached is the final NPDES Permit for your discharge. The Permit as issued covers discharge limitations, monitoring, and reporting requirements. Failure to meet any portion of the Permit could result in civil and/or criminal penalties. The Illinois Environmental Protection Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge. The following changes have been made to the permit since the public notice of this permit:

1. The permittee name has been changed to "Emerald Polymer Additives, LLC"
2. On page 5 of the permit, the date of AS 13-2 expiring for ammonia is now listed as April 16, 2020 instead of "until/after expiration of AS 13-2".
3. Special Condition 16 has been rewritten to incorporate only parts 2(a), 2(c), 2(d), 2(e), 2(f), 2(g), and 2(i) of AS 13-2.

The Agency received your comment letter on September 13, 2016. The Agency offers the following response to your comments:

1. Special Condition 16 correctly addresses AS 13-2 and the relief it allows.
2. The Agency has the authority under the Clean Water Act to condition permits. The conditions listed in Special Condition 15 are not necessarily required by AS 13-2, but are conditions pursuant to conditioning the discharge permit under the Act.

Pursuant to the Final NPDES Electronic Reporting Rule, all permittees must report DMRs electronically beginning no later than December 21, 2016. The Agency utilizes NetDMR, a web based application, which allows the submittal of electronic Discharge Monitoring Reports instead of paper Discharge Monitoring Reports (DMRs). More information regarding NetDMR can be found on the Agency website, <http://epa.state.il.us/water/net-dmr/index.html>. If your facility is not registered in the NetDMR program, a supply of preprinted paper DMR Forms will be sent to your facility during the interim period prior to your registration in the NetDMR program. Additional information and instructions will accompany the preprinted DMRs. Please see the attachment regarding the electronic reporting rule.

*Exhibit A*

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The attached Permit is effective as of the date indicated on the first page of the Permit. Until the effective date of any re-issued Permit, the limitations and conditions of the previously-issued Permit remain in full effect. 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 Mark E. Liska at the 217/782-0610.

Sincerely,



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

SAK: MEL:15042901.docx

Attachment: Reissued Permit

cc: Records  
Compliance Assurance Section  
Peoria Region  
Billing  
USEPA

NPDES Permit No. IL0001392

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

Reissued (NPDES) Permit

Expiration Date: September 30, 2021

Issue Date: September 28, 2016

Effective Date: October 1, 2016

Name and Address of Permittee:

Emerald Polymer Additives, LLC  
1550 County Road 1450 N  
Henry, Illinois 61537

Facility Name and Address:

Emerald Polymer Additives, LLC  
1550 County Road 1450 N  
Henry, Illinois 61537  
(Marshall County)

Discharge Number and Name:

Receiving Waters:

A01	Process Waste, Cooling Tower Blowdown, Sanitary Waste, Process Water Production Waste, Boiler Blowdown, Demineralizer Waste and Stormwater	Illinois River
B01	Stormwater, Non-contact Cooling Water, Lime Softening and Demineralizer Waste	Illinois River
001	Combined Discharges from Outfall A01 and B01	Illinois River
002 - 006	Stormwater	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



NPDES Permit No. IL0001392

Effluent Limitations and Monitoring

1. From the effective 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:

Outfall(s): A01\* - Process Discharges - 0.772 MGD DAF  
 Cooling Tower Blowdown, Sanitary Waste, Boiler Blowdown, Demineralizer Waste  
 and Stormwater - 0.145 MGD DAF  
 Total Discharge = 0.917 MGD DAF, 1.40 MGD DMF

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		
Flow (MGD)	See Special Condition 1				Daily	Continuous
pH	See Special Condition 2				Daily	Grab
BOD <sub>5</sub>	153	467	20	40	5/Week	Composite
Total Suspended Solids	191	584	25	50	5/Week	Composite
Fecal Coliform	See Special Condition 10				1/Month	Grab
Temperature	See Special Condition 3				Daily	Continuous
Chromium (Total)	6.5	13	1	2	1/Year	Composite
Copper		2.56		0.215	1/Year	Composite
Cyanide	0.76	2.34	0.1	0.2	1/Year	Grab
Lead	2.0	4.3	0.2	0.4	1/Year	Composite
Nickel	7.6	23.4	1	2	1/Year	Composite
Zinc	6.5	13	1	2	1/Year	Composite
Acenaphthene	0.142	0.380	0.022	0.059	1/Year	Grab
Acrylonitrile	0.618	1.558	0.096	0.242	1/Year	Grab
Benzene	0.238	0.876	0.037	0.136	1/Year	Grab
Carbon Tetrachloride	0.116	0.245	0.018	0.038	1/Year	Grab
Chlorobenzene	0.097	0.180	0.015	0.028	1/Year	Grab
1,2,4-Trichlorobenzene	0.438	0.901	0.068	0.140	1/Year	Grab
Hexachlorobenzene	0.097	0.180	0.015	0.028	1/Year	Grab
1,2-Dichloroethane	0.438	1.359	0.068	0.211	1/Year	Grab
1,1,1-Trichloroethane	0.135	0.348	0.021	0.054	1/Year	Grab
Hexachloroethane	0.135	0.348	0.021	0.054	1/Year	Grab
1,1-Dichloroethane	0.142	0.380	0.022	0.059	1/Year	Grab
1,1,2-Trichloroethane	0.135	0.348	0.021	0.054	1/Year	Grab
Chloroethane	0.670	1.726	0.104	0.268	1/Year	Grab

NPDES Permit No. IL0001392

Effluent Limitations and Monitoring

1. From the effective 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:

Continue Outfall(s): A01\* Total Discharge = 0.917 MGD DAF, 1.40 MGD DMF

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		
Chloroform	0.135	0.296	0.021	0.046	1/Quarter	Grab
2-Chlorophenol	0.200	0.631	0.031	0.098	1/Year	Grab
1,2-Dichlorobenzene	0.496	1.049	0.077	0.163	1/Year	Grab
1,3-Dichlorobenzene	0.200	0.283	0.031	0.044	1/Year	Grab
1,4-Dichlorobenzene	0.097	0.180	0.015	0.028	1/Year	Grab
1,1-Dichloroethylene	0.103	0.161	0.016	0.025	1/Year	Grab
1,2-Trans Dichloroethylene	0.135	0.348	0.021	0.054	1/Year	Grab
2,4-Dichlorophenol	0.251	0.721	0.039	0.112	1/Year	Grab
1,2-Dichloropropane	0.985	1.481	0.153	0.230	1/Year	Grab
1,3-Dichloropropylene	0.187	0.283	0.029	0.044	1/Year	Grab
2,4-Dimethylphenol	0.116	0.232	0.018	0.036	1/Year	Grab
2,4-Dinitrotoluene	0.728	1.835	0.113	0.285	1/Year	Grab
2,6-Dinitrotoluene	1.642	4.127	0.255	0.641	1/Year	Grab
Ethylbenzene	0.206	0.695	0.032	0.108	1/Year	Grab
Fluoranthene	0.161	0.438	0.025	0.068	1/Year	Grab
Methylene Chloride	0.258	0.573	0.040	0.089	1/Month	Grab
Methyl Chloride	0.554	1.223	0.086	0.190	1/Year	Grab
Hexachlorobutadiene	0.129	0.315	0.020	0.049	1/Year	Grab
Naphthalene	0.142	0.380	0.022	0.059	1/Year	Grab
Nitrobenzene	0.174	0.438	0.027	0.068	1/Year	Grab
2-Nitrophenol	0.264	0.444	0.041	0.069	1/Year	Grab
4-Nitrophenol	0.464	0.798	0.072	0.124	1/Year	Grab
2,4-Dinitrophenol	0.457	0.792	0.071	0.123	1/Year	Grab
4,6-Dinitro-o-Cresol	0.502	1.783	0.078	0.277	1/Year	Grab

NPDES Permit No. IL0001392

Effluent Limitations and Monitoring

1. From the effective 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:

Continue Outfall(s): A01\* Total Discharge = 0.917 MGD DAF, 1.40 MGD DMF

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Phenol	0.097	0.167	0.015	0.026	1/Year	Grab
Bis(2-ethylhexyl)phthalate	0.663	1.796	0.103	0.279	1/Year	Grab
Di-n-butyl phthalate	0.174	0.367	0.027	0.057	1/Year	Grab
Diethyl phthalate	0.522	1.307	0.081	0.203	1/Year	Grab
Dimethyl phthalate	0.122	0.303	0.019	0.047	1/Year	Grab
Benzo(a)anthracene	0.142	0.380	0.022	0.059	1/Year	Grab
Benzo(a)pyrene	0.148	0.393	0.023	0.061	1/Year	Grab
3,4-Benzofluoranthene	0.148	0.393	0.023	0.061	1/Year	Grab
Benzo(k)fluoranthene	0.142	0.380	0.022	0.059	1/Year	Grab
Chrysene	0.142	0.380	0.022	0.059	1/Year	Grab
Acenaphthylene	0.142	0.380	0.022	0.059	1/Year	Grab
Anthracene	0.142	0.380	0.022	0.059	1/Year	Grab
Fluorene	0.142	0.380	0.022	0.059	1/Year	Grab
Phenanthrene	0.142	0.380	0.022	0.059	1/Year	Grab
Pyrene	0.161	0.431	0.025	0.067	1/Year	Grab
Tetrachloroethylene	0.142	0.361	0.022	0.056	1/Year	Grab
Toluene	0.167	0.515	0.026	0.080	1/Year	Grab
Trichloroethylene	0.135	0.348	0.021	0.054	1/Year	Grab
Vinyl Chloride	0.670	1.726	0.104	0.268	1/Year	Grab

\*See Special Conditions 4, 9 and 14.

NPDES Permit No. IL0001392

Effluent Limitations and Monitoring

1. From the effective 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 <u>DAF (DMF)</u>		CONCENTRATION <u>LIMITS mg/l</u>		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Outfall: B01* Stormwater, Non-contact Cooling Water, Lime Softening and Demineralizer Waste DAF = 0.03 MGD						
Flow (MGD)	See Special Condition 1				Continuous	Estimate
pH	See Special Condition 2			Monitor Only	1/Month	Grab
BOD <sub>5</sub>				Monitor Only	1/Month	Grab
Total Suspended Solids				Monitor Only	1/Month	Grab
Total Iron				Monitor Only	1/Month	Grab
COD				Monitor Only	1/Month	Grab

\*See Special Condition 5.

Outfall: 001\* - Combined Outfall of A01 and B01 -- Total Discharge = 0.917 MGD DAF, 1.40 MGD DMF

Flow (MGD)	See Special Condition 1				Daily	Calculate
Ammonia (as N)** until April 16, 2020	841	1633	110	140	Daily	Composite
Ammonia (as N)** after April 16, 2020	23	70	3	6	Daily	Composite
Total Nitrogen				Monitor Only	1/Week	Composite

\*See Special Condition 6.

\*\*See Special Condition 16.

Outfalls: 002 through 006\* - Stormwater Runoff -- Intermittent Discharge

\*See Special Condition 18 for Stormwater Pollution Prevention Plan (SWPPP).

Special Conditions

SPECIAL CONDITION 1. Flow shall be reported in units of Million Gallons per Day (MGD) as a monthly average and daily maximum value.

SPECIAL CONDITION 2. The pH shall be in the range 6.0 to 9.0. The monthly minimum and monthly maximum values shall be reported on the DMR form.

SPECIAL CONDITION 3. This facility meets the allowed mixing criteria for thermal discharges pursuant to 35 IAC 302.102. No reasonable potential exists for the discharge to exceed thermal water quality standards. This determination is based on a design average flow of 0.782 MGD and a maximum effluent temperature 94°F. 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 Discharge Monitoring Report. 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 4. For the purpose of this permit, the discharge from outfall A01 is limited to process waste water, cooling tower blowdown, sanitary waste, process water production waste and stormwater from both facilities and the Mexichem Specialty Resins' demineralizer waste and boiler blowdown and will serve as an alternate route for waters discharged normally from outfall B01, the discharge shall be free from other wastewater discharges. Sampling for the monitoring requirements for the discharge shall be taken prior to mixing with the discharge from outfall B01.

SPECIAL CONDITION 5. For the purpose of this permit, the discharge from outfall B01 is limited to stormwater, non-contact cooling water, lime softening and demineralizer waste, free from other waste water discharges. Sampling for the monitoring requirements for the discharge shall be taken prior to mixing with the discharge from outfall A01.

SPECIAL CONDITION 6. For the purpose of this permit, the discharge from outfall 001 is limited to the discharges from outfalls A01 and B01, free from other waste water dischargers. Sampling for the monitoring requirements for the discharge shall be taken at a point representative of the discharge and prior to entry into the receiving stream or mixture with the City of Henry POTW's effluent.

SPECIAL CONDITION 7. If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

SPECIAL CONDITION 8. 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. 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 25th day of the following month, unless otherwise specified by the permitting authority.

Permittees not using NetDMRs during the interim period before December 21, 2016 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 9. Quarterly sampling for outfall A01 shall be performed in March, June, September and December with analytical results submitted in April, July, October and January. Yearly sampling for outfall A01 shall be performed in March with sample results submitted in April.

SPECIAL CONDITION 10. The daily maximum fecal coliform count shall not exceed 400 per 100 ml.

SPECIAL CONDITION 11. The provisions contained in 40 CFR 122.41 (m) and (n) are applicable to this permit.

NPDES Permit No. IL0001392

Special Conditions

SPECIAL CONDITION 12. The use or operation of this facility shall be by or under the supervision of a Certified Class K operator.

SPECIAL CONDITION 13. If an applicable water quality standard or limitation is developed under 35 Ill. Adm. Code 302.210 and that water quality standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit and found in the effluent at a level of concern, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition after Public Notice and opportunity for hearing.

SPECIAL CONDITION 14. The Permittee shall conduct annual biomonitoring using Outfall 001 effluent.

Biomonitoring

1. Acute Toxicity - Standard definitive acute toxicity tests shall be run on at least two trophic levels of aquatic species (fish, invertebrate) representative of the aquatic community of the receiving stream. Testing must be consistent with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (Fifth Ed.) EPA/821-R-02-012. Unless substitute tests are pre-approved; the following tests are required:
  - a. Fish - 96 hour static LC<sub>50</sub> Bioassay using fathead minnows (*Pimephales promelas*).
  - b. Invertebrate 48-hour static LC<sub>50</sub> Bioassay using *Ceriodaphnia*.
2. Test Requirements - The above test shall be conducted annually using 24-hour composite samples unless otherwise authorized by the IEPA. Effluent samples must be analyzed for ammonia given that this parameter may be associated with acute toxicity. The dilution series to be utilized shall consist of the following: 12.5%, 6.25%, 3.125%, 1.565%, and 0.78% effluent.
3. Reporting - Results shall be reported according to EPA/821-R-02-012, Section 12, Report Preparation, and shall be submitted to IEPA, Bureau of Water, Compliance Assurance Section within one week of receipt from the laboratory. Results from ammonia analysis, as well as any other parameter believed to contribute to effluent toxicity, must be included in the bioassay report.
4. Toxicity – Should a bioassay indicate an acute LC50 of less than 2.1% effluent and the effluent is found to contain non-toxic amounts of ammonia in accordance with Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity, EPA/600/R-92/080 Tables 3.2 and 3.3, the IEPA may require, upon notification, six (6) additional rounds of monthly testing on the affected organism(s) to be initiated within 30 days of the toxic bioassay. Results shall be submitted to IEPA within one (1) week of becoming available to the Permittee.
5. Toxicity Identification and Reduction Evaluation - Should any of the additional bioassays indicate an acute LC50 of less than 2.1% effluent and the effluent is found to contain non-toxic amounts of ammonia in accordance with the tables listed above, the Permittee must provide notice to the IEPA within seven (7) days of the results becoming available to the Permittee and begin the toxicity identification evaluation process in accordance with Methods for Aquatic Toxicity Identification Evaluations, EPA/600/6-91/003. The IEPA may also require, upon notification, that the Permittee prepare a plan for toxicity reduction evaluation to be developed in accordance with Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants, EPA/833B-99/002, which shall include an evaluation to determine which chemicals have a potential for being discharged in the plant wastewater, a monitoring program to determine their presence or absence and to identify other compounds which are not being removed by treatment, and other measures as appropriate. The Permittee shall submit to the IEPA its plan for toxicity reduction evaluation within ninety (90) days following notification by the IEPA. The Permittee shall implement the plan within ninety (90) days or other such date as contained in a notification letter received from the IEPA.

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

SPECIAL CONDITION 15.

Investigation of New Treatment Technologies to Prevent Nitrification Inhibition and Allow Ammonia Reduction

The permittee shall investigate new treatment technologies and evaluate implementation of new and existing treatment technology based on current plant conditions. The investigation shall include, but not be limited to preventing nitrification inhibition from mercaptobenzothiazole (MBT). The investigation should include but not be limited to the following:

- A. The permittee shall sample for MBT as follows:
  1. The permittee shall sample for MBT on a weekly basis at the secondary clarifier.

Special Conditions

2. The permittee shall sample for MBT at a point between the PC Tank and the Primary Clarifier at a minimum of once per month.
  3. The Agency may request modification to this section if there is a change in operations or treatment.
- B. The investigation and evaluation of new and existing treatment technology should include, but not be limited to the following:
1. The permittee shall evaluate the effectiveness of the treatment equipment that is already installed and investigate the optimization of these units. The permittee shall also investigate the mode of operation of the aeration basins and consider the optimization of these basins with respect to nitrification.  
  
The effectiveness of the treatment equipment and its optimization are defined as to determine if this treatment alternative effectively removes inhibitors, including MBT, which would then allow for biological treatment, taking into account technical feasibility and economic reasonableness.
  2. The permittee shall evaluate new and modified treatment methods, including but not limited to granulated activated carbon addition and dilution, at points which are optimized for the best degree of treatment.  
  
The effectiveness of the treatment equipment and its optimization are defined as to determine if this treatment alternative effectively removes inhibitors, including MBT, which would then allow for biological treatment, taking into account technical feasibility and economic reasonableness.
- C. The permittee shall prepare and submit to the Agency annual reports summarizing its activities to comply with this Special Condition as well as paragraphs 2(c) through 2(e) pursuant to AS 13-2.

SPECIAL CONDITION 16. The Illinois Pollution Control Board granted Permittee an Adjusted Standard (AS 13-2) for ammonia on April 16, 2015. Under this adjusted standard, the total ammonia nitrogen effluent standard of 35 Ill. Adm. Code 304.122(b) does not apply to the discharge of effluent into the Illinois River from the Permittee's facility at 1550 Country Road 1450 N. in Henry, Marshall County. Permittee's effluent for total ammonia nitrogen must comply with a daily maximum of 140 milligrams per liter (mg/L) and 1,633 pounds per day (lbs/day), and a 30-day average of 110 mg/L and 841 lbs/day. This adjusted standard expires on April 16, 2020. The following conditions of the Adjusted Standard, AS 13-2, are incorporated in this permit by reference: 2(a), 2(c), 2(d), 2(e), 2(f), 2(g), and 2(i). Permittee must maintain the following ammonia reduction measures: replacement of the BBTS Wet Scrubber with a dust collector and upgrade of instrumentation for the acetonitrile recovery column. When this adjusted standard for ammonia expires, the permittee shall be subject to ammonia standards pursuant to 35 Ill. Adm. Code 304.122(b).

SPECIAL CONDITION 17. 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 18.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

- A. A storm water pollution prevention plan shall be maintained by the permittee for the storm water associated with industrial activity at this facility. The plan shall identify potential sources of pollution which may be expected to affect the quality of storm water discharges associated with the industrial activity at the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The permittee shall modify the plan if substantive changes are made or occur affecting compliance with this condition.
1. Waters not classified as impaired pursuant to Section 303(d) of the Clean Water Act.  
  
Unless otherwise specified by federal regulation, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event.
  2. Waters classified as impaired pursuant to Section 303(d) of the Clean Water Act  
  
For any site which discharges directly to an impaired water identified in the Agency's 303(d) listing, and if any parameter in the subject discharge has been identified as the cause of impairment, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations, the storm water pollution prevention plan shall adhere to a more restrictive design criteria.
- B. The operator or owner of the facility shall make a copy of the plan available to the Agency at any reasonable time upon request.
- Facilities which discharge to a municipal separate storm sewer system shall also make a copy available to the operator of the

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municipal system at any reasonable time upon request.

- C. The permittee may be notified by the Agency at any time that the plan does not meet the requirements of this condition. After such notification, the permittee shall make changes to the plan and shall submit a written certification that the requested changes have been made. Unless otherwise provided, the permittee shall have 30 days after such notification to make the changes.
- D. The discharger shall amend the plan whenever there is a change in construction, operation, or maintenance which may affect the discharge of significant quantities of pollutants to the waters of the State or if a facility inspection required by paragraph H of this condition indicates that an amendment is needed. The plan should also be amended if the discharger is in violation of any conditions of this permit, or has not achieved the general objective of controlling pollutants in storm water discharges. Amendments to the plan shall be made within 30 days of any proposed construction or operational changes at the facility, and shall be provided to the Agency for review upon request.
- E. The plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from storm water outfalls at the facility. The plan shall include, at a minimum, the following items:
  - 1. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate. Any map or portion of map may be withheld for security reasons.
  - 2. A site map showing:
    - i. The storm water conveyance and discharge structures;
    - ii. An outline of the storm water drainage areas for each storm water discharge point;
    - iii. Paved areas and buildings;
    - iv. Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.
    - v. Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);
    - vi. Surface water locations and/or municipal storm drain locations
    - vii. Areas of existing and potential soil erosion;
    - viii. Vehicle service areas;
    - ix. Material loading, unloading, and access areas.
    - x. Areas under items iv and ix above may be withheld from the site for security reasons.
  - 3. A narrative description of the following:
    - i. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
    - ii. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
    - iii. Existing structural and non-structural control measures to reduce pollutants in storm water discharges;
    - iv. Industrial storm water discharge treatment facilities;
    - v. Methods of onsite storage and disposal of significant materials.
  - 4. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities. Also provide a list of any pollutant that is listed as impaired in the most recent 303(d) report.
  - 5. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
  - 6. A summary of existing sampling data describing pollutants in storm water discharges.



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- F. The plan shall describe the storm water management controls which will be implemented by the facility. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The description of the storm water management controls shall include:
1. Storm Water Pollution Prevention Personnel - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.
  2. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
  3. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
  4. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
  5. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
    - i. Containment - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff. To the maximum extent practicable storm water discharged from any area where material handling equipment or activities, raw material, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water should not enter vegetated areas or surface waters or infiltrate into the soil unless adequate treatment is provided.
    - ii. Oil & Grease Separation - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges.
    - iii. Debris & Sediment Control - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges.
    - iv. Waste Chemical Disposal - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges.
    - v. Storm Water Diversion - Storm water diversion away from materials manufacturing, storage and other areas of potential storm water contamination. Minimize the quantity of storm water entering areas where material handling equipment of activities, raw material, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water using green infrastructure techniques where practicable in the areas outside the exposure area, and otherwise divert storm water away from exposure area.
    - vi. Covered Storage or Manufacturing Areas - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
    - vii. Storm Water Reduction - Install vegetation on roofs of buildings within adjacent to the exposure area to detain and evapotranspire runoff where precipitation falling on the roof is not exposed to contaminants, to minimize storm water runoff; capture storm water in devices that minimize the amount of storm water runoff and use this water as appropriate based on quality.
  6. Sediment and Erosion Prevention - The plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion. The plan shall describe measures to limit erosion.
  7. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
  8. Inspection Procedures - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.

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- G. Non-Storm Water Discharge - The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharge. The certification shall include a description of any test for the presence of non-storm water discharges, the methods used, the dates of the testing, and any onsite drainage points that were observed during the testing. Any facility that is unable to provide this certification must describe the procedure of any test conducted for the presence of non-storm water discharges, the test results, potential sources of non-storm water discharges to the storm sewer, and why adequate tests for such storm sewers were not feasible.
- H. Quarterly Visual Observation of Discharges - The requirements and procedures of quarterly visual observations are applicable to all outfalls covered by this condition.
1. You must perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation must be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, you are excused from the visual observations requirement for that quarter, provided you document in your records that no runoff occurred. You must sign and certify the document.
  2. Your visual observation must be made on samples collected as soon as practical, but not to exceed 1 hour or when the runoff or snow melt begins discharging from your facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measureable (greater than 0.1 inch rainfall) storm event. The observation must document: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. If visual observations indicate any unnatural color, odor, turbidity, floatable material, oil sheen or other indicators of storm water pollution, the permittee shall obtain a sample and monitor for the parameter or the list of pollutants in Part E.4.
  3. You must maintain your visual observation reports onsite with the SWPPP. The report must include the observation date and time, inspection personnel, nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
  4. You may exercise a waiver of the visual observation requirement at a facility that is inactive or unstaffed, as long as there are no industrial materials or activities exposed to storm water. If you exercise this waiver, you must maintain a certification with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water.
  5. Representative Outfalls - If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, you may conduct visual observations of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s).
  6. The visual observation documentation shall be made available to the Agency and general public upon written request.
- I. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.
- J. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.
- K. The plan is considered a report that shall be available to the public at any reasonable time upon request.
- L. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.
- M. Facilities which discharge storm water associated with industrial activity to municipal separate storm sewers may also be subject to additional requirement imposed by the operator of the municipal system

Construction Authorization

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

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

- N. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee there upon waives

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all rights thereunder.

- O. The issuance of this authorization (a) does not release the permittee from any liability for damage to persons or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (b) does not take into consideration the structural stability of any units or part of this project; and (c) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or other applicable local law, regulations or ordinances.
- P. Plans and specifications of all treatment equipment being included as part of the stormwater management practice shall be included in the SWPPP.
- Q. Construction activities which result from treatment equipment installation, including clearing, grading and excavation activities which result in the disturbance of one acre or more of land area, are not covered by this authorization. The permittee shall contact the IEPA regarding the required permit(s).

REPORTING

- R. The facility shall submit an electronic copy of the annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part I of this condition. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s). The annual inspection report is considered a public document that shall be available at any reasonable time upon request.
- S. The annual report shall be due August 1.
- T. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.
- U. The permittee shall retain the annual inspection report on file at least 3 years. This period may be extended by request of the Illinois Environmental Protection Agency at any time.

Annual inspection reports shall be mailed to the following address:

Illinois Environmental Protection Agency  
Bureau of Water  
Compliance Assurance Section  
Annual Inspection Report  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

- V. The permittee shall notify any regulated small municipal separate storm sewer owner (MS4 Community) that they maintain coverage under an individual NPDES permit. The permittee shall submit any SWPPP or any annual inspection to the MS4 community upon request by the MS4 community.

**Attachment H**

**Standard Conditions**

**Definitions**

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

**Agency** means the Illinois Environmental Protection Agency.

**Board** means the Illinois Pollution Control Board.

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

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

**USEPA** means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the 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 122.63. 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 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) 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).
  - (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.



United States  
Environmental Protection Agency

Office of Enforcement and  
Compliance Assurance

September 2015

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## Final NPDES Electronic Reporting Rule

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On 24 September 2015, Administrator Gina McCarthy signed the final National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule for publication in the Federal Register. The publication of this rule is the latest step in an extensive multi-year outreach effort with EPA's state, tribal and territorial partners. This rule will replace most paper-based Clean Water Act (CWA) NPDES permitting and compliance monitoring reporting requirements with electronic reporting.

### Purpose of the Final Rule

This final rule is designed to save authorized state, tribe, or territorial NPDES programs considerable resources, make reporting easier for NPDES-regulated entities, streamline permit renewals, ensure full exchange of basic NPDES permit data between states and EPA, improve environmental decision-making, and better protect human health and the environment.

This final rule requires that NPDES regulated entities electronically submit the following permit and compliance monitoring information instead of using paper reports:

- Discharge Monitoring Reports (DMRs);
- Notices of Intent to discharge in compliance with a general permit; and
- Program reports.

Authorized NPDES programs will also electronically submit NPDES program data to EPA to ensure that there is consistent and complete reporting nationwide, and to expedite the collection and processing of the data, thereby making it more accurate and timely. Importantly, while the rule changes the method by which information is provided (i.e., electronic rather than paper-based), it does not increase the amount of information required from NPDES regulated entities facilities under existing regulations.

### Overview of Benefits

EPA anticipates that the final rule will save significant resources for states, tribes, and territories as well as EPA and NPDES permittees, while resulting in a more complete, accurate, and nationally-consistent set of data about the NPDES program. With full implementation (5 years after the effective date), the anticipated savings are:

- Authorized State NPDES programs: \$22.6 million annually,
- NPDES regulated entities: \$0.5 million annually, and
- EPA: \$1.2 million annually.



the authorized NPDES biosolids program); and all other remaining NPDES program reports. These program reports include:

- Sewage Sludge/Biosolids Annual Program Reports [40 CFR 503] (for the 8 states that implement the Federal Biosolids Program)
- Concentrated Animal Feeding Operation (CAFO) Annual Program Reports [40 CFR 122.42(e)(4)]
- Municipal Separate Storm Sewer System (MS4) Program Reports [40 CFR 122.34(g)(3) and 122.42(c)]
- Pretreatment Program Reports [40 CFR 403.12(i)]
- Significant Industrial User Compliance Reports in Municipalities Without Approved Pretreatment Programs [40 CFR 403.12(e) and (h)]
- Sewer Overflow/Bypass Event Reports [40 CFR 122.41(l)(4), (l)(6) and (7), (m)(3)]
- CWA Section 316(b) Annual Reports [40 CFR 125 Subpart J]

#### **How the final rule addresses comments**

In response to concerns about implementation raised during the comment periods, the final rule provides authorized NPDES programs more flexibility to implement the final rule by providing them up to three additional years to electronically collect, manage, and share their data. Authorized NPDES Programs will also have more flexibility in how they can grant electronic reporting waivers.

#### **Further Information**

For additional information, please contact Messrs. John Dombrowski, Director, Enforcement Targeting and Data Division (202-566-0742) or Carey A. Johnston (202-566-1014), Office of Compliance (mail code 2222A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC, 20460; e-mail addresses: [dombrowski.john@epa.gov](mailto:dombrowski.john@epa.gov) or [johnston.carey@epa.gov](mailto:johnston.carey@epa.gov).

#### **Useful Final Rule Link:**

Email sign up for outreach events

<https://public.govdelivery.com/accounts/USAEPAOECA/subscriber/new?>

**CERTIFICATE OF SERVICE**

Thomas W. Dimond, counsel for Emerald Polymer Additives, LLC hereby certifies that he has served copies of the foregoing *Appearance* and *Joint Request for Extension of Time Period to Appeal NPDES* upon:

Joanne Olson  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 N. Grand Avenue East  
Springfield, IL 62794-9276  
Telephone: (217) 782-5544

by causing to be mailed true copies thereof to the above address in an envelope duly addressed, bearing proper first class postage, and deposited in the United States mail at Chicago, Illinois on October 19, 2016.

/s/ Thomas W. Dimond