



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-782-3397

September 7, 2023

Don Brown, Clerk
Illinois Pollution Control Board
60 E. Van Buren St., Ste. 630
Chicago, Illinois 60605

Re: Notice of Provisional Variance Approval – Water

Dear Mr. Brown:

Pursuant to Subsection 37(b) of the Illinois Environmental Protection Act, 415 ILCS 5/37(b) (2022), attached is a copy of the Illinois EPA's recent approval of an application for provisional variance. As you know, the Board must maintain for public inspection copies of all provisional variances filed with it by the Illinois EPA. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Gunnarson".

Charles W. Gunnarson
Chief Legal Counsel

Enclosure

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

September 7, 2023

Prairie Path Water Company)	
(Northern Hills STP),)	
)	
Petitioner,)	
)	
v.)	IEPA – _____
)	(Provisional Variance-Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

Re: Provisional Variance from Effluent Limits Contained in NPDES Permit IL0036030 (Northern Hills STP)

Dear Permittee:

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”) has completed its technical review of the attached provisional variance request, received August 22, 2023 (the “request”)¹ (Exhibit A) from Prairie Path Water Company (“Northern Hills STP”). A provisional variance is requested from the Five-day Carbonaceous Biochemical Oxygen Demand (“CBOD₅”); Total Suspended Solids (“TSS”); and Ammonia Nitrogen (“Ammonia”) effluent limits in the aforementioned NPDES Permit to allow Northern Hills STP to complete repairs to its package plant treatment system and clarifier.

Based on its review, and pursuant to Illinois Environmental Protection Act (the “Act”) Sections 35(b), 36(c), and 37(b), and 35 Ill. Adm. Code Part 180 of the Illinois Pollution Control Board’s regulations, the Agency GRANTS in part Northern Hills STP’s request for a provisional variance from the CBOD₅ and TSS effluent limits set forth on Page 2 of NPDES Permit IL0036030, subject to the specific conditions set forth below. As discussed below, the Agency is denying Northern Hills STP’s request for a provisional variance from the Ammonia effluent limit set forth on Page 2 of NPDES Permit IL0036030.

Background

Prairie Path Water Company owns and operates a sewage treatment plant (“STP”), that provides wastewater treatment and disposal services for the Northern Hills residential

¹ Northern Hills’ August 22, 2023, request consolidated and contained its previous requests and information supplements dated April 27, June 15, and July 18, 2023.

subdivision, located at 1438 West Fairview Road, Freeport, 61032, in Stephenson County, Illinois. The Northern Hills STP is permitted to discharge effluent to an unnamed tributary of the Pecatonica River pursuant to the requirements of NPDES Permit IL0036030, which became effective on September 1, 2022, was modified on September 7, 2023 (name change only), and expires on August 31, 2027. (Exhibit B) The NPDES Permit contains effluent limits set forth on Page 2 of NPDES Permit IL0036030 for, among other parameters: CBOD₅, TSS, and Ammonia.

Northern Hills STP's request is based on the fact that it has discovered structural damage to a steel tank within its package plant. Further investigation has revealed that the existing (steel) coating system for all steel plant components is beginning to show signs of failure. Northern Hills STP intends to repair various components and apply a new protective coating system to extend the life of the STP and improve its operation. See Exhibit A, April 27, 2023 letter.

Relief Requested

Northern Hills STP's request seeks relief from the NPDES Permit effluent limits for CBOD₅, TSS, and Ammonia, as it is estimating the following STP daily performance ranges during the period the plant is being repaired: CBOD₅ of 40 to 90 mg/L; TSS of 60 to 100 mg/L; and Ammonia of 2 to 6 mg/L. Northern Hills STP expects these increased concentration ranges only when the plant's existing final clarifier is taken offline for repairs. Northern Hills STP expects that said clarifier will be offline for 10 to 12 days.

Agency Determinations

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

1. Northern Hills STP's requested relief from the CBOD₅ and TSS effluent limits set forth on Page 2 of NPDES Permit IL0036030 is appropriate based on the facts provided in the request;
2. Any environmental impact from the requested relief shall be closely monitored and the Agency shall be immediately notified of any adverse impacts;
3. No reasonable alternatives appear available;
4. No public water supplies should be affected;
5. The Ammonia limits in NPDES Permit IL0036030 are based on 35 Ill. Adm. Code 302.212; therefore, the Agency is denying Northern Hills STP's request for a provisional variance from the Ammonia effluent limit set forth on Page 2 of NPDES Permit IL0036030 because the Agency does not have the authority to grant a provisional variance from water quality standards;

6. No federal regulations preclude the granting of this request; and
7. Northern Hills will face an arbitrary and unreasonable hardship if the request is not granted.

Conditions

The Illinois EPA hereby GRANTS in part Northern Hills a provisional variance from the CBOD₅ and TSS effluent limits set forth on Page 2 of NPDES Permit IL0036030, subject to the following conditions:

- A. The term of this provisional variance shall begin on October 2, 2023, and end no later than November 16, 2023. This provisional variance is granted as to the CBOD₅ and TSS relief requested (CBOD₅ up to 90 mg/L; TSS up to 100 mg/L) based on the facts and circumstances described in the request dated August 22, 2023. If the facts and circumstances described in the request end before November 16, 2023, the term of this provisional variance will end.
- B. During the term of this provisional variance, when the plant's existing final clarifier is offline, Northern Hills STP shall ensure there is at least 25 gpm flow upstream of the discharge point. Northern Hills STP may pump water from Willow Lake or Northern Hills STP's or its owner's potable water system (that is dechlorinated) to ensure said flow.
- C. During the term of this provisional variance, Northern Hills STP shall: (1) monitor the discharge point and receiving water daily when the plant's existing final clarifier is offline; and (2) visually inspect all discharge areas at least two times per day to assess any mortalities to fish and other aquatic life. For purposes of this condition, monitoring means collecting a grab sample from the discharge point / effluent to be analyzed for CBOD₅, TSS, and Ammonia; and a grab sample from the receiving water to be analyzed for CBOD₅, TSS, and Ammonia, with Dissolved Oxygen analyzed in-situ. Monitoring at the receiving water shall occur downstream from the discharge point where complete mixing with the stream has occurred, but prior to the Pecatonica River. All monitoring required by this condition shall continue for a minimum of one day after the provisional variance expires. Northern Hills STP shall provide the best operation of its available equipment, including but not limited to the measures detailed in Northern Hills STP's August 22, 2023, letter (*see* Exhibit A), to produce the best effluent possible at all times during the STP repairs and term of this provisional variance.
- D. Northern Hills STP shall document environmental conditions of the receiving water(s) during the term of the provisional variance and submit the documentation to the Illinois EPA and the Illinois Department of Natural Resources ("IDNR") within seven (7) days after this provisional variance expires.
- E. Northern Hills STP shall immediately notify the Illinois EPA and IDNR of any unusual conditions, including mortalities of fish or other aquatic life, immediately

take action to remedy the unusual conditions, investigate and document the cause and seriousness of the unusual conditions while providing updates to the Illinois EPA and IDNR as changes occur until normal conditions return, notify the Illinois EPA and IDNR when normal conditions return and submit the documentation to the Illinois EPA and the IDNR within seven (7) days after normal conditions return.

- F. Northern Hills STP shall notify Catherine Siders, of Illinois EPA, by telephone at 217-524-6308 when the discharge specified in this provisional variance begins and again when it ends. Written confirmation shall be sent within five days to the following address:

Illinois Environmental Protection Agency
 Bureau of Water - Water Pollution Control
 Attention: Catherine Siders
 1021 North Grand Avenue East, CAS #19
 Springfield, Illinois 62794-9276

- G. Northern Hills STP shall sign a certificate of acceptance of this provisional variance and forward that certificate to Catherine Siders at the address indicated above within one day after the date of this order.

The certification should take the following form:

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

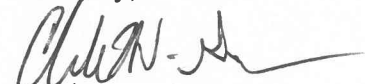
_____	_____
Petitioner	Title
_____	_____
Authorized Agent	Date

Northern Hills STP shall continue to monitor all parameters included in and comply with all other conditions specified in its NPDES Permit No. IL0036030.

Conclusion

The Agency grants in part this provisional variance in accordance with its authority contained in Sections 35(b), 36(c), and 37(b) of the Act, 415 ILCS 5/35(b), 36(c), & 37(b) (2022), and 35 Ill. Adm. Code Part 180. The decision to grant in part this provisional variance is not intended to address compliance with any other applicable laws or regulations.

Sincerely,



Charles W. Gunnarson
 Chief Legal Counsel

cc: Cathy Siders
Brant Fleming
Todd Bennett
Jay Patel

EXHIBIT

A



MSA Office Address
400 Ice Harbor Drive
Suite 110
Dubuque, IA 52001

P 563-582-3973
F563-582-4020
www.msa-ps.com

August 22, 2023

Illinois Environmental Protection Agency
Permit Section – Division of Water Pollution Control
1021 N. Grand Ave. East
PO Box 19276
Springfield, IL 62794-9276

Re: Application for Provisional Variance
Northern Hills STP (NPDES Permit # IL0036030)
Freeport, Illinois

Dear Miss Siders:

The purpose of this letter is to provide the additional information and clarification based on the meeting that was held on August 10, 2023 to discuss the Provisional Variance Request for the Northern Hills STP. The IEPA requested that the environmental impacts be identified that could result from the effluent discharge. In addition, the IEPA requested the measures the Owner would implement to assure there would not be any adverse environmental impacts during the proposed rehabilitation of the facility.

The expected permitted discharge ranges as listed below are only expected when the existing final clarifier is taken offline for repairs. It is expected the clarifier will be offline for 10-12 days.

Effluent BOD = 40 to 90 mg/l
Effluent TSS = 60 to 100 mg/l
Effluent Ammonia = 2 mg/l – 6 mg/l

The expected effluent BOD concentrations could result in lower levels of dissolved oxygen in the discharge stream. The concentrations of TSS could lead to sedimentation in the discharge stream.

To ensure there will not be any adverse environmental impacts, the Owner has agreed to implement the following precautionary measures:

- Limit the amount of time the clarifier is offline by completing the work when temperatures are adequate to minimize the cure time required for the protective coating system and use a coating system with short cure times.
- One of the two aeration tanks will be used as temporary clarifier/sedimentation tank.
- Water will be pumped from Willow Lake or the Owner's potable water system (that is dechlorinated) to the discharge stream.

The average discharge flow from the facility is 25,000 gpd (17 gpm). The Owner will ensure there is at least 25 gpm upstream of the discharge point. A flow of 25 gpm combined with the average 17 gpm of effluent from the facility would result in a concentration of 37 mg/L for BOD in the discharge stream downstream of the discharge location (assuming the worst-case BOD concentration of 90 mg/L). The 37 mg/L BOD concentration would be below the typical weekly average effluent limit for a lagoon of 40 mg/L. Similarly, assuming worst-case concentrations for TSS and Ammonia, the resultant concentrations would be 41 mg/L for TSS and 2.5 mg/L for Ammonia. The TSS concentration would be below the typical weekly average effluent limit for a

Page 2
August 22, 2023

lagoon of 45 mg/L. The ammonia concentration would be below their NPDES daily max limit of 3 mg/L.

The formal correspondence from the previous provisional variance requests have been attached as well per the IEPA's request.

Should you need any other information or have any additional questions, please contact me by phone or email at the number and email address below.

Sincerely,



Clint Wiene, P.E.
MSA Professional Services
cwiene@msa-ps.com
(563) 584-2897



MSA Office Address
400 Ice Harbor Drive
Suite 110
Dubuque, IA 52001

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July 18, 2023

Illinois Environmental Protection Agency
Permit Section – Division of Water Pollution Control
1021 N. Grand Ave. East
PO Box 19276
Springfield, IL 62794-9276

Re: Application for Provisional Variance
Northern Hills STP (NPDES Permit # IL0036030)
Freeport, Illinois

Dear Miss Siders:

The purpose of this letter is to provide the additional information and clarifications based on the meeting that was held on July 14, 2023 to discuss the Provisional Variance Request for the Northern Hills STP.

The Northern Hills STP services the Northern Hills subdivision. There are a total of 187 service connections of which 181 are active. There is also approximately 2.79 miles of sanitary sewer in the subdivision.

The expected permitted discharge ranges as listed below are only expected when the existing final clarifier is taken offline for repairs. It is expected the clarifier will be offline for 10-12 days.

Effluent BOD = 40 to 90 mg/l
Effluent TSS = 60 to 100 mg/l
Effluent Ammonia = 2 mg/l – 6 mg/l

The Owner has agreed to take an additional sample from the effluent 3-4 days after the final clarifier is taken offline. Sample results shall be emailed to Catherine.Siders@Illinois.gov and Jay.Patel@Illinois.gov and also included on the monthly operating report. The Owner has also agreed to monitor the discharge stream for any adverse effects from operations such as fish kills.

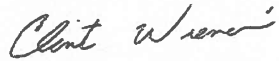
The Owner received a quote to rent a frac tank in order to achieve compliance. The cost to rent the frac tank was approximately \$50,000 and the supplier would not guarantee the effluent would be in compliance with the permitted limits.

The formal correspondence from the previous provisional variance requests have been attached as well per the IEPA's request.

Should you need any other information or have any additional questions, please contact me by phone or email at the number and email address below.

Page 2
July 18, 2023

Sincerely,

A handwritten signature in cursive script that reads "Clint Wiene".

Clint Wiene, P.E.
MSA Professional Services
cwiene@msa-ps.com
(563) 584-2897



MSA Office Address
400 Ice Harbor Drive
Suite 110
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June 15, 2023

Illinois Environmental Protection Agency
Permit Section – Division of Water Pollution Control
1021 N. Grand Ave. East
PO Box 19276
Springfield, IL 62794-9276

Re: Application for Provisional Variance
Northern Hills STP (NPDES Permit # IL0036030)
Freeport, Illinois

Dear Miss Siders:

I received a copy of your response letter dated May 31, 2023 regarding the provisional variance request for the Northern Hills STP. In your letter you stated the request did not fully address paragraphs 2, 3, 4, 6, 9, 12 and 13 of 35 Ill. Adm. Code Part 180.202 (b). The following information is being provided to support the initial provisional variance request. The Code language is provided along with the following response in bold text.

Part 180.202, b), 2) – A description of the business or activity for which the variance is requested, including pertinent data on location, size, and the population and geographic area affected by the person's operations;

Response – A description of the existing WWTF and proposed repairs were discussed in the previous request. The WWTF discharges approximately 25,000 gpd on an average annual basis. The facility has design average flow of 60,000 gpd. The facility discharges to an unnamed tributary of the Pecatonica River, then to the Pecatonica River, and then to the Rock River. The distance from the discharge point to the confluence with the Pecatonica River is approximately ¾ of a mile. There are not any recreational facilities along the unnamed tributary and the land adjacent to the stream is primary agricultural land and woodlands.

Part 180.202, b), 3) – The quantity and types of materials used in the process or activity for which the variance is request, as appropriate;

Response – The materials used to make repairs to the existing steel and concrete structures will be epoxy paint. Approximately 20 gallons of epoxy will be used to complete the project. The epoxy will not be discharged with the effluent.

Part 180.202, b), 4) – The quantity, types and nature of materials or emissions to be discharged, deposited or emitted under the variance, and the identification of the receiving waterway or land, or the closest receiving Class A and Class B land use, as appropriate;

Response – The anticipated performance of the WWTF during the repairs as provided in the previous request and is as follows:

Page 2
June 15, 2023

**Effluent BOD = 40 to 90 mg/l
Effluent TSS = 60 to 100 mg/l
Effluent Ammonia = 2 mg/l – 6 mg/l**

No other materials or emissions are expected in the effluent discharge. See response to Part 180.202, b), 2) for receiving stream and land use. The Pecatonica River is on the 303(d) list for PCBs, Mercury, and TSS. The unnamed tributary and the Pecatonica River are not Class A or Class B designated streams.

Part 180.202, b), 6) – An assessment of any adverse environmental impacts that variance may produce;

The periodic discharge of BOD, TSS, and Ammonia above the permitted values is not expected to have a substantial environmental impact.

Part 180.202, b), 9) – A discussion of alternate methods of compliance and the factors influencing the choice of applying for a provisional variance;

Response – The facility only has one (1) clarifier. The Owner has investigated renting temporary tanks and equipment for clarification. The cost to rent the tanks and equipment is substantial and would be a financial burden to the Owner.

Part 180.202, b), 12) – A statement regarding the person's current permit status as related to the subject matter of the variance request;

Response – The facility does not have any mandated compliance issues. However, to maintain the integrity and functionality of the facility, the repairs as outlined are necessary.

Part 180.202, b), 13) – Any Board orders in effect regarding the person's activities and any matters currently before the Board in which the person is a party;

Response – There are currently not any Board orders or matters before the Board for this facility.

Should you need any other information or have any additional questions, please contact me by phone or email at the number and email address below.

Sincerely,



Clint Wiener, P.E.
MSA Professional Services
cwiener@msa-ps.com
(563) 584-2897



April 27, 2023

Illinois Environmental Protection Agency
Permit Section – Division of Water Pollution Control
1021 N. Grand Ave. East
PO Box 19276
Springfield, IL 62794-9276

Re: Application for Provisional Variance
Northern Hills STP (NPDES Permit # IL0036030)
Freeport, Illinois

Dear Sir or Madam:

Prairie Path Water Company is requesting a provisional variance from its NPDES effluent limits for the length of time period of 45 days to complete repairs to its package plant treatment system and clarifier subject to IEPA approval in accordance with the provisions of Section 180 of Title 35, Subtitle A, Chapter II of the Administrative Regulations. No provisional variances have been requested nor granted to the operations of this wastewater treatment facility in the past 12 months.

Background Information

A flow schematic of the existing facilities at the site is attached for your reference. The WWTF includes a mechanical screen housed in a fiberglass building, a packaged plant that includes two (2) aeration tanks and an aerobic digester, a final clarifier and a chlorine contact chamber. The package plant is constructed of steel and was originally installed in 1976. The clarifier structure is constructed of concrete and includes a steel clarifier and was constructed in 2008.

Proposed Repairs

The Owner needs this time period to make structural repairs and apply a protective coating to its steel package plant. The Owner has discovered structural damage to the steel tank that needs to be repaired. The existing coating system is also starting to show signs of failure. The coating system on the steel clarifier is also showing signs of failure and needs a new protective coating applied to extend the life of the equipment. The Owner has chosen to use a coating system that can be applied in one (1) coat to limit the time necessary to apply the coating system.

Temporary Treatment during Emergency Repairs

The proposed plan to maintain treatment to the greatest extent possible is as follows:

- Pump all of the sludge from the Aerobic Digester and haul it offsite to a disposal facility.
- Make structural repairs, sand blast the existing coating system down to bare metal, and apply coating system to the Aerobic Digester.

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Suite 110
Dubuque, IA 52001

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Page 2
April 27, 2023

- Once coating system has cured, the contents of Aeration Tank #1 will be pumped into the Digester and the digester will be used as a temporary aeration tank.
- Structural repairs, sandblasting, and coating system will then be applied to Aeration Tank #1.
- Once coating system has cured, the contents of Aeration Tank #2 will be pumped into the Aeration Tank #1.
- Structural repairs, sandblasting, and coating system will then be applied to Aeration tank #2.
- Once the coating system has cured in Aeration Tank #2, work will begin on the Clarifier.
- The Clarifier will then be sand blasted and a coating system will be applied.
- During the time the Clarifier is out of service, Aeration Tank #2 will be used as a static clarifier.
- Once the coating system for the clarifier has cured, all treatment processes will go back to their normal operation.
- Throughout the repair process, all effluent will pass through the chlorine contact chamber for disinfection and post aeration.
- Once the coating work is complete, the chlorine contact chamber and post aeration tank will be taken out of service for 1 day to perform a wash down to remove slime and algae growth.

Anticipated Effluent Performance during Emergency Repairs

During the repair period, the wastewater treatment effluent quality is not expected to meet the current NPDES limits. The estimated daily performance range is as follows:

Effluent BOD = 40 to 90 mg/l

Effluent TSS = 60 to 100 mg/l

Effluent Ammonia = 2 mg/l – 6 mg/l

The proposed treatment level during the repair period is the maximum level possible from a practical and economic point-of-view for the Owner. To provide any greater level of treatment is not feasible based on the existing treatment units and piping without causing an unnecessary hardship to the Owner.

Project Timing for Repairs

The Owner has recognized the need to make the repairs, since the no-action alternative is not a viable option. Postponement of these repairs would place the Owner at risk for catastrophic failure of the treatment system. The Owner has authorized capital funds in excess of \$100,000 for these emergency repairs. The proposed project will only repair the existing system, no increase in capacity is proposed or planned, therefore the Owner does not anticipate the need for a Construction Permit from IEPA for these emergency repairs.

The Owner has authorized the purchase of all repair materials and coatings necessary to restore the wastewater treatment facility. The Owner has signed a construction contract with a Contractor to complete the repairs and coating work. Work will be scheduled to begin upon IEPA approval of the Provisional Variance. The anticipated start of the on-site construction would be during the summer months (June-August) to limit the cure time of the coating system (over a maximum 35-day period).

Page 3
April 27, 2023

The remaining 10-days of the 45-day period would allow time for operational modifications to optimize treatment with the facility's NPDES permit.

Sincerely,



Clint Wiene, P.E.
MSA Professional Services
cwiene@msa-ps.com
(563) 584-2897

Enc. Flow Schematic

EXHIBIT

B



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-0610

September 07, 2023

Prairie Path Water Company (Northern Hills)
P.O. Box 10
McHenry, Illinois 60050

Re: Prairie Path Water Company (Northern Hills)
Northern Hills STP
NPDES Permit No. IL0036030
Bureau ID W1778040001
Modification of NPDES Permit (Without Public Notice)

Permittee:

The Illinois Environmental Protection Agency has examined the request for modification of the above referenced NPDES Permit as requested. Our final determination is to modify the Permit as follows:

Owner Change:

From: Utility Services of Illinois, Inc.
P.O. Box 10
McHenry, Illinois 60050

To: Prairie Path Water Company
P.O. Box 10
McHenry, Illinois 60050

Enclosed is a copy of the modified Permit. Because the changes made in the Permit were minor, no formal Public Notice of the modification will be issued.

Should you have any questions or comments, please contact Keith Runge of my staff at phone number 217-782-0610.

Sincerely,

A handwritten signature in black ink, appearing to read "Brant D. Fleming".

Brant D. Fleming, P.E.
Manager, Municipal Unit, Permit Section
Division of Water Pollution Control

BDF: kar09062023

Enclosure: Modified Permit

cc: Records
FOS, Des Plaines
Billing

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

NPDES Permit No. IL0036030

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: August 31, 2027

Issue Date: August 05, 2022

Effective Date: September 01, 2022

Modification Date: September 07, 2023

Name and Address of Permittee:

Prairie Path Water Company (Northern Hills)
P.O. Box 10
McHenry, Illinois 60050

Facility Name and Address:

Northern Hills STP
1438 West Fairview Road
Freeport, Illinois 61032
(Stephenson County)

Receiving Waters: unnamed tributary of Pecatonica River

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of the Ill. Adm. Code, Subtitle C, Chapter I, and the Clean Water Act (CWA), the above-named Permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the Effluent Limitations, Monitoring, and Reporting requirements; Special Conditions and Attachment H Standard Conditions attached 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.



Brant D. Fleming, P.E.
Manager, Municipal Unit, Permit Section
Division of Water Pollution Control

BDF: kar09062023

NPDES Permit No. IL0036030

Effluent Limitations, Monitoring, and Reporting

FINAL

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

Load limits computed based on a design average flow (DAF) of 0.06 MGD (design maximum flow (DMF) of 0.13 MGD).

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

Parameter	LOAD LIMITS lbs/day			CONCENTRATION LIMITS mg/L			Sample Frequency	Sample Type
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum		
Flow (MGD)							Continuous	
CBOD ₅ ***, ****	5.0 (11)		10 (22)	10		20	1 Day/Month	Composite
Suspended Solids****	6.0 (13)		12 (26)	12		24	1 Day/Month	Composite
pH	Shall be in the range of 6 to 9 Standard Units						1 Day/Month	Grab
Fecal Coliform***	Daily Maximum shall not exceed 400 per 100 mL (May through October)						1 Day/Month	Grab
Chlorine Residual***						0.05	1 Day/Month	Grab
Ammonia Nitrogen:								
As (N)								
April-May/Sept.-Oct.	0.75 (1.6)		1.5 (3.3)	1.5		3.0	1 Day/Month	Composite
June-August	0.60 (1.3)		1.5 (3.3)	1.2		3.0	1 Day/Month	Composite
Nov.-Feb.	1.7 (3.7)		2.7 (5.8)	3.4		5.3	1 Day/Month	Composite
March	0.75 (1.6)	1.9 (4.1)	2.3 (4.9)	1.5	3.8	4.5	1 Day/Month	Composite
				Monthly Average not less than	Weekly Average not less than	Daily Minimum		
Dissolved Oxygen								
March-July				N/A	6.0	5.0	1 Day/Month	Grab
August-February				5.5	4.0	3.5	1 Day/Month	Grab

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

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

***See Special Condition 10.

****BOD₅ and Suspended Solids (85% removal required): In accordance with 40 CFR 133, the 30-day average percent removal shall not be less than 85 percent. The percent removal need not be reported to the IEPA on DMRs but influent and effluent data must be available, as required elsewhere in this Permit, for IEPA inspection and review. For measuring compliance with this requirement, 5 mg/L shall be added to the effluent CBOD₅ concentration to determine the effluent BOD₅ concentration. Percent removal is a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the raw wastewater influent concentrations to the facility and the 30-day average values of the effluent pollutant concentrations for a given time period.

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

Fecal Coliform shall be reported on the DMR as a daily maximum value.

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

Chlorine Residual shall be reported on DMR as daily maximum value.

Dissolved oxygen shall be reported on the DMR as a minimum value.

NPDES Permit No. IL0036030

Influent Monitoring, and Reporting

The influent to the plant shall be monitored as follows:

<u>Parameter</u>	<u>Sample Frequency</u>	<u>Sample Typ</u>
Flow (MGD)	Continuous	
BOD ₅	1 Day/Month	Composite
Suspended Solids	1 Day/Month	Composite

Influent samples shall be taken at a point representative of the influent.

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

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

NPDES Permit No. IL0036030

Special Conditions

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

SPECIAL CONDITION 2. The use or operation of this facility shall be by or under the supervision of a Certified Class 2 operator.

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

SPECIAL CONDITION 4. The IEPA may request more frequent monitoring by permit modification pursuant to 40 CFR § 122.63 and Without Public Notice.

SPECIAL CONDITION 5. The effluent, alone or in combination with other sources, shall not cause a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302 and 303.

SPECIAL CONDITION 6. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) electronic 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 is required to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA 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, <https://www2.illinois.gov/epa/topics/water-quality/surface-water/netdmr/pages/quick-answer-guide.aspx>.

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 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 7. The provisions of 40 CFR Section 122.41(m) & (n) are incorporated herein by reference.

SPECIAL CONDITION 8. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

SPECIAL CONDITION 9. This Permit may be modified to include alternative or additional final effluent limitations pursuant to an approved Total Maximum Daily Load (TMDL) Study or upon completion of an alternate Water Quality Study.

SPECIAL CONDITION 10. Fecal Coliform limits for Discharge Number 001 are effective May thru October. Sampling of Fecal Coliform is only required during this time period.

The total residual chlorine limit is applicable at all times. If the Permittee is chlorinating for any purpose during the months of November through April, sampling is required on a daily grab basis. Sampling frequency for the months of May through October shall be as indicated on effluent limitations, monitoring and reporting page of this Permit.

Special Conditions

SPECIAL CONDITION 11. For the duration of this Permit, the Permittee shall determine the quantity of sludge produced by the treatment facility in dry tons or gallons with average percent total solids analysis. The Permittee shall maintain adequate records of the quantities of sludge produced and have said records available for U.S. EPA and IEPA inspection. The Permittee shall submit to the IEPA, at a minimum, a semi-annual summary report of the quantities of sludge generated and disposed of, in units of dry tons or gallons (average total percent solids) by different disposal methods including but not limited to application on farmland, application on reclamation land, landfilling, public distribution, dedicated land disposal, sod farms, storage lagoons or any other specified disposal method. Said reports shall be submitted to the IEPA by January 31 and July 31 of each year reporting the preceding January thru June and July thru December interval of sludge disposal operations.

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

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

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

The Permittee shall retain records of all sludge monitoring, and reports required by the Sludge Permit as referenced in Standard Condition 25 for a period of at least five (5) years from the date of this Permit.

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

The Permittee shall comply with existing federal regulations governing sewage sludge use or disposal and shall comply with all existing applicable regulations in any jurisdiction in which the sewage sludge is actually used or disposed.

The Permittee shall comply with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish the standards for sewage sludge use or disposal even if the permit has not been modified to incorporate the requirement.

The Permittee shall ensure that the applicable requirements in 40 CFR Part 503 are met when the sewage sludge is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator.

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

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

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).
 - (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.