



**BUILDING AMERICA®**

March 31, 2025

Mr. Darin E. LeCrone, P.E.  
Manager, Permit Section  
Division of Water Pollution Control  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois  
62794-9276

**Account No: 53260-11290**

**Facility: Union Pacific Railroad Dupo (W1630350004)**

**NPDES Permit No: IL0045284**

**Denial of Request to Terminate Appeal**

Dear Mr. LeCrone:

The Union Pacific Railroad (UPRR) has received the Illinois Environmental Protection Agency's (IEPA) response on February 26, 2025 to deny the request made by the UPRR on July 12, 2024 to terminate UPRR's Illinois NPDES Permit No: IL0045284, which authorizes stormwater discharges via Outfalls 001 and 002 to Palmer Creek via a retention basin at the Dupo Terminal, located at 3201 Plank Road, Dupo Illinois in St. Clair County.

In accordance with Part 105 of Title 35 of the Illinois Administrative Code, UPRR is respectfully appealing this denial determination with the IEPA. This appeal is being requested on the basis of IEPA's determination that the discharge of stormwater from Outfalls 001 and 002 will result in a reasonable potential to exceed the water quality standards for cyanide. During a conference call on February 2, 2024 with UPRR, Arcadis U.S., Inc., and the IEPA, the IEPA requested three years of discharge monitoring data for cyanide, weak acid dissociable. The UPRR Request for Termination Letter (July 12, 2024) included analytical results for cyanide, weak acid dissociable that documented five years (2019 to 2023) of data below the NPDES Permit effluent limitation. In addition, UPRR is providing with this appeal request analytical results for cyanide, weak acid dissociable for an additional year (2024), which are also below the NPDES Permit effluent limitation (see Table 1 attached). This appeal is being requested within the 35 day period following the date on the denial letter (February 26, 2025). A copy of UPRR's request to terminate the NPDES permit (dated July 12, 2024) is attached for reference.

Please contact me via phone at (708) 201-2243 or via email at [rcoupet@up.com](mailto:rcoupet@up.com) regarding any questions or if anything additional is required to process this appeals request. Thank you for facilitating this request.

Sincerely,

*Ron Coupet*

Ron Coupet  
Manager Environmental Field Operations  
Union Pacific Railroad  
Direct: (224) 500-9824

Copies:

Don Brown, Clerk of the Illinois Pollution Control Board ([Don.Brown@Illinois.Gov](mailto:Don.Brown@Illinois.Gov))

Francisco J. Herrera, IEPA

Matthew Graham, UPRR

Jennifer Clark, UPRR

Todd O'Brien, Arcadis

Ali Wright, Arcadis

L. Kelley, Arcadis

Enclosures:

1. Table 1: Discharge Monitoring Results for Cyanide, Weak Acid Dissociable from 2019 through 2024
2. UPRR Request for Termination Letter, July 12, 2024



217/782-0610

February 26, 2025

Union Pacific Railroad  
350 East Sibley Boulevard  
Dolton, Illinois 60419

Re: Union Pacific Railroad- Dupo Terminal  
NPDES Permit No. IL0045284  
Bureau ID: W1630350004  
Denial of Request to Terminate

Permittee:

This Agency has reviewed your request to terminate NPDES Permit Number IL0045284 for the subject facility which was received on July 12, 2024. At this time, the Agency must deny this termination request for the following reason:

The Agency has reviewed the sampling results reported on the discharge monitoring reports (DMRs) and has conducted a reasonable potential analysis to determine whether the discharges from Outfalls 001 and 002 present a reasonable potential to exceed the applicable water quality standards contained at Title 35 Ill. Adm. Code Part 302. The Agency has determined that the discharge of storm water from Outfalls 001 and 002 results in a reasonable potential to exceed the water quality standards for cyanide. Therefore, in accordance with Title 35 Ill. Adm. Code § 309.102 and Title 40 CFR § 122.26(a)(1)(v), an individual NPDES permit is required for the storm water discharges from Union Pacific Railroad's Dupo Terminal.

A formal public notice for the denial of the termination request will not be issued pursuant to 40 CFR § 124.5(b). The Agency will be pleased to reevaluate your request for termination upon submittal of any new information providing the Agency with adequate justification as to why an NPDES permit should no longer be required.

You have the right to appeal this denial to the Illinois Pollution Control Board within a 35 day period following the date shown on this letter.

Should you have any questions or comments regarding the above, please contact Francisco J. Herrera at 217/782-0610 or at the above address.

Sincerely,

Darin E. LeCrone, P.E.  
Manager, Permit Section  
Division of Water Pollution Control

DEL:FJH:24110401.docx

cc: EPA-Collinsville FOS  
Arcadis U.S., Inc., Denham Building, 1143 1<sup>st</sup> Avenue South, Suite 109, Birmingham, AL 35233  
Records – Industrial  
Compliance Assurance  
Fiscal

Table 1: Discharge Monitoring Results for Cyanide, Weak Acid Dissociable from 2019 through 2023

Discharge Monitoring Report Date	Effluent			Notes
	Cyanide, Weak Acid, Dissociable (mg/L) <sup>1</sup>	Cyanid, Total (as CN) (mg/L)	Cyanide, Amenable	
Concentration Limit per NPDES Permit # IL0045284	<b>0.022</b>			
<b>2019</b>				
6/30/2019	< 0.0100	< 0.0100		Semi-Annual Permit Requirement
12/31/2019	< 0.0100	< 0.0100		Semi-Annual Permit Requirement
<b>2020</b>				
6/30/2020	< 0.0100	0.466		Semi-Annual Permit Requirement
12/31/2020	< 0.0100	< 0.0100		Semi-Annual Permit Requirement
<b>2021</b>				
2/8/2021	< 0.0100	0.0123	--	Semi-Annual Permit Requirement
6/28/2021	0.0055	0.027	--	Semi-Annual Permit Requirement
12/31/2021	--	--	--	Not Sampled - No Discharge (letter submitted to IEPA)
<b>2022</b>				
1/12/2022	0.0079	0.014	--	Collected due to no December 2021 discharge
6/29/2022	0.0081	0.005	--	Semi-Annual Permit Requirement
12/16/2022	0.011	0.026	--	Semi-Annual Permit Requirement
<b>2023</b>				
6/29/2023	0.0039 J	ND	--	Semi-Annual Permit Requirement
12/21/2023	ND	ND	--	Semi-Annual Permit Requirement
<b>2024</b>				
6/7/2024	0.0079	0.0065	--	Semi-Annual Permit Requirement
12/21/2024	0.00712	0.00989	--	Semi-Annual Permit Requirement

**Notes:**

1. Daily Maximum concentration as indicated in NPDES Permit # IL0045284 (2004; 2021) associated method blank

J = Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit

ND = Not Detected at or above adjusted reporting limit



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July 12, 2024

Mr. Scott Twait, Manager  
Water Quality Standards Unit  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois  
62794-9276

**Account No: 53260-11290**

**Facility: Union Pacific Railroad Dupo (W1630350004)**

**NPDES Permit No: IL0045284**

**Request for Termination**

Dear Mr. Twait:

The Union Pacific Railroad (UPRR) maintains Illinois NPDES Permit No: IL0045284 at the Dupo Terminal, located at 3201 Plank Road, Dupo Illinois in St. Clair County (Terminal) to authorize stormwater discharges via Outfalls 001 and 002 to Palmer Creek via a retention basin (a copy of the permit is enclosed). Outfall 001 discharges stormwater runoff from the central yard area via the retention basin to Palmer Creek. Outfall 002 discharges emergency overflow of stormwater runoff from the central yard via the retention basin to Palmer Creek. This NPDES Permit imposes a daily maximum effluent limit for cyanide, weak acid disposable of 0.022 mg/L. UPRR also maintains coverage under the General Storm Water NPDES Permit for Industrial Activities (ILR002502) for other stormwater discharges at the Terminal.

UPRR, Arcadis U.S., Inc., and the Illinois Environmental Protection Agency (IEPA) participated in a conference call on February 2, 2024 to discuss termination of NPDES Permit No: IL0045284. During this call, IEPA requested five years of discharge monitoring data and a narrative of the historical remedial activities at the site to review. To support this, Table 1 includes a summary of the discharge monitoring results for cyanide, weak acid dissociable from 2019 through 2023. A historical narrative of the site investigation and monitoring activities at the Terminal are provided in the attached UPRR 2020 Request for Termination Letter (dated February 5, 2020).

Based on the remedial activities conducted to date and the discharge monitoring results for cyanide, weak acid dissociable for the past five years, the UPRR is requesting termination of NPDES Permit No: IL0045284 and proposes to discharge stormwater runoff from the central yard via the retention basin to Palmer Creek under the General Storm Water NPDES Permit ILR002502.

Upon termination of NPDES Permit No: IL0045284, UPRR will submit a revised Notice of Intent and amend the Stormwater Pollution Prevention Plan to update the activities covered under General Storm Water NPDES Permit ILR00 to include stormwater discharge from the retention basin.

Please contact me via phone at (708) 201-2243 or via email at rcoupet@up.com regarding any questions on this request. Thank you for facilitating this request.

Sincerely,



Mark Lutz  
Assistant Vice President  
Union Pacific – Fuel & Environmental Operations  
Direct: (402) 544-3458  
Mobile: (402) 312-1908

Copies:

Derek Rompot, IEPA  
Ron Coupet, UPRR  
Jennifer Clark, UPRR  
Todd O'Brien, Arcadis  
Ali Wright, Arcadis  
L. Kelley, Arcadis

Enclosures:

1. Table 1: Discharge Monitoring Results for Cyanide, Weak Acid Dissociable from 2019 through 2023
2. UPRR 2020 Request for Termination Letter, February 5, 2020
3. NPDES Permit No: IL0045284 (2021)

Table 1: Discharge Monitoring Results for Cyanide, Weak Acid Dissociable from 2019 through 2023

Discharge Monitoring Report Date	Effluent	Notes
	Cyanide, Weak Acid, Dissociable (mg/L) <sup>1</sup>	
Concentration Limit per NPDES Permit # IL0045284	<b>0.022</b>	
<b>2019</b>		
6/30/2019	< 0.0100	Semi-Annual Permit Requirement
12/31/2019	< 0.0100	Semi-Annual Permit Requirement
<b>2020</b>		
6/30/2020	< 0.0100	Semi-Annual Permit Requirement
12/31/2020	< 0.0100	Semi-Annual Permit Requirement
<b>2021</b>		
2/8/2021	< 0.0100	Semi-Annual Permit Requirement
6/28/2021	0.0055	Semi-Annual Permit Requirement
12/31/2021	--	Not Sampled - No Discharge (letter submitted to IEPA)
<b>2022</b>		
1/12/2022	0.0079	Collected due to no December 2021 discharge
6/29/2022	0.0081	Semi-Annual Permit Requirement
12/16/2022	0.011	Semi-Annual Permit Requirement
<b>2023</b>		
6/29/2023	0.0039 J	Semi-Annual Permit Requirement
12/21/2023	ND	Semi-Annual Permit Requirement

**Notes:**

1. Daily Maximum concentration as indicated in NPDES Permit # IL0045284 (2004; 2021) associated method blank

J = Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit

ND = Not Detected at or above adjusted reporting limit



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February 5, 2020

Mr. Alan Keller, P.E., Manager Permit Section  
Division of Water Pollution Control  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois  
62794-9276

**Account No: 53260-11290**  
**Facility: Union Pacific Railroad Dupo (W1630350004)**  
**NPDES Permit No: IL0045284**  
**Request for Termination**

Dear Mr. Keller:

The Union Pacific Railroad (UPRR) maintains Illinois NPDES Permit No: IL0045284 at the Dupo Terminal, located at 3201 Plank Road, Dupo Illinois in St. Clair County (Terminal) to authorize stormwater discharges via Outfalls 001 and 002 to Palmer Creek via a retention basin (a copy of the permit is enclosed). Outfall 001 discharges stormwater runoff from the central yard area via the retention basin to Palmer Creek. Outfall 002 discharges emergency overflow of stormwater runoff from the central yard via the retention basin to Palmer Creek. UPRR also maintains coverage under the General Storm Water NPDES Permit for Industrial Activities (ILR00) for other stormwater discharges at the Terminal.

Site investigation and monitoring activities at the Terminal were conducted in the 1980s as response actions under the State Response Action Program, pursuant to a notice issued under Section 4(q) of the Illinois Environmental Protection Act [415 ILCS 5/4(q)]. In 2015, at the request of Illinois EPA, UPRR enrolled the Terminal site in the Site Remediation Program (SRP) (LPC #1630350001) to facilitate closure of the project. Summaries of the recent remedial actions and reports submitted to the Illinois Environmental Protection Agency (Illinois EPA) for the Terminal site are provided below.

- Risk Assessment and Remediation Objectives Report dated on August 17, 2009. (The Center for Toxicology and Environmental Health [CTEH] 2009). This report developed site-specific remediation objectives (ROs) for all contaminants of concern except arsenic in groundwater. The

Mr. Alan Keller, P.E., Manager Permit Section

Division of Water Pollution Control

Illinois Environmental Protection Agency

February 5, 2020

Illinois EPA approved the report in a letter dated November 15, 2010 (Illinois EPA 2010).

- Site Investigation and Remediation Objectives Report for Light Non-Aqueous Phase Liquid dated March 2011 (Arcadis 2011). The Illinois EPA approved the UPRR Dupo MP Yard investigation section but did not approve the proposed Tier 3 RO for light non-aqueous phase liquid (LNAPL) in a letter dated May 21, 2012 (Illinois EPA 2012).
- A Focused Site Investigation and Remedial Objectives Report for Arsenic in Groundwater, dated July 2013, (Arcadis 2013) was prepared and included proposed site-specific Tier 3 RO for both soil and groundwater component of the groundwater ingestion route for arsenic impacts in groundwater and concluded that the Tier 3 evaluations demonstrated that No Further Remediation (NFR) was necessary to address said impacts. The Illinois EPA approved the Tier 3 ROs in a letter dated May 16, 2014, (Illinois EPA 2014). This letter also included an approval to cease groundwater monitoring activities at the UPRR Dupo MP Yard.
- A Remediation Objectives Report for Light Non-Aqueous Phase Liquid and Remedial Action Plan (LNAPL ROR/RAP), dated November 2015, (Arcadis 2015) was prepared and included proposed Tier 3 RO for LNAPL at the UPRR Dupo MP Yard and proposed institutional controls to address remaining impacts. The environmental land use controls and Soil Management Plan were proposed to address the soil ingestion, outdoor inhalation, and groundwater ingestion exposure routes. Building control technologies (BCTs) and institutional controls were proposed to address the indoor inhalation exposure route. Highway authority agreements (HAAs) were proposed to prevent exposure to impacts within adjacent rights-of-way. The Illinois EPA approved the Tier 3 ROs for LNAPL in a letter dated January 12, 2017 (Illinois EPA 2017a).
- A Remedial Action Plan – Addendum, dated May 5, 2017, (Arcadis 2017) was prepared and submitted to the Illinois EPA to request that the engineered barriers be incorporated into the NFR letter for the UPRR Dupo MP Yard. The Illinois EPA approved the addendum in a letter dated June 27, 2017, and requested preparation and submittal of the Remedial Action Completion Report for the site (Illinois EPA 2017b).
- A Review of Sub-Slab Soil Gas Data and Indoor Inhalation Exposure Route – RAP Addendum, dated April 12, 2018, (Arcadis 2018) was prepared and submitted to Illinois EPA, which demonstrated that conditions did not warrant the use of BCTs. Illinois EPA approved the addendum in a letter dated October 10, 2018 (Illinois EPA 2018).

The remaining remedial activities to achieve regulatory closure for the SRP project include obtaining and execution of HAAs with the Village of Dupo and the Illinois Department of Transportation as institutional controls. No active remediation or sampling is required to achieve regulatory closure through remedial efforts at the Terminal as part of a Consent Order from the State of Illinois (Consent Order No. 92-CH-145).

Based on the remedial activities conducted to date, the UPRR is requesting termination of NPDES Permit No: IL0045284 and proposes to discharge stormwater runoff from the central yard via the retention basin to Palmer Creek under the General Storm Water NPDES Permit ILR00. To support this request for termination, please see enclosed sampling results from Outfall 001 from June through September 2019, December 2019, and January 2020. These sample results document compliance with the General Storm Water NPDES Permit ILR00 requirements.

Mr. Alan Keller, P.E., Manager Permit Section  
Division of Water Pollution Control  
Illinois Environmental Protection Agency  
February 5, 2020

Upon termination of NPDES Permit No: IL0045284, UPRR will submit a Notice of Intent and amend the Stormwater Pollution Prevention Plan to update the activities covered under General Storm Water NPDES Permit ILR00 to include stormwater discharge from the retention basin.

Please contact me via phone at (816) 399-1697 or via email at [Ctjohnso@up.com](mailto:Ctjohnso@up.com) regarding any questions on this request. Thank you for facilitating this request.

Sincerely,



Mark Lutz  
Assistant Vice President  
Union Pacific - Fuel & Environmental Operations  
Direct: (402) 544-3458  
Mobile: (402) 312-1908

Copies:

M. Dasse, Arcadis  
K. Jones, Arcadis  
L. Kelley, Arcadis

Enclosures:

1. NPDES Permit No: IL0045284 (2015)
2. Sampling Results June – September 2019, December 2019, and January 2020

**References**

Arcadis. 2011. Site Investigation and Remediation Objectives Report for Light Non-Aqueous Phase Liquid. Union Pacific Railroad Dupo MP Yard. March.

Arcadis. 2013. Focused Site Investigation and Remedial Objectives Report for Arsenic in Groundwater. Union Pacific Railroad Dupo MP Yard. July.

Arcadis. 2015. Remediation Objectives Report for Light Non-Aqueous Phase Liquid and Remedial Action Plan. Dupo MP Yard, Dupo, Illinois. November.

Arcadis. 2017. Remedial Action Plan - Addendum. May 5.

Arcadis. 2018. Review of Sub-Slab Soil Gas Data and Indoor Inhalation Exposure Route - RAP Addendum. April 12.

CTEH. 2009. Risk Assessment and Remediation Objectives Report. Dupo, IL MP Yard. August 17.

The Forrester Group. 2008. Soil Management Plan. Dupo, Illinois, MP Yard. February 12.

Illinois EPA. 2010. Approval of Certain Tier 3 Remedial Objectives. November 15.

Electronic Filing: Received, Clerk's Office 04/01/2025 \*\*PCB 2025-055\*\*

Mr. Alan Keller, P.E., Manager Permit Section

Division of Water Pollution Control

Illinois Environmental Protection Agency

February 5, 2020

Illinois EPA. 2012. Approval of LNAPL Site Investigation Report. May 21.

Illinois EPA. 2014. Approval of SIR ROR for Arsenic in Groundwater. May 16.

Illinois EPA. 2017a. Approval of LNAPL Tier 3 ROs. January 12.

Illinois EPA. 2017b. Approval of Remedial Action Plan Addendum. June 27.

Illinois EPA. 2018. Approval of Remedial Action Plan Addendum - Indoor Inhalation Exposure Route.  
October 10.

Illinois EPA. 2019. Violation Notice L-2019-00266. October 10.



217/782-0610

June 11, 2021

Union Pacific Railroad Company  
600 Broadway, Suite 500  
Kansas City, Missouri 64105

Re: Union Pacific Railroad Company - Dupo Yard  
NPDES Permit No. IL0045284  
Bureau ID: W1630350004  
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.

Pursuant to the Final NPDES Electronic Reporting Rule, all permittees must report DMRs electronically unless a waiver has been granted by the Agency. 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, <https://www2.illinois.gov/epa/topics/water-quality/surface-water/netdmr/Pages/quick-answer-guide.aspx>. If your facility has received a waiver from 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.

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 Francisco J. Herrera at 217/782-0610.

Sincerely,

Darin E. LeCrone, P.E.  
Manager, Permit Section  
Division of Water Pollution Control

DEL:FJH:21030301.docx

Attachment: Final Permit

cc: Records  
Compliance Assurance Section  
Collinsville Region  
Billing  
SWIMRPC  
Missouri Department of Natural Resources

NPDES Permit No. IL0045284

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: June 30, 2026

Issue Date: June 11, 2021  
Effective Date: July 01, 2021

Name and Address of Permittee:

Union Pacific Railroad Company  
600 Broadway, Suite 500  
Kansas City, Missouri 64105

Facility Name and Address:

Dupo Terminal  
3201 Plank Road  
Dupo, Illinois 62239  
(St. Clair County)

Discharge Number and Name:

001 Retention Basin Discharge of Storm Water Runoff from  
Central Yard Area

Receiving Waters:

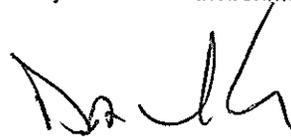
Palmer Creek

002 Emergency Retention Basin Overflow of Storm Water Runoff  
from Central Yard Area

Palmer Creek

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.



Darin E. LeCrone, P.E.  
Manager, Permit Section  
Division of Water Pollution Control

NPDES Permit No. IL0045284

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
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): 001 Retention Basin Discharge of Storm Water Runoff from Central Yard Area (Intermittent Discharge)						
Flow (MGD)	See Special Condition 1				Continuous	Measurement
pH	See Special Condition 2				When Discharge Occurs	Grab
BOD <sub>5</sub>					When Discharge Occurs	Grab
Total Suspended Solids					When Discharge Occurs	Grab
Oil & Grease			15	30	When Discharge Occurs	Grab
Arsenic					Twice per Year**	Grab
Cyanide					Twice per Year**	Grab
Cyanide (Weak Acid Dissociable)				0.022	Twice per Year**	Grab
Lead					Twice per Year**	Grab
Total PNA's*					Twice per Year**	Grab

\*Includes the following polynuclear aromatic compounds: acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, 3,4 benzofluoranthene, benzo(ghi)perylene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene and pyrene.

\*\* The sample frequency shall be twice per year, and the results of semi-annual sampling analyses shall be submitted along with the June and December monthly Discharge Monitoring Reports (DMR's).

NPDES Permit No. IL0045284

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Flow (MGD)	See Special Condition 1				Measure When Monitoring	Measurement
pH	See Special Condition 2				When Discharge Occurs	Grab
BOD <sub>5</sub>					When Discharge Occurs	Grab
Total Suspended Solids					When Discharge Occurs	Grab
Oil & Grease			15	30	When Discharge Occurs	Grab
Arsenic					Twice per Year**	Grab
Cyanide					Twice per Year**	Grab
Cyanide (Weak Acid Dissociable)				0.022	Twice per Year**	Grab
Lead					Twice per Year**	Grab
Total PNA's*					Twice per Year**	Grab

\*Includes the following polynuclear aromatic compounds: acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, 3,4 benzofluoranthene, benzo(ghi)perylene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene and pyrene.

\*\* The sample frequency shall be twice per year, and the results of semi-annual sampling analyses shall be submitted along with the June and December monthly Discharge Monitoring Reports (DMR's).

Special Conditions

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

SPECIAL CONDITION 2. The pH shall be in the range 6.5 to 9.0. The monthly minimum and monthly maximum values shall be reported on the DMR form.

SPECIAL CONDITION 3. 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 4. 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) 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 5. 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 6. For the purpose of this permit, the discharges are limited to storm water, free from process and other wastewater discharges.

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

SPECIAL CONDITION 8. In addition to the other requirements of this permit, no effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor, and turbidity shall be reduced to below obvious levels.

**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

- (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.

## 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.

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**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.

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**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.
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- (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.