

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SANITARY DISTRICT OF DECATUR,)	
)	
Petitioner,)	
)	
v.)	
)	PCB No. 09-125
ILLINOIS ENVIRONMENTAL)	(Variance - Water)
PROTECTION AGENCY,)	
)	
Respondent.)	

RECOMMENDATION OF THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”) by one of its attorneys, Chad M Kruse, and files its Recommendation pursuant to 35 Ill. Adm. Code 104.216. The Illinois EPA recommends that the Illinois Pollution Control Board (“Board”) **GRANT** the variance requested by the Sanitary District of Decatur (“SDD” or “Petitioner”). The petition filed by SDD satisfies the petition content requirements set forth in 35 Ill. Adm. Code 104.204. The Petitioner has met its burden under Section 35 of the Illinois Environmental Protection Act (“Act”) (415 ILCS 5/35 (2004)) that compliance with 35 Ill. Adm. Code Sections 302.208(e) and 304.105 would impose an arbitrary or unreasonable hardship on SDD. In support of its Recommendation the Illinois EPA states as follows:

I. INTRODUCTION

1. On June 15, 2009, SDD filed a Petition for Variance (“Petition”) relating to SDD’s operation of a wastewater treatment plant in Decatur, Macon County, Illinois. SDD requests a variance from the requirements set out in Sections 302.208(e) and 304.105 of Title 35 of the Illinois Administrative Code (“Board Regulations”), regarding effluent limits for Nickel and Zinc. 35 Ill. Adm. Code 302.208(e) and 304.105 (2002).

2. SDD's National Pollutant Discharge Elimination Permit ("NPDES") No. IL0028321 permits SDD to discharge into the Sangamon River. (Exhibit A) The segment of the Sangamon River that receives SDD's discharge, known as Segment E-09, is a zero 7Q10 flow segment.

3. It is the recommendation of Illinois EPA that the IPCB grant the variance from the current permit limits for Nickel and Zinc.

II. NOTICE

4. Pursuant to Section 102.214 of Title 35 of the Board Regulations, the Illinois EPA published notice of SDD's petition for variance in the Decatur Herald & Review on June 29, 2009 and mailed notices on June 26, 2009 to Macon County State's Attorney Jack Ahola, State Representatives Robert Flider and Bill Mitchell, State Senators Bill Brady and Kyle McCarter, and Chairman of the Macon County Board Jay A. Dunn.

5. After publication of notice of SDD's petition for variance, the Illinois EPA received no written comments, objections, or requests for hearing.

6. Pursuant to the Board's procedural rules, "[w]ithin 21 days after the publication of notice, the Agency must file with the Board a certification of publication that states the date on which the notice was published and must attach a copy of the published notice." 35 Ill. Adm. Code 104.214(f). The required Certificate of Publication was not previously filed, but is included as part of this filing and attached hereto. (Exhibit B)

III. INVESTIGATION

7. Pursuant to Section 37 of the Act, the Illinois EPA is required to "promptly investigate such petition and consider the views of persons who might be adversely affected by the grant of the variance." 415 ILCS 5/37(a) (2008). A similar requirement is set forth in Section

104.216(b)(1) of Title 35 of the Board Regulations. 35 Ill. Adm. Code 104.216(b)(1) (2002).

8. The Illinois EPA conducted a thorough investigation of the information contained in Petitioner's original variance request and a further investigation of the new facts and support offered informally by the Petitioner in subsequent meetings with Illinois EPA staff. In preparing this Recommendation, the Illinois EPA consulted personnel within several sections of the Division of Water Pollution Control including Ralph Hahn, Rick Pinneo, and Alan Keller of Permits Section and Bob Mosher of the Water Quality Standards Section. This investigation led the Illinois EPA to the conclusion to recommend that the Board grant SDD's request.

IV. STATEMENT OF FACTS

9. Section 104.216(b)(3) of Title 35 of the Board Regulations requires the Illinois EPA to state the degree to which, if at all, it disagrees with the facts as alleged in the petition. In the Petition, SDD elaborates on the problems that SDD has faced with regard to the Nickel and Zinc limitations set by the Agency in 2004 and the technologies that the SDD has explored to reach compliance with those limitations. Archer Daniel's Midland ("ADM") is one of the Nation's leading agricultural processors. As stated in Section II.E. of the Petition, ADM is by far the most substantial contributor of Zinc and Nickel to the SDD wastewater treatment plant. However, the Illinois EPA has witnessed SDD and ADM working together to achieve compliance with the NPDES Permit up to this point. Thus, the Illinois EPA does not contest the Petitioner's account of events leading up to the filing of the Petition, however, the Illinois EPA submits the following to supplement the Petition:

10. In a memo to Ralph Hahn dated November 9, 2006, Scott Twait of DWPC Standards Unit evaluated the reasonable potential for the Sanitary District of Decatur to exceed water quality standards in the Sangamon River. Mr. Twait found that reasonable potential existed for

the SDD effluent to exceed the chronic Nickel water quality standard and both the acute and chronic Zinc water quality standards. This information was passed along to the Illinois EPA's Permit Section so that permit limits for Nickel and Zinc protective of aquatic life could be placed in the renewal NPDES permit. The renewal permit was issued April 20, 2007. This was the first permit in which SDD received water quality based permit limits for Zinc and Nickel based on the more stringent dissolved metals standards adopted in 2004. Under the previous water quality standards, no reasonable potential to exceed had been found.

11. The Sangamon River has a zero 7Q10 flow at the E-09 segment where the SDD effluent enters the river. The term "zero 7Q10 flow" means that on average over a period of 10 years, the stream will have no flow for at least one period of seven consecutive days. A mixing zone, under Section 302.102 of Title 35 of the Board Regulations, is effective when flow is consistent in the water body. Therefore, a mixing zone is not appropriate for a zero 7Q10 flow river segment, such as segment E-09 of the Sangamon River because of the relatively inconsistent periods of flow.

12. The permit limits directly reflect the water quality standards using the critical hardness value for the river at Ambient Water Quality Monitoring Network (AWQMN) Station E-05, Sangamon River at Niantic; 242 mg/L. The recommended permit limits/water quality standards were as follows: acute Zinc, 0.258 mg/L; chronic Zinc, 0.046 mg/L; chronic Nickel, 0.011 mg/L. These values are all in terms of total metal. These total metal values were converted from the dissolved metal water quality standards using the default conversion factor included with the water quality standard. The dissolved water quality standards that must be met in the receiving stream for which the total metal permit limits are based are: acute Zinc, 0.253 mg/L; chronic Zinc, 0.0457 mg/L; chronic Nickel, 0.0106 mg/L.

13. Upon receipt of the permit, SSD used the USEPA metals translator procedure in order to raise total Nickel and Zinc permit limits to higher concentrations while maintaining the applicable dissolved water quality standard in the receiving stream. This is a methodology that determines a site-specific conversion factor for converting the dissolved metal water quality standard into a total metal value based on the specific qualities of a given effluent and the qualities of the receiving water body. Applicants for the metals translator procedure must measure both dissolved and total metal in their effluent and in the receiving water. The most conservative ratio, i.e., the ratio that gives the lowest total metal value in relation to the dissolved concentration, is used to establish a total metals permit limit.

14. In SDD's case the most conservative translator value was from the effluent for both Nickel and Zinc. The Nickel translator was 0.966 and the Zinc translator was 0.848. The Nickel translator is only slightly lower than the default value found in the water quality standard while that for Zinc provides a significant change from the default value. SDD also produced a site-specific hardness value through monitoring of the receiving stream below the discharge. The hardness value was 359 mg/L. This value, along with the site-specific metals translators, resulted in new total metal permit limits: acute Zinc, 0.416 mg/L; chronic Zinc 0.075 mg/L; chronic Nickel, 0.015 mg/L. These values were included in the recently issued modified NPDES permit that also extended the compliance schedule for attaining these limits. These are the permit limits (acute Zinc, 0.416 mg/L; chronic Zinc 0.075 mg/L; chronic Nickel, 0.015 mg/L) from which SDD now seeks relief. Based on the change in the critical hardness value, the dissolved water quality standards that must be met in the receiving stream and for which the total metal permit limits are based are: acute Zinc, 0.353 mg/L, chronic Zinc, 0.0637 mg/L, chronic Nickel, 0.0148 mg/L.

15. Based on information contained in the Petition, Illinois EPA has determined that some water quality standards have been violated by SDD in the Sangamon River. The most recent 303(d) List, the partially federally approved 2008 List, states that the stream segment to which SDD discharges, E-09, is impaired for aquatic life, fish consumption and primary contact. However, since SDD discharges to the most downstream portion of E-09, the discharges did not influence any of the sampling points used to gather data at E-09; therefore those discharges did not influence the decision of impairment nor potential causes of impairment at the E-09 segment.

16. The next downstream segment of the Sangamon River is E-05. Based on the discussion in item 15, above, Segment E-05 is more appropriate than E-09 to use as the segment for determining Zinc and Nickel water quality standards with regard to NPDES Permit IL0028321. Segment E-05 is impaired for aquatic life, fish consumption and primary contact uses. The potential causes given for the aquatic life use impairment are total phosphorus, total suspended solids and dissolved oxygen (non-pollutant). This assessment was based on a 2003 aquatic life survey and water chemistry results from AWQMN Station E-05 from 2001, 2002 and 2003. Station E-05 is 7.3 miles downstream of the SDD discharge. Water chemistry in the AWQMN is sampled about nine times per year. Unfortunately, Zinc and Nickel measurements were reported during this period (and until October, 2004) at reporting limits (0.1 mg/l for Zinc and 0.025 mg/l for Nickel) inadequate to assess attainment of the water quality standards. Beginning in October 2004, reporting limits were lowered to 0.010 mg/L for Zinc and 0.005 mg/L for Nickel.

17. An analysis of the Nickel and Zinc measurements at E-05 from October 2004 through October 2008 includes 24 samples. Between June 23, 2005 and October 31, 2005, four samples were collected. The hardness of these four consecutive samples averaged 242.5 mg/L. Dissolved Nickel averaged 0.0109 mg/L and dissolved Zinc averaged 0.0558 mg/L in the four

consecutive samples. When subjected to the calculation, specified in Section 302.208(b) of Title 35 of the Board Regulations, that dictates how attainment is to be calculated, both Nickel and Zinc have mean sample quotients greater than 1.0. 35 Ill. Adm. Code 302.208(b) (2002). At least one chronic standard violation occurred during this time period. Therefore, when segment E-05 of the Sangamon River is re-assessed for the period of 2004 through 2008, and if aquatic life remains impaired, the 303(d) List will include Nickel and Zinc as potential causes of aquatic life impairment for the E-05 segment of the Sangamon River. The Nickel and Zinc present is attributed to the SDD effluent because no other point source exists below the Lake Decatur dam and above the segment E-05 sampling point. Illinois EPA has concluded that the Nickel and Zinc in the SDD effluent is a significant problem in that it causes water quality standard violations in the Sangamon River and is likely to exert a negative impact on the aquatic life community in the river.

18. Illinois EPA has concluded that the relief requested is necessary. SDD has done a thorough job of tracing the sources of Nickel and Zinc. The options identified for treatment or minimization of Nickel and Zinc in Section VI.9.a.i. of the Petition provide a basis for future compliance with the permit limits. However, Illinois EPA would like SDD to explore the additional technologies of electro-chemical decomposition and capacitive deionization as a part of its "technical and economic feasibility reviews" outlined in that section of the Petition. ADM will play a major role in choosing an option or options that will decrease SDD effluent concentrations.

19. In Section III.B. of the Petition, SDD explains how Zinc containing treatment additives in the cooling towers at industrial sources have been replaced resulting in already reduced Zinc concentrations in the SDD effluent. However, the Petition then mentions that proposed new

dischargers may add additional Zinc from cooling towers or processes. Illinois EPA has determined that SDD should take steps necessary to ensure that new industrial sources entering SDD's wastewater treatment system will have only background levels of Zinc and Nickel.

V. ESTIMATED COST OF COMPLIANCE

20. SDD has not provided a clear picture of the costs of complying with Parts 302 and 304 of Title 35 of the Board's regulations. However, SDD has provided estimates for some of the technologies considered to meet the Nickel and Zinc standards.

21. With regard to Nickel, Petitioner has estimated that reverse osmosis technology would cost four dollars per gallon without factoring in the cost of brine disposal and operating cost. This would result in an estimated minimum of \$100 million in capital cost. The SDD has estimated that ion exchange technology would result in roughly half the capital cost of reverse osmosis.

22. With regard to Zinc, SDD states in the Petition that "[t]reatment options . . . are the same as described for nickel." Petition at 17.

VI. ENVIRONMENTAL IMPACT

23. As indicated in Sections III.B, III.C, and III.D of the Petition, SDD has taken some steps to reduce the concentrations of Nickel and Zinc coming into the treatment plant, but further significant reductions will require large scale changes in the practices at ADM. Interim limits are sometimes prescribed for dischargers receiving variances to hold down effluent concentrations as much as currently possible, but concentrations coming to the SDD plant should be constant until control measures are in place making interim limits of little use.

24. Illinois EPA acknowledges that some reduction from historic levels has already occurred

and that SDD's effluent will be no worse during the variance period than it has been in recent years. Therefore, while Illinois EPA is concerned that the SDD effluent concentrations of these metals are harmful, interim limits for SDD to comply with prior to the Board's decision in this matter are not necessary.

VII. CONSISTENCY WITH FEDERAL LAW

25. There are no applicable federal laws or regulations that preclude the granting of this variance. The State of Illinois has been delegated by the Administrator of the United States Environmental Protection Agency to administer the National Pollutant Discharge Elimination System for discharges into navigable waters within its jurisdiction under Section 402(b) of the Clean Water Act. 33 U.S.C. 1342(b) (2008).

VIII. PERMIT MODIFICATION AND ENFORCEMENT ACTION

26. The Illinois EPA issued a Permit Modification for the SDD NPDES Permit No. IL0028321, on June 30, 2009. (Exhibit A) The main purpose of the modification was to extend the compliance schedule deadlines to allow Petitioner additional time to identify and implement wastewater treatment technology to bring SDD into compliance with the Nickel and Zinc standards of the NPDES Permit. The Illinois EPA modified the permit as follows:

- a. extended the compliance schedule from two to three years to allow for achievement of numeric limitations for Nickel and Zinc;
 - b. reinserted an outfall overlooked in the previously issued permit;
 - c. added stormwater discharges and stormwater requirements;
 - d. removed a special condition dealing with fluoride and dischlorobromomethane;
- and

- e. changed Nickel and Zinc limits based on the metals translator (discussed in the Statement of Facts section of this Recommendation).

27. In addition to the current Petition for Variance, the Board granted Petitioner a Site-Specific Rule exempting SDD from certain biochemical oxygen demand and suspended solids discharge limits. This Site-Specific Rule can be found in Section 304.212 of Title 35 of the Board Regulations. 35 Ill. Adm. Code 304.212 (2002).

28. While the following violations are unrelated to the subject matter of the Petition, the Illinois EPA is required by Section 104.216(b)(4) to inform the Board of any past or pending enforcement actions against the Petitioner. The SDD has recently been issued three Violation Notices for Overflows from Sanitary Sewers. Violation Notice W-2009-00181, issued on July 2, 2009, cited a sanitary sewer overflow that occurred on May 24, 2009. Violation Notice W-2009-00188, issued July 2, 2009, cited a sanitary sewer overflow that occurred on May 29, 2009. Violation Notice W-2009-00189, also issued July 2, 2009, cited a sanitary sewer overflow that occurred on June 1, 2009.

29. Finally, the SDD has been the respondent to at least four Illinois EPA enforcement actions that occurred more than 20 years ago, those include:

- a. a case filed in U.S. District Court on December 17, 1982 that resulted in the SDD paying a civil penalty of \$1,000;
- b. case number PCB 1977-238 was a Water enforcement case against both the City of Decatur and Decatur Sanitary District that involved a fishkill resulting from discharges from Decatur's combined sewer and wastewater treatment plant;
- c. case number PCB 1977-157 was a mixed media enforcement case against Decatur Sanitary District, A.E. Staley Manufacturing Company, and ADM that involved,

among other issues, violations of the dissolved oxygen limits set in the SDD's NPDES permit; and

- d. case number PCB 1976-181 was an Air enforcement case (listed as a Land enforcement case on the Board's website at <http://www.ipcb.state.il.us/COOL/external/casemenu.asp>) against Decatur Sanitary District that involved excessive odors at the sewage treatment plant.

IX. AGENCY RECOMMENDATION

30. Illinois EPA recommends that the Board grant the variance from the current permit limits for Nickel and Zinc for the period of five years with the conditions specified below.

31. The Petition indicates that SDD is intent upon achieving compliance through the plan set out in the Petition. The SDD states, "[t]he District is proposing the following plan to achieve compliance with nickel and zinc permit limits by the end of the requested five-year variance term . . ." Section VI of the Petition, pages 37 and 42. However, the Illinois EPA's recommendation to grant the variance is contingent upon the Board including the following conditions in the variance:

- a. Petitioner must amend its pretreatment ordinance within three months after the filing of this Recommendation to include Nickel and Zinc limits for all Significant Industrial Users, present and future, that will ensure compliance with Petitioner's NPDES permit limits for those parameters.
- b. Petitioner must pursue a sludge wasting technology that eliminates the sludge produced by ADM from the SDD wastewater treatment influent. The Illinois EPA has determined that this technology is available to Petitioner and is likely to eliminate the permit compliance problem for the Zinc parameter and reduce the

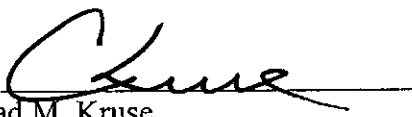
permit compliance problem for the Nickel parameter.

- c. Petitioner must, in addition to the items listed in Section IV.10 on page 42 of the Petition, include Illinois EPA in meetings to discuss interim progress at the July 1, 2010 and July 1, 2011 benchmarks. Before SDD can dismiss treatment technology as a solution to the Zinc and Nickel water quality standards problem, Illinois EPA must agree with SDD that all viable technologies have been adequately explored by SDD. Only after such agreement with Illinois EPA may SDD pursue site-specific relief from the Board. If SDD identifies an appropriate technology to remedy the Zinc and Nickel water quality standards problem, SDD must pursue the technology as soon as possible to achieve compliance with NPDES Permit No. IL0028321.
- d. Finally, as mentioned in Section IV of this Recommendation, above, Illinois EPA requests that the Board make the Variance conditional upon Petitioner's investigation of the additional technologies of electro-chemical decomposition and capacitive deionization as a part of its "technical and economic feasibility reviews" discussed in Section VI.9.a.i. of the Petition.

32. The Illinois EPA reserves the right to supplement this Recommendation any time prior to the closure of the record in this proceeding.

Respectfully submitted,

Dated July 29, 2009
1021 North Grand Avenue East
PO Box 19276
Springfield IL 62794-9276
217-782-5544

By: 
Chad M. Kruse
Assistant Counsel
Illinois EPA

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served one electronic copy of the attached Agency **Recommendation** for Variance and **Certification of Publication** upon:

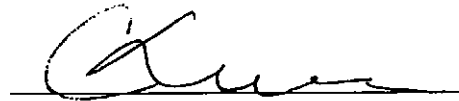
Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago IL 60601

and one copy each to:

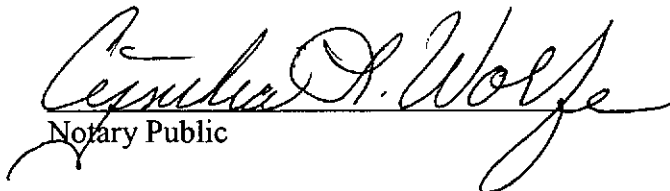
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Lauren C. Lurkins
HODGE DWYER & DRIVER
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Springfield IL 62705-5776

via first class United States mail from Springfield, Illinois, on the 30th day of July 2009,
with postage fully prepaid.



SUBSCRIBED AND SWORN TO BEFORE ME
this thirtieth day of July, 2009


Notary Public

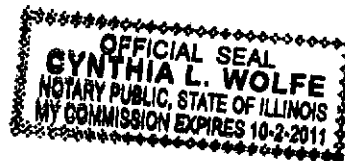


Exhibit A

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

217/782-0610

June 30, 2009

Sanitary District of Decatur
501 Dipper Lane
Decatur, Illinois 62522

MAJOR

Re: Sanitary District of Decatur Main STP
NPDES Permit No. IL0028321
Modification of NPDES Permit (After Public Notice)

Gentlemen:

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

1. The extension from the existing compliance schedule for nickel and zinc from two years to three years. This extension is necessary because work performed to date has not allowed achievement of numeric limitations for nickel or zinc. Work performed includes a translator study, source investigation and source elimination or reduction including change of cooling water additives containing zinc, housekeeping practices, pH addition and other investigations. The additional time will be used to investigate other treatment techniques that would include electro-coagulation and methods to break the glutin nickel chealating bond.
2. To place outfall 006 back in the permit since it was inadvertently removed.
3. To add seven (7) existing stormwater discharges to the permit and place stormwater requirements as a Special Condition.
4. Removal of Special Condition 8 because a reasonable potential to exceed analysis was performed showing no potential existed to exceed water quality standards for fluoride and dischlorobromomethane.
5. To change nickel and zinc limits based on the metals translator.

Enclosed is a copy of the modified Permit. You have the right to appeal this modification to the Illinois Pollution Control Board within a 35 day period following the modification date shown on the first page of the permit.

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Should you have any question or comments regarding the above, please contact Richard E. Pinneo of my staff.

Sincerely,

Alan Keller by REP

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

SAK:REP:06120503.bah

Attachment: Modified Permit

cc: Records
Compliance Assurance Section
Champaign Region
Billing
US EPA

Electronic Filing - Received, Clerk's Office, July 30, 2009

NPDES Permit No. IL0028321

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

MAJOR

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Modified (NPDES) Permit

Expiration Date: June 30, 2012

Issue Date: April 20, 2007

Effective Date: July 1, 2007

Modification Date: July 1, 2009

Name and Address of Permittee:

Sanitary District of Decatur
501 Dipper Lane
Decatur, Illinois 62522

Facility Name and Address:

Sanitary District of Decatur Main STP
501 Dipper Lane
Decatur, Illinois
(Macon County)

Receiving Waters: Sangamon 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 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.

 REP

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

SAK:REP:06120503.bah

NPDES Permit No. IL0028321

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 41.0 MGD (design maximum flow (DMF) of 125.0 MGD).

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

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 **	6,839 (20,850)	13,678 (41,700)		20	40		2 days/week	Composite
Suspended Solids	8,549 (26,063)	15,387 (46,913)		25	45		2 days/week	Composite
Dissolved Oxygen	Shall not be less than 6 mg/L						2 days/week	Grab
pH	Shall be in the range of 6 to 9 Standard Units						2 days/week	Grab
Fecal Coliform***	Daily Maximum shall not exceed 400 per 100 mL (May through October)						2 days/week	Grab
Chlorine Residual***						0.05	2 days/week	Grab
Ammonia Nitrogen as (N)								
March-May/Sept.-Oct.	513 (1,564)		1,026 (3,128)	1.5		3.0	2 days/week	Composite
June-August	445 (1,355)		1,026 (3,128)	1.3		3.0	2 days/week	Composite
Nov.-Feb.	513 (1,564)		1,026 (3,128)	1.5		3.0	2 days/week	Composite
Zinc ****	26 (78)		142 (434)	0.075		0.416	5 days/week	Composite
Nickel ****	5.1 (16)			0.015			5 days/week	Composite

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

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

***See Special Condition 7.

****See Special Condition 17.

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 daily maximum.

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

Chlorine Residual shall be reported on DMR as daily maximum.

Dissolved oxygen shall be reported on DMR as minimum.

NPDES Permit No. IL0028321

Effluent Limitations, Monitoring, and Reporting

FINAL

Discharge Number(s) and Name(s): 003 Oakland Avenue Treated Combined Sewage Outfall
004 South Edward Street Treated Combined Sewage Outfall
007 McKinley Avenue Treated Combined Sewage Outfall
008 Seventh Ward Treated Combined Sewage Outfall

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

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	CONCENTRATION LIMITS mg/L		Sample Frequency	Sample Type
	See Below	Monthly Average		
Total Flow (MG)	See Below		Daily When Discharging	Continuous
BOD ₅			Daily When Discharging	Grab
Suspended Solids			Daily When Discharging	Grab
pH	Shall be in the range of 6 to 9 Standard Units		Daily When Discharging	Grab

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

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

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

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

NPDES Permit No. IL0028321

Influent Monitoring and Reporting

The influent to the plant shall be monitored as follows:

Parameter	Sample Frequency	Sample Type
Flow (MGD)	Continuous	*RIT
BOD ₅	2 days/week	Composite
Suspended Solids	2 days/week	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.

*Recording, Indicating, Totalizing.

NPDES Permit No. IL0028321

Special Conditions

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

SPECIAL CONDITION 2. The use or operation of this facility shall be by or under the supervision of a Certified Class 1 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 in the event of operational, maintenance or other problems resulting in possible effluent deterioration.

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

SPECIAL CONDITION 6. 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 7. 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 CONDITION 8.A. Publicly Owned Treatment Works (POTW) Pretreatment Program General Provisions

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

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4. In addition to the general limitations expressed in Paragraph 3 above, applicable pretreatment standards must be met by all industrial users of the POTW. These limitations include specific standards for certain industrial categories as determined by Section 307(b) and (c) of the Clean Water Act, State limits, or local limits, whichever are more stringent.
5. The USEPA and IEPA individually retain the right to take legal action against any industrial user and/or the POTW for those cases where an industrial user has failed to meet an applicable pretreatment standard by the deadline date regardless of whether or not such failure has resulted in a permit violation.
6. The Permittee shall establish agreements with all contributing jurisdictions, as necessary, to enable it to fulfill its requirements with respect to all IUs discharging to its system.
7. Unless already completed, the Permittee shall within six (6) months of the effective date of this Permit submit to USEPA and IEPA a proposal to modify and update its approved Pretreatment Program to incorporate Federal revisions to the general pretreatment regulations. The proposal shall include all changes to the approved program and the sewer use ordinance which are necessary to incorporate the regulations commonly referred to as PIRT and DSS, which were effective November 16, 1988 and August 23, 1990, respectively. This includes the development of an Enforcement Response Plan (ERP) and a technical re-evaluation of the Permittee's local limits.
8. The Permittee's Pretreatment Program has been modified to incorporate a Pretreatment Program Amendment approved on February 6, 1995. The amendment became effective on the date of approval and is a fully enforceable provision of your Pretreatment Program.

Modifications of your Pretreatment Program shall be submitted in accordance with 40 CFR § 403.18, which established conditions for substantial and nonsubstantial modifications.

B. Reporting and Records Requirements

1. The Permittee shall provide an annual report briefly describing the permittee's pretreatment program activities over the previous calendar year. Permittees who operate multiple plants may provide a single report providing all plant-specific reporting requirements are met. Such report shall be submitted no later than April 28 of each year, and shall be in the format set forth in IEPA's POTW Pretreatment Report Package which contains information regarding:
 - a. An updated listing of the Permittee's industrial users.
 - b. A descriptive summary of the compliance activities including numbers of any major enforcement actions, (i.e., administrative orders, penalties, civil actions, etc.), and the outcome of those actions. This includes an assessment of the compliance status of the Permittee's industrial users and the effectiveness of the Permittee's Pretreatment Program in meeting its needs and objectives.
 - c. A description of all substantive changes made to the Permittee's Pretreatment Program. Changes which are "substantial modifications" as described in 40 CFR § 403.18(c) must receive prior approval from the Approval Authority.
 - d. Results of sampling and analysis of POTW influent, effluent, and sludge.
 - e. A summary of the findings from the priority pollutants sampling. As sufficient data becomes available the IEPA may modify this Permit to incorporate additional requirements relating to the evaluation, establishment, and enforcement of local limits for organic pollutants. Any permit modification is subject to formal due process procedures pursuant to State and Federal law and regulation. Upon a determination that an organic pollutant is present that causes interference or pass through, the Permittee shall establish local limits as required by 40 CFR § 403.5(c).
2. The Permittee shall maintain all pretreatment data and records for a minimum of three (3) years. This period shall be extended during the course of unresolved litigation or when requested by the IEPA or the Regional Administrator of USEPA. Records shall be available to USEPA and the IEPA upon request.

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3. The Permittee shall establish public participation requirements of 40 CFR 25 in implementation of its Pretreatment Program. The Permittee shall at least annually, publish the names of all IU's which were in significant noncompliance (SNC), as defined by 40 CFR § 403.8(f)(2)(vii), in the largest daily paper in the municipality in which the POTW is located or based on any more restrictive definition of SNC that the POTW may be using.
4. The Permittee shall provide written notification to the Deputy Counsel for the Division of Water Pollution Control, IEPA, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 within five (5) days of receiving notice that any Industrial User of its sewage treatment plant is appealing to the Circuit Court any condition imposed by the Permittee in any permit issued to the Industrial User by Permittee. A copy of the Industrial User's appeal and all other pleadings filed by all parties shall be mailed to the Deputy Counsel within five (5) days of the pleadings being filed in Circuit Court.

C. Monitoring Requirements

1. The Permittee shall monitor its influent, effluent and sludge and report concentrations of the following parameters on monitoring report forms provided by the IEPA and include them in its annual report. Samples shall be taken at quarterly (four times per year) intervals at the indicated reporting limit or better and consist of a 24-hour composite unless otherwise specified below. Sludge samples shall be taken of final sludge and consist of a grab sample reported on a dry weight basis.

<u>STORET CODE</u>	<u>PARAMETER</u>	<u>Minimum reporting limit</u>
01097	Antimony	0.07 mg/L
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01012	Beryllium	0.005 mg/L
01027	Cadmium	0.001 mg/L
01032	Chromium (hex - grab not to exceed 24 hours)*	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00718	Cyanide (grab) (weak acid dissociable)*	5.0 ug/L
00720	Cyanide (grab) (total)	5.0 ug/L
00951	Fluoride*	0.1 mg/L
01045	Iron (total)	0.5 mg/L
01046	Iron (Dissolved)*	0.5 mg/L
01051	Lead	0.05 mg/L
01055	Manganese	0.5 mg/L
71900	Mercury (effluent grab using USEPA Method 1631 or equivalent)***	1.0 ng/L**
01067	Nickel	0.005 mg/L
00556	Oil (hexane soluble or equivalent) (Grab Sample only)*	5.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
01077	Silver (total)	0.003 mg/L
01059	Thallium	0.3 mg/L
01092	Zinc	0.025 mg/L

* Influent and effluent only

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

*** Other approved methods may be used for influent (composite) and sludge

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

2. The Permittee shall conduct an analysis for the one hundred and ten (110) organic priority pollutants identified in 40 CFR 122 Appendix D, Table II as amended. This monitoring shall be done once per year and reported on monitoring report forms provided by the IEPA and shall consist of the following:
 - a. The influent and effluent shall be sampled and analyzed for the one hundred and ten (110) organic priority pollutants. The sampling shall be done during a day when industrial discharges are expected to be occurring at normal to maximum levels.

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

Five (5) grab samples shall be collected each monitoring day to be analyzed for volatile organic compounds. A single analysis for volatile pollutants (Method 624) may be run for each monitoring day by compositing equal volumes of each grab sample directly in the GC purge and trap apparatus in the laboratory, with no less than one (1) mL of each grab included in the composite.

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

- b. The sludge shall be sampled and analyzed for the one hundred and ten (110) organic priority pollutants. A sludge sample shall be collected concurrent with a wastewater sample and taken as final sludge.

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

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

3. In addition, the Permittee shall monitor any new toxic substances as defined by the Clean Water Act, as amended, following notification by the IEPA.
4. Permittee shall report any noncompliance with effluent or water quality standards in accordance with Standard Condition 12(e) of this Permit.
5. Analytical detection limits shall be in accordance with 40 CFR 136. Minimum detection limits for sludge analyses shall be in accordance with 40 CFR 503.

SPECIAL CONDITION 9. The Permittee has undergone a Monitoring Reduction review and the influent and effluent sample frequency has been reduced for CBOD₅, BOD₅, suspended solids, dissolved oxygen, pH, fecal coliform, chlorine residual and ammonia nitrogen due to sustained compliance. The IEPA will require that the influent and effluent sampling frequency for these parameters be increased to 5 days/week if effluent deterioration occurs due to increased wasteload, operational, maintenance or other problems. The increased monitoring will be required Without Public Notice when a permit modification is received by the Permittee from the IEPA.

SPECIAL CONDITION 10. During January of each year the Permittee shall submit annual fiscal data regarding sewerage system operations to the Illinois Environmental Protection Agency/Division of Water Pollution Control/Compliance Assurance Section. The Permittee may use any fiscal year period provided the period ends within twelve (12) months of the submission date.

Submission shall be on forms provided by IEPA titled "Fiscal Report Form For NPDES Permittees".

SPECIAL CONDITION 11. The Permittee shall conduct biomonitoring of the effluent from Discharge Number(s) 001.

Biomonitoring

1. Acute Toxicity - Standard definitive acute toxicity tests shall be run on at least two trophic levels of aquatic species (fish, invertebrate) representative of the aquatic community of the receiving stream. Testing must be consistent with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (Fifth Ed.) EPA/821-R-02-012. Unless substitute tests are pre-approved, the following tests are required:
- a. Fish - 96 hour static LC₅₀ Bioassay using fathead minnows (*Pimephales promelas*).
- b. Invertebrate 48-hour static LC₅₀ Bioassay using *Ceriodaphnia*.
2. Testing Frequency - The above tests shall be conducted using 24-hour composite samples unless otherwise authorized by the IEPA. Samples must be collected in the 18th, 15th, 12th, and 9th month prior to the expiration date of this Permit.

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3. Reporting - Results shall be reported according to EPA/821-R-02-012, Section 12, Report Preparation, and shall be submitted to IEPA, Bureau of Water, Compliance Assurance Section within one week of receipt from the laboratory. Reports are due to the IEPA no later than the 16th, 13th, 10th, and 7th month prior to the expiration date of this Permit.
4. Toxicity Reduction Evaluation - Should the results of the biomonitoring program identify toxicity, the IEPA may require that the Permittee prepare a plan for toxicity reduction evaluation and identification. This plan shall be developed in accordance with Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants, EPA/833B-99/002, and shall include an evaluation to determine which chemicals have a potential for being discharged in the plant wastewater, a monitoring program to determine their presence or absence and to identify other compounds which are not being removed by treatment, and other measures as appropriate. The Permittee shall submit to the IEPA its plan for toxicity reduction evaluation within ninety (90) days following notification by the IEPA. The Permittee shall implement the plan within ninety (90) days or other such date as contained in a notification letter received from the IEPA.

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

SPECIAL CONDITION 12. Discharge Number 002 is an emergency high level bypass. Discharges from this overflow are subject to the following conditions:

- (1) Definitions
 - (i) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
 - (ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (2) Bypass not exceeding limitations. The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (3) and (4) of this section.
- (3) Notice
 - (i) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (ii) Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in Standard Condition 12(e) of this Permit (24-hour notice).
- (4) Prohibition of bypass. Bypass is prohibited, and the IEPA may take enforcement action against a Permittee for bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There was no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated 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 Standard Condition 12(e) of this Permit.
- (5) Emergency Bypass when discharging, shall be monitored daily by grab sample for BOD₅ and Suspended Solids. The Permittee shall submit the monitoring results on Discharge Monitoring Report forms using one such form for each month in which bypassing occurs. The Permittee shall specify the number of discharges per month that occur and shall report this number in the quantity daily maximum column. The Permittee shall report the highest concentration value of BOD₅ and Suspended Solids discharged in the concentration daily maximum column.

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SPECIAL CONDITION 13. For the duration of this Permit, the Permittee shall determine the quantity of sludge produced by the treatment facility in dry tons or gallons with average percent total solids analysis. The Permittee shall maintain adequate records of the quantities of sludge produced and have said records available for IEPA inspection. The Permittee shall submit to the IEPA, at a minimum, a semi-annual summary report of the quantities of sludge generated and disposed of, in units of dry tons or gallons (average total percent solids) by different disposal methods including but not limited to application on farmland, application on reclamation land, landfilling, public distribution, dedicated land disposal, sod farms, storage lagoons or any other specified disposal method. Said reports shall be submitted to the IEPA by January 31 and July 31 of each year reporting the preceding January thru June and July thru December interval of sludge disposal operations.

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

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

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

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

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

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

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

SPECIAL CONDITION 14.

AUTHORIZATION OF
COMBINED SEWER AND TREATMENT PLANT DISCHARGES

The IEPA has determined that at least a portion of the collection system consists of combined sewers. References to the collection system and the sewer system refer only to those parts of the system which are owned and operated by the Permittee unless otherwise indicated. The Permittee is authorized to discharge from the overflow(s)/bypass(es) listed below provided the diversion structure is located on a combined sewer and the following terms and conditions are met:

<u>Discharge Number</u>	<u>Location</u>	<u>Receiving Water</u>
A03	Oakland Avenue CSO Treatment Bypass	Sangamon River
A04	South Edward Street CSO Treatment Bypass	Sangamon River
A06	Fairview Park CSO	Stevens Creek
A07	McKinley Avenue CSO Treatment Bypass	Unnamed tributary of Spring Creek
A08	Seventh Ward CSO Treatment Bypass	Sangamon River

Treatment Requirements

1. All combined sewer overflows and treatment plant bypasses shall be given sufficient treatment to prevent pollution and the violation of applicable water quality standards. Sufficient treatment shall consist of the following:
 - a. Treatment as described in PCB AS 91-7 and dated June 23, 1992 shall be provided. The terms and conditions of this Board Order are hereby incorporated by reference as if fully set forth herein; and,

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- b. Any additional treatment, necessary to comply with applicable water quality standards and the federal Clean Water Act, including any amendments made by the Wet Weather Water Quality Act of 2000.
2. All CSO discharges authorized by this Permit shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203 and to prevent depression of oxygen levels below the applicable water quality standards.
3. Overflows during dry weather are prohibited. Dry weather overflows shall be reported to the IEPA pursuant to Standard Condition 12(e) of this Permit (24 hour notice).
4. The collection system shall be operated to optimize transport of wastewater flows and to minimize CSO discharges.
5. The treatment system shall be operated to maximize treatment of wastewater flows.

Nine Minimum Controls

6. The Permittee shall comply with the nine minimum controls contained in the National CSO Control Policy published in the Federal Register on April 19, 1994. The nine minimum controls are:
 - a. Proper operation and maintenance programs for the sewer system and the CSOs (Compliance with this Item shall be met through the requirements imposed by Paragraph 8 of this Special Condition);
 - b. Maximum use of the collection system for storage (Compliance with this Item shall be met through the requirements imposed by Paragraphs 1, 4, and 8 of this Special Condition);
 - c. Review and modification of pretreatment requirements to assure CSO impacts are minimized (Compliance with this Item shall be met through the requirements imposed by Paragraph 9 of this Special Condition);
 - d. Maximization of flow to the POTW for treatment (Compliance with this Item shall be met through the requirements imposed by Paragraphs 4, 5, and 8 of this Special Condition);
 - e. Prohibition of CSOs during dry weather (Compliance with this Item shall be met through the requirements imposed by Paragraph 3 of this Special Condition);
 - f. Control of solids and floatable materials in CSOs (Compliance with this Item shall be met through the requirements imposed by Paragraphs 2 and 8 of this Special Condition);
 - g. Pollution prevention programs which focus on source control activities (Compliance with this Item shall be met through the requirements imposed by Paragraph 6 of this Special Condition, **See Below**);
 - h. Public notification to ensure that citizens receive adequate information regarding CSO occurrences and CSO impacts (Compliance with this Item shall be met through the requirements imposed by Paragraph 12 of this Special Condition); and,
 - i. Monitoring to characterize impacts and efficiency of CSO controls (Compliance with this Item shall be met through the requirements imposed by Paragraphs 10 and 11 of this Special Condition).

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A pollution prevention plan (PPP) shall be developed by the Permittee unless one has already been prepared for this collection system. Any previously-prepared PPP shall be reviewed, and revised if necessary, by the Permittee to address the items contained in Chapter 8 of the U.S. EPA guidance document, Combined Sewer Overflows, Guidance For Nine Minimum Controls, and any items contained in previously-sent review documents from the IEPA concerning the PPP. Combined Sewer Overflows, Guidance For Nine Minimum Controls is available on line at <http://www.epa.gov/NPDES/pubs/owm0030.pdf>. The PPP (or revised PPP) shall be presented to the general public at a public information meeting conducted by the Permittee within nine (9) months of the effective date of this Permit. The Permittee shall submit documentation that the pollution prevention plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the effective date of this Permit and shall include a summary of all significant issues raised by the public; the Permittee's response to each issue, and two (2) copies of the "CSO Pollution Prevention Plan Certification" one (1) with original signatures. This certification form is available online at <http://www.epa.state.il.us/water/permits/waste-water/forms/cso-pol-prev.pdf>. Following the public meeting, the Permittee shall implement the pollution prevention plan within one (1) year and shall maintain a current pollution prevention plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. The pollution prevention plan shall be submitted to the IEPA upon written request.

Sensitive Area Considerations

7. Pursuant to Section II.C.3 of the federal CSO Control Policy of 1994, sensitive areas are any water likely to be impacted by a CSO discharge which meet one or more of the following criteria: (1) designated as an Outstanding National Resource Water; (2) found to contain shellfish beds; (3) found to contain threatened or endangered aquatic species or their habitat; (4) used for primary contact recreation; or, (5) within the protection area for a drinking water intake structure.

The IEPA has tentatively determined that none of the outfalls listed in this Special Condition discharge to sensitive areas. However, if information becomes available that causes the IEPA to reverse this determination, the IEPA will notify the Permittee in writing. Within three (3) months of the date of notification, or such other date contained in the notification letter, the Permittee shall submit two (2) copies of either a schedule to relocate, control, or treat discharges from these outfalls. If none of these options are possible, the Permittee shall submit adequate justification at that time as to why these options are not possible. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy.

Operational and Maintenance Plans

8. The IEPA reviewed and accepted a CSO operational and maintenance plan "CSO O&M plan" on February 1, 2000 prepared for this sewerage system. The Permittee shall review and revise, if needed, the CSO O&M plan to reflect system changes.

The CSO O&M plan shall be presented to the general public at a public information meeting conducted by the Permittee within nine (9) months of the effective date of this Permit. The Permittee shall submit documentation that the CSO O&M plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the effective date of this Permit and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the "CSO Operational Plan Checklist and Certification", one (1) with original signatures. Copies of the "CSO Operational Plan Checklist and Certification" are available online at <http://www.epa.state.il.us/water/permits/waste-water/forms/cso-checklist.pdf>. Following the public meeting, the Permittee shall implement the CSO O&M plan within one (1) year and shall maintain a current CSO O&M plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. The CSO O&M plan shall be submitted to the IEPA upon written request.

The objectives of the CSO O&M plan are to reduce the total loading of pollutants and floatables entering the receiving stream and to ensure that the Permittee ultimately achieves compliance with water quality standards. These plans, tailored to the local governments's collection and waste treatment systems, shall include mechanisms and specific procedures where applicable to ensure:

- a. Collection system inspection on a scheduled basis;
- b. Sewer, catch basin, and regulator cleaning and maintenance on a scheduled basis;
- c. Inspections are made and preventive maintenance is performed on all pump/lift stations;
- d. Collection system replacement, where necessary;
- e. Detection and elimination of illegal connections;

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- f. Detection, prevention, and elimination of dry weather overflows;
- g. The collection system is operated to maximize storage capacity and the combined sewer portions of the collection system are operated to delay storm entry into the system; and,
- h. The treatment and collection systems are operated to maximize treatment.

Sewer Use Ordinances

9. The Permittee, within six (6) months of the effective date of this Permit, shall review and where necessary, modify its existing sewer use ordinance to ensure it contains provisions addressing the conditions below. If no ordinance exists, such ordinance shall be developed and implemented within six (6) months from the effective date of this Permit. Upon completion of the review of the sewer use ordinance(s), the Permittee shall submit two (2) copies of a completed "Certification of Sewer Use Ordinance Review", one (1) with original signatures. Copies of the certification form can be obtained on line at <http://www.epa.state.il.us/water/permits/waste-water/forms/sewer-use.pdf>. The Permittee shall submit copies of the sewer use ordinance(s) to the IEPA upon written request. Sewer use ordinances are to contain specific provisions to:
- a. prohibit introduction of new inflow sources to the sanitary sewer system;
 - b. require that new construction tributary to the combined sewer system be designed to minimize and/or delay inflow contribution to the combined sewer system;
 - c. require that inflow sources on the combined sewer system be connected to a storm sewer, within a reasonable period of time, if a storm sewer becomes available;
 - d. provide that any new building domestic waste connection shall be distinct from the building inflow connection, to facilitate disconnection if a storm sewer becomes available;
 - e. assure that CSO impacts from non-domestic sources are minimized by determining which non-domestic discharges, if any, are tributary to CSOs and reviewing, and, if necessary, modifying the sewer use ordinance to control pollutants in these discharges; and,
 - f. notify the owners of all publicly owned systems with combined sewers tributary to the Permittee's collection system of their obligations to have procedures in place adequate to ensure that the objectives, mechanisms, and specific procedures given in Paragraph 8 of this Special Condition are achieved.

The Permittee shall enforce the applicable sewer use ordinances.

Long-Term Control Planning and Compliance with Water Quality Standards

10. a. Pursuant to Section 301 of the federal Clean Water Act, 33 U.S.C. § 1311 and 40 CFR § 122.4, discharges from the CSOs, including the outfalls listed in this Special Condition and any other outfall listed as a "Treated Combined Sewage Outfall", shall not cause or contribute to violations of applicable water quality standards or cause use impairment in the receiving waters. In addition, discharges from CSOs shall comply with all applicable parts of 35 Ill. Adm. Code 306.305(a), (b), (c), and (d).

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- b. Based on available information, it appears that the CSOs authorized in this Permit meet the criteria of Section II.C.4.a.i of the federal CSO Control Policy of 1994 (Policy), not more than four overflow events per year, and are presumed to meet the water quality-based requirements of the federal Clean Water Act. Pursuant to Section I.C.1 and Section II.C.9 of the Policy, the Permittee shall develop a post-construction water quality monitoring program adequate to verify compliance with water quality standards and to verify protection of designated uses in the receiving water(s) and to ascertain the effectiveness of CSO controls. This program shall contain a plan that details the monitoring protocols to be followed, including any necessary effluent and ambient monitoring, and if appropriate, other monitoring protocols such as biological assessments, whole effluent toxicity testing, and sediment sampling. This plan shall be presented to the public at an informational meeting within nine (9) months of the effective date of this Permit. Within twelve (12) months of the effective date of this Permit, the Permittee shall submit a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the final plan (revised following the public meeting, if necessary) implementing the post-construction monitoring program. The post-construction monitoring plan shall be implemented within six (6) months of the date of IEPA approval. The Permittee shall respond to an IEPA review letter in writing within ninety (90) days of the date of such an initial review letter and within thirty (30) days of any subsequent review letter(s), if any. Within thirty (30) months of the approval of the plan, the results shall be submitted to the IEPA along with recommendations and conclusions as to whether or not the discharges from any of the CSOs (treated or untreated) authorized by this Permit are causing or contributing to violations of applicable water quality standards or causing use impairment in the receiving water(s).
- c. Should the results of the post-construction water quality monitoring plan or if information becomes available that causes IEPA to conclude that the discharges from any of the CSOs (treated or untreated) authorized to discharge under this Permit are causing or contributing to violations of water quality standards or are causing use impairment in the receiving water(s), the IEPA will notify the Permittee in writing. Upon receiving such notification, the Permittee shall develop and implement a CSO Long-Term Control Plan (LTCP) for assuring that the discharges from the CSOs (treated or untreated) authorized in this Permit comply with the provisions of Paragraph 10.a above. The LTCP shall contain all applicable elements of Paragraph 10.d below including a schedule for implementation and provisions for re-evaluating compliance with applicable standards and regulations after complete implementation. Two (2) copies of the LTCP shall be submitted to the IEPA within twelve (12) months of receiving the IEPA written notice. The LTCP shall be:
1. Consistent with Section II.C.4.a.i of the Policy; or,
 2. Consistent with either Section II.C.4.a.ii, Section II.C.4.a.iii, or Section II.C.4.b of the Policy and be accompanied by data sufficient to demonstrate that the LTCP, when completely implemented, will be sufficient to meet water quality standards.
- d. Pursuant to the Policy, the required components of the LTCP include the following:
1. Characterization, monitoring, and modeling of the Combined Sewer System (CSS);
 2. Consideration of Sensitive Areas;
 3. Evaluation of alternatives;
 4. Cost/Performance considerations;
 5. Revised CSO Operational Plan;
 6. Maximizing treatment at the treatment plant;
 7. Implementation schedule;
 8. Post-Construction compliance monitoring program; and
 9. Public participation.

Following submittal of the LTCP, the Permittee shall respond to any initial IEPA review letter in writing within ninety (90) days of the date of such a review letter, and within thirty (30) days of any subsequent review letter(s), if any. Implementation of the LTCP shall be as indicated by IEPA in writing or other enforceable mechanism.

Monitoring, Reporting and Notification Requirements

11. The Permittee shall monitor the frequency of discharge (number of discharges per month) and estimate the duration (in hours) of each discharge from each outfall listed in this Special Condition. Estimates of storm duration and total rainfall shall be provided for each storm event.

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For frequency reporting, all discharges from the same storm, or occurring within 24 hours, shall be reported as one. The date that a discharge commences shall be recorded for each outfall. Reports shall be in the form specified by the IEPA and on forms provided by the IEPA. These forms shall be submitted to the IEPA monthly with the DMRs and covering the same reporting period as the DMRs. Parameters (other than flow frequency), if required in this Permit, shall be sampled and reported as indicated in the transmittal letter for such report forms.

12. A public notification program in accordance with Section II.B.8 of the federal CSO Control Policy of 1994 shall be developed employing a process that actively informs the affected public. The program shall include at a minimum public notification of CSO occurrences and CSO impacts, with consideration given to including mass media and/or Internet notification. The Permittee shall also consider posting signs in waters likely to be impacted by CSO discharges at the point of discharge and at points where these waters are used for primary contact recreation. Provisions shall be made to include modifications of the program when necessary and notification to any additional member of the affected public. The program shall be presented to the general public at a public information meeting conducted by the Permittee. The Permittee shall conduct the public information meeting within nine (9) months of the effective date of this Permit. The Permittee shall submit documentation that the public information meeting was held, shall submit a summary of all significant issues raised by the public and the Permittee's response to each issue and shall identify any modifications to the program as a result of the public information meeting. The Permittee shall submit the public information meeting documentation to the IEPA and implement the public notification program within twelve (12) months of the effective date of this Permit. The Permittee shall submit copies of the public notification program to the IEPA upon written request.
13. If any of the CSO discharge points listed in this Special Condition are eliminated, or if additional CSO discharge points, not listed in this Special Condition, are discovered, the Permittee shall notify the IEPA in writing within one (1) month of the respective outfall elimination or discovery. Such notification shall be in the form of a request for the appropriate modification of this NPDES Permit.

Summary of Compliance Dates in this CSO Special Condition

14. The following summarizes the dates that submittals contained in this Special Condition are due at the IEPA (unless otherwise indicated):

Submission of CSO Monitoring Data (Paragraph 11)	15th of every month
Elimination of a CSO or Discovery of Additional CSO Locations (Paragraph 13)	1 month from discovery or elimination
Control (or Justification for No Control) of CSOs to Sensitive Areas (Paragraph 7)	3 months from IEPA notification
Certification of Sewer Use Ordinance Review (Paragraph 9)	6 months from the effective date of this Permit
Implement Post-Construction Monitoring Plan (Paragraph 10) No Submittal Due with this Milestone	6 months from the date of IEPA plan approval
Conduct Pollution Prevention, OMP, Post-Construction Monitoring Plan and PN Public Information Meeting (Paragraphs, 6, 8, 10 and 12) No Submittal Due with this Milestone	9 months from the effective date of this Permit
Submit Pollution Prevention Certification, OMP Certification, Post-Construction Monitoring Plan and PN Information Meeting Summary (Paragraphs, 6, 8, 10 and 12)	12 months from the effective date of this Permit
Submit CSO Long-Term Control Plan (Paragraph 10)	12 months from the date of IEPA notification
Submit Results of Post-Construction Monitoring Plan (Paragraph 10)	30 months from the date of IEPA plan approval

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All submittals listed in this Special Condition can be mailed to the following address:

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

Attention: CSO Coordinator, Compliance Assurance Section

All submittals hand carried shall be delivered to 1021 North Grand Avenue East.

Reopening and Modifying this Permit

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

SPECIAL CONDITION 15. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) Forms using one such form for each outfall each month.

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

The Permittee may choose to submit electronic DMRs (eDMRs) instead of mailing paper DMRs to the IEPA. More information, including registration information for the eDMR program, can be obtained on the IEPA website, <http://www.epa.state.il.us/water/edmr/index.html>.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 15th day of the following month, unless otherwise specified by the permitting authority.

Permittees not using eDMRs 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
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Attention: Compliance Assurance Section, Mail Code # 19

SPECIAL CONDITION 16. The Permittee has collected data in support of developing a site-specific metals translator for nickel and zinc. The IEPA has reviewed the sample data and has revised effluent limitations for these parameters based on the metal translator determined from the collected data.

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Special ConditionsSPECIAL CONDITION 17.

Project Description: Compliance with Nickel and Zinc Water Quality Standards

Thirty-six (36) months from the effective date of this Permit the following nickel and zinc limits and monitoring requirements found on page two of this permit shall become effective:

	Load Limits lbs/day		Concentration	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.
Zinc	26 (78)	142 (434)	0.075	0.416
Nickel	5.1 (16)		0.015	

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

The Permittee shall complete the project described above in accordance with the following schedule:

- | | | |
|-----|---|--|
| (1) | Interim Report on effluent and stream sampling to date and what measures are necessary to comply with Final Nickel and Zinc Limitations | 6 months from the effective date of this Permit |
| (2) | Interim Report | 12 months from the effective date of this Permit |
| (3) | Interim Report | 18 months from the effective date of this Permit |
| (4) | Interim Report | 24 months from the effective date of this Permit |
| (5) | Interim Report | 30 months from the effective date of this Permit |
| (6) | Permittee Achieves Compliance with Final Nickel and Zinc Effluent Limitations | 36 months from the effective date of this Permit |

This Permit may be modified, with Public Notice, to include revised compliance dates set out in this Permit that are superseded or supplemented by compliance dates in judicial orders, Pollution Control Board orders or grant agreements. Prior to such permit modification, the revised dates in the appropriate orders or grant agreements shall govern the Permittee's compliance.

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

REPORTING

The Permittee shall submit a report no later than fourteen (14) days following the completion dates indicated for each numbered item in the compliance schedule, indicating, a) the date the item was completed, or b) that the item was not completed. All reports shall be submitted to IEPA at the following address:

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

Attention: Compliance Assurance Section, Mail Code # 19

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Special ConditionsSPECIAL CONDITION 18.STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

1. A storm water pollution prevention plan shall be developed by the permittee and submitted to the Agency for each facility covered by this permit. The plan shall identify potential sources of pollution which may be expected to affect the quality of storm water discharges associated with the industrial activity at the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. An electronic copy of the plan shall be submitted to the Agency at the following email address: epa.indlir00swppp@illinois.gov. The permittee shall submit any modified plan to the Agency, when such modification includes substantive changes to the plan or modification is made to the plan for compliance with this permit.

a. Waters not classified as Impaired pursuant to Section 303(d) of the Clean Water Act

Unless otherwise specified by federal regulation, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event.

b. Waters classified as Impaired pursuant to Section 303(d) of the Clean Water Act

For any site which discharges directly to an impaired water identified in the Agency's 303(d) listing, and if any parameter in the subject discharge has been identified as the cause of impairment, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations, the storm water pollution prevention plan shall adhere to a more restrictive design criteria.

2. Plans for new facilities shall be completed prior to submitting an NOI to be covered under this permit. An electronic copy of the storm water pollution prevention plan shall be submitted to the Agency at the following email address: epa.indlir00swppp@illinois.gov. Plans shall provide for compliance with the terms of this permit prior to operation of any industrial activity to be covered under this permit. [Note: If the plan has already been required to be developed under a previous permit it shall be maintained in accordance with all requirements of this special condition.]. The owner or operator of an existing facility with storm water discharges covered by this permit shall make a copy of the plan available to the Agency at any reasonable time upon request.

Facilities which discharge to a municipal separate storm sewer system shall also make a copy available to the operator of the municipal system at any reasonable time upon request.

3. The permittee may be notified by the Agency at any time that the plan does not meet the requirements of this permit. After such notification, the permittee shall make changes to the plan and shall submit a revised plan to the Agency, with the requested changes that have been made. Unless otherwise provided, the permittee shall have 30 days after such notification to make the changes.

4. The discharger shall amend the plan whenever there is a change in construction, operation, or maintenance which may affect the discharge of significant quantities of pollutants to the waters of the State or if a facility inspection required by paragraph E.8. of this permit indicates that an amendment is needed. The plan should also be amended if the discharger is in violation of any conditions of this permit, or has not achieved the general objectives of controlling pollutants in storm water discharges. Amendments to the plan shall be made within 30 days of any proposed construction or operational changes at the facility, and shall be submitted to the Agency.

5. The plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from the facility. The plan shall include, at a minimum, the following items:

a. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate. Any map or portion of map may be withheld for security reasons.

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- b. A site map showing:
 - i. The storm water conveyance and discharge structures;
 - ii. An outline of the storm water drainage areas for each storm water discharge point;
 - iii. Paved areas and buildings;
 - iv. Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates;
 - v. Location of existing or future storm water structural control measures/practices (dikes, coverings, detention facilities, etc.);
 - vi. Surface water locations and/or municipal storm drain locations;
 - vii. Areas of existing and potential soil erosion;
 - viii. Vehicle service areas;
 - ix. Material loading, unloading, and access areas;
 - x. Areas under Items iv and ix above may be withheld from the site map for security reasons.
 - c. A narrative description of the following:
 - i. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
 - ii. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
 - iii. Existing or future structural and non-structural control measures/practices to reduce pollutants in storm water discharges;
 - iv. Industrial storm water discharge treatment facilities;
 - v. Methods of onsite storage and disposal of significant materials.
 - d. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities. Also provide a list of any pollutant that is listed as impaired in the most recent 303(d) report.
 - e. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
 - f. A summary of existing sampling data describing pollutants in storm water discharges.
6. The plan shall describe the storm water management controls which will be implemented by the facility. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The description of the storm water management controls shall include:
- a. Storm Water Pollution Prevention Personnel - Identification by job titles, direct telephone numbers and email addresses of the individuals who are responsible for developing, implementing, and revising the plan.
 - b. Preventive Maintenance - Procedures and frequencies for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.

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- c. **Good Housekeeping** - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
- d. **Spill Prevention and Response** - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill cleanup equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
- e. **Storm Water Management Practices** - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
- i. **Containment** - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff. To the maximum extent practicable, storm water discharged from any area where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water should not enter vegetated areas or surface waters or infiltrate into the soil unless adequate treatment is provided.
 - ii. **Oil & Grease Separation** - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges.
 - iii. **Debris & Sediment Control** - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges.
 - iv. **Waste Chemical Disposal** - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges.
 - v. **Storm Water Diversion** - Storm water diversion away from materials manufacturing, storage and other areas of potential storm water contamination. Minimize the quantity of storm water entering areas where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water using green infrastructure techniques where practicable in the areas outside the exposure area, and otherwise divert storm water away from the exposure area.
 - vi. **Covered Storage or Manufacturing Areas** - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
 - vii. **Mercury Switch Removal and Recycling** - Mercury-containing convenience lighting switches and anti-lock brake assemblies shall be removed from vehicles, and recycled in an approved manner, in a way which prevents mercury from entering the storm water discharges.
 - viii. **Storm Water Reduction** - Install vegetation on roofs of buildings within and adjacent to the exposure area to detain and evapotranspire runoff where the precipitation falling on the roof is not exposed to contaminants, to minimize storm water runoff; capture storm water in devices that minimize the amount of storm water runoff and use this water as appropriate based on quality.
- f. **Sediment and Erosion Prevention** - The plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion. The plan shall describe measures to limit erosion.
- g. **Employee Training** - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.

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- h. Inspection Procedures - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.
7. Non-Storm water Discharges - The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include a description of any tests for the presence of non-storm water discharges, the methods used, the dates of the testing, and any onsite drainage points that were observed during the testing. Any facility that is unable to provide this certification must describe the procedure of any test conducted for the presence of non-storm water discharges, the test results, potential sources of non-storm water discharges to the storm sewer, and why adequate tests for such storm sewers were not feasible. Except as provided in C.1. b., discharges not comprised entirely of storm water are not authorized by this permit.
8. Quarterly Visual Observation of Discharges – The requirements and procedures for quarterly visual observations are applicable to all facilities covered under this permit, regardless of your sector of industrial activity.
- a. You must perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation must be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, you are excused from the visual observation requirement for that quarter, provided you document in your records that no runoff occurred. You must sign and certify the documentation.
- b. Your visual observation must be made on samples collected as soon as practical, but not to exceed 1 hour of when the runoff or snowmelt begins discharging from your facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The observation must document: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. If visual observations indicate any unnatural color, odor, turbidity, floatable material, oil sheen or other indicators of storm water pollution, the permittee shall obtain a sample and monitor for the parameter or the list of pollutants in Part E.5.d.
- c. You must maintain your visual observation reports onsite with the SWPPP. The report must include the observation date and time, inspection personnel, nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
- d. You may exercise a waiver of the visual observation requirement at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. If you exercise this waiver, you must maintain a certification with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water.
- e. Representative Outfalls – If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, you may conduct visual observation of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s).
- f. The visual observation documentation shall be made available to the Agency and general public upon written request.
9. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.
10. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.
11. The plan is considered a report that shall be available to the public at any reasonable time upon request.

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12. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.
13. Facilities which discharge storm water associated with industrial activity to municipal separate storm sewers may also be subject to additional requirements imposed by the operator of the municipal system.

REPORTING

1. The facility shall submit an electronic copy of the annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part 9 of the Storm Water Pollution Prevention Plan of this permit. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s). The annual inspection report is considered a public document that shall be available to the public at any reasonable time upon request.
2. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.
3. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.
4. The permittee shall retain the annual inspection report on file at least 3 years. This period may be extended by request of the Illinois Environmental Protection Agency at any time.

Annual inspection reports shall be submitted to the following email and office addresses: epa.indannualinsp@illinois.gov

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section #19
Annual Inspection Report
P.O. Box 19276
Springfield, Illinois 62794-9276

5. Any permittee shall notify any regulated small municipal separate storm water system owner (MS4 Community) that they have received coverage of a general ILR00 permit. The permittee shall submit any SWPPP or any annual inspection to the MS4 community upon request by the MS4 community.

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 requirement.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

(6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62. The filing of a request by the permittee for permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.

(8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.

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

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

(10) **Monitoring and records.**

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

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

(a) **Application.** All permit applications shall be signed as follows:

- (1) **For a corporation:** by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
- (2) **For a partnership or sole proprietorship:** by a general partner or the proprietor, respectively; or
- (3) **For a municipality, State, Federal, or other public agency:** by either a principal executive officer or ranking elected official.

(b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a); and
- (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
- (3) The written authorization is submitted to the Agency.

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(c) Changes of Authorization. If an authorization under (b) is no longer accurate because a different individual is assuming responsibility for the 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.

(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.

(12) Reporting requirements.

- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (d) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(15) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:

- (a) Any new introduction of pollutants into that POTW from an indirect 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.

- (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.

(16) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:

- (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.

(e) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

(17) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours.

(18) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.

The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(19) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.

(f) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).

(20) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.

(g) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.

(21) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(13) **Transfer of permits.** A permit may be automatically transferred to a new permittee if:

(22) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit shall, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
- (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees; and
- (c) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.

(23) 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.

(14) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:

(24) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.

(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:

(25) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board.

- (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

(26) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

Exhibit B

Certificate of Publication

Herald and Review

601 E. William • Box 311 • Decatur, Illinois 62525
Telephone 429-5151

The advertisements for which space measurements are listed below have been published in all editions of the Herald & Review on the dates indicated for the account of

ILLINOIS PRESS ADVERTISING

The measurements are for the full advertisements, including space for SANITARY

DISTRICT OF DECATUR - ILLINOIS EPA

(product.)

Total Space Measurement

Insertion Date

6/29/09 20 x 7" (14")

Sanitary District of Decatur Submits Petition for Variance from discharge permit limits to Illinois EPA

On June 15, 2009 the Sanitary District of Decatur ("the District") filed a Petition for Variance from the discharge limits set in the District's National Pollutant Discharge Elimination System ("NPDES") permit. The District's main plant, located at 501 Dipper Lane, Decatur, Macon County, treats domestic and industrial wastewater for the City of Decatur, the Villages of Forsyth and Mt. Zion, and for industrial entities such as Archer Daniels Midland ("ADM"). The District discharges into the Sangamon River.

The District is petitioning the Illinois Pollution Control Board ("the Board") for a 5-year variance from the nickel and zinc parameters of its current NPDES permit. The standards for nickel and zinc from which the District is seeking variance are set forth in Section 302.208(e) of Title 35 of the Illinois Administrative Code. The methods for arriving at those standards are set out at 304.105 or Title 35 of the Illinois Administrative Code. The District is also seeking a modification of the NPDES permit consistent with the variance discussed above pursuant to Section 309.184 of Title 35 of the Illinois Administrative Code. The Board may grant variances pursuant to Section 35 of the Environmental Protection Act and Section 104 of Title 35 of the Illinois Administrative Code.

Any person may request a hearing on the District's Petition for Variance by filing a written objection with the Board within 21 days after publication of this notice, together with a written request for hearing. A copy of the variance may be obtained through the Board's Clerk's office at:

Office of the Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Suite 11-500
Chicago IL 60601
312-814-3620

The Illinois EPA is preparing a recommendation to be filed with the Board regarding the District's Petition for Variance. The recommendation must be filed with the Board on or before July 30, 2009. A hearing may be held after the filing of the Illinois EPA's recommendation with the Board and the hearing record will remain open for written comments for 45 days after the Illinois EPA's filing.

The record of this proceeding before the Board is available at the Board's office for inspection by the public with the exception of portions protected from disclosure under Section 130 of Title 35 of the Illinois Administrative Code. Procedures are available for the public to seek disclosure of those protected portions.

For further information, contact Sanjay Sofat, Manager, Division of Water Pollution Control, Illinois EPA, 1021 N. Grand Avenue East, P.O. Box 19276, Springfield, Illinois, 62794-9276, phone: 217-558-2012, email Sanjay.Sofat@Illinois.gov.

Certified by

Greg Stragberg

Advertising Manager

7/22/09