

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No.
)	(Enforcement - Water)
)	
SUPER MIX, INC., an Illinois corporation,)	
)	
Respondent.)	

NOTICE OF FILING

To: See attached service list
(VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Complainant's Complaint, a copy of which is herewith served upon you.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney.

LISA MADIGAN
Attorney General
State of Illinois


JENNIFER A. VAN WIE

Dated: May 31, 2011

Jennifer A. Van Wie
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0609

THIS FILING IS SUBMITTED ON RECYCLED PAPER

Service List

For Super Mix, Inc.

Super Mix, Inc.

c/o Donald C. Stinespring, Agent

5414 Hill Road, Suite 382

Richmond, Illinois 60071

Jack E. Pease, President

776 Ridgeview Drive

McHenry, Illinois 60050

Illinois Environmental Protection Agency

Chad Kruse

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1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
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Complainant,)	
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Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, SUPER MIX, INC., an Illinois corporation, as follows:

COUNT I
WATER POLLUTION

1. This Complaint is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2010).

2. The Illinois EPA is an administrative agency established in the executive branch of the State government by Section 4 of the Act, 415 ILCS 5/4 (2010), and is charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent, SUPER MIX, INC. ("Super Mix"), was and is an Illinois corporation in good standing with the Illinois Secretary of State.

4. Super Mix is a producer of ready mix concrete and aggregates with several facilities in northern Illinois and southern Wisconsin.

5. Super Mix operates a facility located at 2203 Spring Ridge Drive, Spring Grove, McHenry County, Illinois ("Site").

6. Spring Ridge Drive is an east-west travelling road. The Site is located on the south side of Spring Ridge Drive.

7. Super Mix operates four (4) stone slinger units, 24 semi dumps, six (6) straight dumps, and 210 ready-mix trucks at the Site.

8. On November 12, 2008, the Illinois EPA conducted an inspection of the Site at the request of the McHenry County Stormwater Conservation District ("MCSWCD").

9. On November 12, 2008, the Illinois EPA inspector observed that the northwest corner of the Site was being used as a truck washout area.

10. The wash water from the truck washout area may contain dirt, sediment, concrete dust, and other elements associated with industrial waste from a concrete mixing facility, such as iron, total suspended solids, aluminum, barium, chromium, copper, lead, magnesium, manganese, nickel, potassium, and zinc ("wash water discharges").

11. The northwest corner of the Site is pitched such that it causes any water flows to migrate into a man-made settling basin on the south side of Spring Ridge Drive ("settling basin").

12. The settling basin is located partially on the northwest corner of the Site and partially on a neighboring property to the west of the Site.

13. The settling basin is an extension of the storm water drainage ditch on the south side of Spring Ridge Drive ("South Ditch"). Rather than being self-contained, the settling basin

is open on one side to the South Ditch.

14. A pipe runs from the South Ditch, northward under Spring Ridge Drive, and connects to a second ditch on the north side of Spring Ridge Drive (“North Ditch”).

15. The North Ditch is connected to a storm sewer pipe, which ultimately leads to Nippersink Creek (“off-site storm sewer pipe”).

16. On November 12, 2008, the Illinois EPA inspector observed the flow path of the wash water discharges as they traveled off-Site from the truck washout area.

17. On November 12, 2008, the Illinois EPA inspector observed brownish deposits from previously discharged wash water discharges in the South Ditch, the North Ditch and near the off-site storm sewer pipe leading to Nippersink Creek.

18. The Facility is located in an area where soils are primarily sand and gravel which allows contaminants, such as wash water discharges, to easily migrate from the surface to the water table.

19. On March 31, 2009, an Illinois EPA inspector conducted an inspection of the Facility.

20. On March 31, 2009, the Illinois EPA inspector observed that deposits from wash water discharges from the truck rinsing operations were entering the settling basin on the north portion of the Site.

21. On March 31, 2009, the Illinois EPA inspector took a water sample from the settling basin.

22. The March 31, 2009 sample indicated a total suspended solids (“TSS”) level of 238 mg/L and an iron level of 6.76 mg/L.

23. The Illinois EPA inspector noted that the March 31, 2009 sample, in addition to

iron and TSS, also indicated the presence of several other contaminants associated with industrial waste from concrete mixing, such as aluminum, barium, chromium, copper, lead, magnesium, manganese, nickel, potassium and zinc (“industrial wastes”).

24. On August 17, 2010, the Illinois EPA conducted an inspection of the Facility.

25. On August 17, 2010, the Illinois EPA inspector observed brownish deposits in the settling basin, the South Ditch, and the North Ditch indicating that storm water containing industrial wastes was leaving the Site (“industrial waste storm water discharges”).

26. On August 17, 2010, the Illinois EPA inspector noted that an on-Site storm sewer inlet was not protected (“on-Site storm sewer”).

27. On August 17, 2010, the Illinois EPA inspector observed white and brown deposits at the location where the on-Site storm sewer discharges into a road ditch that leads to the settling basin and South Ditch.

28. Section 12(a) of the Act, 415 ILCS 5/12(a) (2010), provides as follows:

No person shall:

(a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

29. Section 3.315 of the Act, 415 ILCS 5/3.315 (2010), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

30. Respondent Super Mix is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2010).

31. Section 3.165 of the Act, 415 ILCS 5/3.165 (2010), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

32. The wash water discharges and industrial waste storm water discharges, and their deposits, are a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2010).

33. Section 3.550 of the Act, 415 ILCS 5/3.550 (2010), provides the following definition:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

34. The settling basin, the South Ditch, the North Ditch, the off-Site storm sewer pipe, Nippersink Creek and the on-Site storm sewer inlet are each “waters” as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2010).

35. Section 3.545 of the Act, 415 ILCS 5/3.545 (2010), provides the following definition:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

36. The Respondent’s discharge of wash water and industrial waste storm water, and their deposits, contaminants as defined herein, into the settling basin, the South Ditch, the North Ditch, the off-Site storm sewer pipe leading to Nippersink Creek and on-Site storm sewer inlet altered, or threatened to alter, the physical, thermal, chemical, biological or radioactive

properties of those waters; rendered, or was likely to render those waters harmful or detrimental or injurious to wild animals, birds, fish and other aquatic life; or created, or was likely to create, a nuisance, and, therefore, constituted "water pollution" as defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2010).

37. Respondent, by failing to properly control wash water and industrial waste storm water discharges from the Site and allowing the discharge of wash water and industrial waste storm water into the settling basin, the South Ditch, the North Ditch, the off-Site storm sewer pipe leading to Nippersink Creek and the on-Site storm sewer inlet, thereby caused, threatened, or allowed water pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against Respondent, SUPER MIX, INC., with respect to Count I:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;
2. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2010);
3. Ordering the Respondent to cease all off-Site wash water and industrial waste storm water discharges or to obtain a site-specific NPDES permit for such discharges;
4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against Respondent for each violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2010), with an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which each violation continued;

5. Taxing all costs of this action to the Respondent pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT II
FAILURE TO OBTAIN A NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM ("NPDES") PERMIT FOR POINT SOURCE DISCHARGES

1-33. Complainant realleges and incorporates by reference herein Paragraphs 1 through 27 and 29 through 34 of Count I as Paragraphs 1 through 33 of this Count II.

34. Section 12(f) of the Act, 415 ILCS 5/12(f) (2008), provides as follows:

No person shall:

* * *

(f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program

35. Pursuant to Section 402(b) of the Federal Clean Water Act ("CWA"), 33 U.S.C. § 1342(b), the Illinois EPA administers and enforces the CWA's National Pollutant Discharge Elimination System ("NPDES") permit program within the State of Illinois.

36. On October 13, 2005, the Facility obtained coverage under the General NPDES Permit for Storm Water Discharges from Industrial Activities. NPDES Permit Number ILR006479 ("NPDES Permit") is attached hereto and incorporated herein as Attachment 1.

37. Section C.1 of Respondent's NPDES Permit, provides, in pertinent part, as follows:

1. Prohibition on non-storm water discharges
 - a. Except as provided in C.1.b. below, all discharges covered by this permit shall be composed entirely of storm water.
 - b.
 - i. Except as provided in C.1.b.ii. below, discharges of material other than storm water must be in compliance with an NPDES permit (other than this permit) issued for the discharge.

38. The wash water discharges and industrial waste storm water discharges from the Site are not covered by Respondent's NPDES Permit.

39. Section 1362 of the CWA, 33 U.S.C.A. § 1362 (2010), provides, in pertinent part, the following definitions:

(6) The term "pollutant" means ... chemical wastes, ... and industrial, municipal, and agricultural waste discharged into water.

(7) The term "navigable waters" means the waters of the United States, including the territorial seas.

* * *

(12) The term "discharge of a pollutant" and the term "discharge of pollutants" each means (A) any addition of any pollutant to navigable waters from any point source, ...

* * *

(14) The term "point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

* * *

(16) The term “discharge” when used without qualification includes a discharge of a pollutant, and a discharge of pollutants.

40. Wash water discharges and industrial waste storm water discharges are each a “pollutant” as that term is defined in Section 1362(6) of the CWA, 33 U.S.C.A. § 1362(6) (2010).

41. The settling basin and South Ditch are each a discernible, confined and discrete conveyance, and therefore constitutes a “point source” as that term is defined in Section 1362(14) of the CWA, 33 U.S.C.A. § 1362(14) (2010).

42. The settling basin and South Ditch are each “navigable waters” as that term is defined in Section 1362(7) of the CWA, 33 U.S.C.A. § 1362(7) (2010).

43. The addition of wash water discharges and industrial waste storm water discharges to navigable waters from a point source constitutes a “discharge of pollutants” as that term is defined in Section 1362(12) of the CWA, 33 U.S.C.A. § 1362(12) (2010).

44. Pursuant to Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), and Section C.1.b.i of Respondent’s NPDES Permit, Respondent was required to obtain a site-specific NPDES permit for point source discharges for the wash water discharges and industrial waste storm water discharges from the Site into the settling basin and South Ditch.

45. Respondent does not have a site-specific NPDES permit for the discharges alleged in this Complaint.

46. By causing, threatening, or allowing the discharge of contaminants into the settling basin and South Ditch without a site-specific NPDES permit for the discharges, Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2006), and Conditions C.1(a) and (b)(i) of Respondent’s NPDES Permit.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against Respondent, SUPER MIX, INC., with respect to Count II:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;
2. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), and Conditions C.1(a) and (b)(i) of Respondent's NPDES Permit;
3. Ordering the Respondent to cease all off-Site wash water and industrial waste storm water discharges or to obtain a site-specific NPDES permit for such discharges;
4. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation;
5. Taxing all costs of this action to the Respondent pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT III
FAILURE TO COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN
("SWPPP") REQUIREMENTS OF THE NPDES PERMIT

1-36. Complainant realleges and incorporates by reference herein Paragraphs 1 through 36 of Count II as Paragraphs 1 through 36 of this Count III.

37. Pursuant to Section E of the NPDES Permit, Respondent was required to develop and implement a SWPPP for the Site.

38. On March 31, 2009, the Illinois EPA inspector reviewed the Facility's SWPPP. The SWPPP failed to contain the information required by Sections 5 (a, c, d, e, and f), 6, 7, 8, 9

and 11 of the NPDES Permit. See Attachment 1.

39. On March 31, 2009, an Illinois EPA inspector gave a Super Mix representative a checklist to complete the SWPPP.

40. By failing to develop and implement a SWPPP in conformance with Section E of its NPDES Permit, Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against Respondent, SUPER MIX, INC., with respect to Count III:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;

2. Finding that Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010);

3. Ordering the Respondent to comply with all terms and conditions of its NPDES Permit;

4. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation;

5. Taxing all costs of this action to the Respondent pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT IV
OPERATION OF A TREATMENT WORKS WITHOUT
AN OPERATING PERMIT

1-36. Complainant realleges and incorporates by reference herein Paragraphs 1 through 36 of Count I as Paragraphs 1 through 36 of this Count IV.

37. Section 309.204(a) of the Illinois Pollution Control Board ("Board") Water Pollution Regulations, 35 Ill. Adm. Code 309.204(a), provides as follows:

- a) No person shall cause or allow the use or operation of any treatment works, pretreatment works or wastewater source without an operating permit issued by the Agency, except as provided in subsections (b), (c) and (d).

38. Section 301.415 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.415, provides the following definition:

"Treatment Works" means individually or collectively those constructions or devices (except sewers, and except constructions or devices used for the pretreatment of wastewater prior to its introduction into publicly owned or regulated treatment works) used for collecting, pumping, treating, or disposing of wastewaters or for the recovery of byproducts from such wastewater.

39. The settling basin, which is used for collection and disposal of wash water discharges and industrial waste storm water discharges from the Site, is a "Treatment Works" as that term is defined in Section 301.415 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.415.

40. The settling basin allows deposits from the wash water discharges and industrial waste storm water discharges to settle out and accumulate on the bottom of the settling basin.

41. From at least November 12, 2008, or a date better known by the Respondent, to the filing date of this Complaint, Respondent channeled wash water discharges and industrial waste storm water discharges into the settling basin, allowed discharge deposits to settle out and

accumulate in the settling basin, removed the discharge deposits from the settling basin annually with an excavator, and disposed of the discharge deposits, thereby causing or allowing the use or operation of a treatment works.

42. Respondent does not have an Illinois EPA operating permit for the use and operation of its treatment works.

43. Respondent's NPDES permit neither permits Respondent's use and operation of its treatment works, nor is the requirement to obtain an operating permit excluded by Sections 309.204(b), (c), or (d) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.204(b), (c), and (d).

44. By causing or allowing the use or operation of a treatment works without an operating permit issued by the Illinois EPA, Respondent violated Section 309.204(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.204(a).

45. By violating Section 309.204(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.204(a), Respondent thereby caused or threatened or allowed the discharge of contaminants into the environment so as to violate regulations or standards adopted by the Board in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2010).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against Respondent, SUPER MIX, INC., with respect to Count IV:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;

2. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2010), and Section 309.204(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.204(a);
3. Ordering Respondent to cease operating a treatment works without a permit or to obtain an Illinois EPA operating permit for its treatment works;
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations and an additional Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs of this action to the Respondent pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney
General of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

By: 

ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

OF COUNSEL:

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(312) 814-0609



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

217/782-0610

October 13, 2005

SUPER MIX INC/N ANDERSON
5435 BULL VALLEY RD STE 130
MCHENRY, IL 60050

Re: Facility: SUPER MIX MCHENRY
NPDES Permit No: ILR006479
COUNTY: MCHENRY
Notice of Coverage Under Industrial Activities Storm Water General Permit

Dear NPDES Permittee:

We have reviewed your application and determined that storm water discharges associated with industrial activity (excluding construction sites) are appropriately covered by the attached General NPDES Permit issued by the Agency.

The permit as issued covers application requirements, a storm water pollution prevention plan, and reporting requirements.

Failure to meet any portion of the permit could result in civil and/or criminal penalties. The Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge.

Your discharge is covered by this permit effective as of the date of this letter. You have the right to appeal the Agency's decision to cover the discharge by the General Permit to the Illinois Pollution Control Board within a 35-day period following the date of this letter.

Enclosed for you are five annual inspection report forms to be used for the submission of the report required by Section G Reporting.

This letter shows your facility permit number below your facility name. Please reference this number in all future correspondence. Should you have any questions concerning the Permit, please contact the Permit Section at the above telephone number and address.

Very truly yours,

Alan Keller
Alan Keller, Manager, Permit Section
Division of Water Pollution Control

TF:med:indcoverage a

Enclosure

- Attachment 1 -

cc: Records Unit
ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 3415 N. University St., Peoria, IL 61614 - (309) 693-5463
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
Region 2 MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

General NPDES Permit No. ILR00

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
www.epa.state.il.us

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

**General NPDES Permit
For
Storm Water Discharges from Industrial Activities**

Expiration Date:	May 31, 2008	Issue Date:	May 30, 2003
		Effective Date:	June 1, 2003

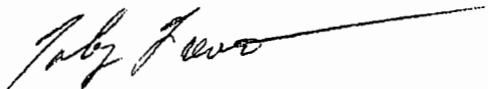
Discharges authorized by this General Permit: In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter 1) and the Clean Water Act, the following discharges may be authorized by this permit in accordance with the conditions herein:

Discharges of storm water associated with industrial activity, as defined and limited herein. Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

This general permit regulates only storm water discharges from a facility. Other discharges such as process wastewater or cooling water shall be regulated by other NPDES permits.

Receiving waters: Discharges may be authorized to any surface water of the State.

To receive authorization to discharge under this general permit, a facility operator must either submit an application as described in the permit conditions to the Illinois Environmental Protection Agency or have a valid Illinois General NPDES Permit for industrial storm water. Authorization, if granted, will be by letter and include a copy of this permit.



Toby Frevert, P.E.
Manager
Division of Water Pollution Control

<u>CONTENTS OF THIS GENERAL PERMIT</u>	Pages
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A. APPLICABILITY OF THIS GENERAL PERMIT

This permit is applicable to storm water discharges associated with industrial activity from areas (except access roads and rail lines) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water in the state of Illinois from the facilities listed below.

1. Discharges of storm water from facilities whose process wastewater discharges are subject to new source performance standards or toxic pollutant effluent standards under 40 CFR Subchapter N, except:
 - a. discharges subject to new source performance standards or toxic pollutant effluent standards and described in paragraph A.8. below which do not have materials or activities exposed to storm water;
 - b. discharges subject to storm water effluent limitations guidelines listed in B.1. of this permit.
2. Discharges from facilities in the following SIC codes:

SIC 20	(Food and kindred products manufacturing or processing)
SIC 21	(Tobacco products)
SIC 22	(Textile mill products)
SIC 23	(Apparel and other finished products made from fabrics and similar materials)
SIC 24	(Lumber and wood products except furniture)
SIC 2434	(Wood kitchen cabinets)
SIC 25	(Furniture and fixtures)
SIC 26	(Paper and allied products)
SIC 265	(Paperboard containers and boxes)
SIC 267	(Converted paper and paperboard products)
SIC 27	(Printing, publishing, and allied industries)
SIC 28	(Chemicals and allied products)
SIC 283	(Drugs)
SIC 285	(Paints, varnishes, lacquers, enamels, and allied products)
SIC 29	(Petroleum refining and related industries), except discharges subject to 40 CFR 419
SIC 30	(Rubber and miscellaneous plastics products)
SIC 31	(Leather and leather products)
SIC 311	(Leather tanning and finishing)
SIC 32	(Stone, clay, glass, and concrete products)
SIC 323	(Glass products, made of purchased glass)
SIC 33	(Primary metal industries)
SIC 34	(Fabricated metal products, except machinery and transportation equipment)
SIC 3441	(Fabricated structural metal)
SIC 35	(Industrial and commercial machinery and computer equipment)
SIC 36	(Electronic and other electrical equipment and components, except computer equipment)
SIC 37	(Transportation equipment)
SIC 373	(Ship and boat building and repairing)
SIC 38	(Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks)
SIC 39	(Miscellaneous manufacturing industries)
SIC 4221-25	(Farm products warehousing and storage, refrigerated warehousing and storage, general warehousing and storage)

General NPDES Permit No. ILR00

3. Facilities classified as SIC Codes 10-14 (Mineral Industry) including active or inactive mining operations and oil and gas exploration, production, processing, treatment operations, or transmission facilities, except discharges subject to 40 CFR 434, 436, or 440.
4. Landfills, land application sites (excluding land application sites which utilize agricultural land), and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described in 40 CFR 122.26(b)(14)).
5. Facilities involved in the recycling of materials including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards including but not limited to SIC 5015 (Used motor vehicle parts) and SIC 5093 (Scrap and waste materials)
6. Transportation facilities- portions of the following facilities involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport deicing operations:
 - SIC 40 (Railroad transportation)
 - SIC 41 (Local and suburban transit and inter-urban highway passenger transportation)
 - SIC 42 (Motor freight transportation and warehousing) except SIC 4221-4225 (Farm product warehousing and storage, refrigerated warehousing and storage, general warehousing and storage)
 - SIC 43 (United States Postal Service)
 - SIC 44 (Water transportation)
 - SIC 45 (Transportation by air)
 - SIC 5171 (Petroleum bulk stations and terminals-wholesale)
7. Treatment Works treating domestic sewage with a design flow of 1.0 mgd or more; includes sludge or wastewater treatment devices or systems used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, and land dedicated to sludge disposal located within the confines of the facility; excludes off-site sludge management lands, farm lands, and gardens.

B. TYPES OF DISCHARGES NOT COVERED BY THIS PERMIT

This permit is not applicable to storm water discharges from the following facilities:

1. Discharges subject to storm water effluent limitations guidelines in the following categories;
 - Cement Manufacturing (40 CFR 411)
 - Feedlots (40 CFR 412)
 - Fertilizer Manufacturing (40 CFR 418)
 - Petroleum Refining (40 CFR 419)
 - Phosphate Manufacturing (40 CFR 422)
 - Steam Electric (40 CFR 423)
 - Coal Mining (40 CFR 434)
 - Mineral Mining and Processing (40 CFR 436)
 - Ore Mining and Dressing (40 CFR 440)
 - Asphalt Emulsion (40 CFR 443).
2. Hazardous waste treatment, storage or disposal facilities.
3. Steam electric power generating facilities, including coal handling sites.
4. Construction activity including clearing, grading and excavation activities.
5. Storm water discharges associated with industrial activity from facilities with an existing NPDES individual or general permit for the storm water discharges.
6. Storm water discharges associated with industrial activity which are identified by the Agency as possibly causing or contributing to a violation of water quality standards.
7. Storm water discharges associated with inactive mining or inactive oil and gas operations occurring on Federal lands where an operator cannot be identified.
8. Storm water discharges to any receiving water identified under 35 Ill. Adm. Code 302.105(d)(6).
9. Storm water discharges that the Agency determines are not appropriately covered by this general permit.

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill, and does not supercede any reporting requirements for spills or releases of hazardous substances or oil.

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C. SPECIAL CONDITIONS

1. Prohibition on non-storm water discharges
 - a. Except as provided in C. 1. b. below, all discharges covered by this permit shall be composed entirely of storm water.
 - b.
 - i. Except as provided in C. 1 .b. ii. below, discharges of material other than storm water must be in compliance with an NPDES permit (other than this permit) issued for the discharge.
 - ii. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharges is in compliance with paragraph E.7. of this permit: discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles without the use of detergents; waters used to control dust; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.
2. Provisions for handling storm water from bulk storage and hazardous waste containment areas
 - a. This permit does not authorize the discharge of storm water collected in containment areas at bulk storage and hazardous waste facilities where the storm water becomes contaminated by direct contact with a spill or release of stored materials into the containment area. Such storm water should be handled properly by on-site treatment or hauling off-site for treatment and disposal.
 - b. Where a spill or release to a dry containment area occurs, the permittee shall institute procedures to clean up the spill in order to prevent contamination of any storm water, which subsequently collects in the containment area. Where these procedures are followed, collected storm water may be discharged; following visual inspection to assure that the storm water contains no unnatural turbidity, color, oil films, foams, settleable solids, or deposits.
 - b. If you have storage piles of salt used for deicing or other commercial or industrial purposes, they must be enclosed or covered to prevent exposure to precipitation (except for exposure resulting from adding or removing materials from the pile). Piles do not need to be enclosed or covered where storm water from the pile is not discharged to waters of the state or the discharges from the piles are authorized under another permit.
3. Discharging pollutants for which a water body is impaired with an approved TMDL
 - a. For existing dischargers, new dischargers and new sources: you must carefully document the justifications for all BMP selections in your SWPPP, and install, implement and maintain BMPs that are consistent with all relevant TMDL allocations and with all relevant conditions in an implementation plan.
4. Discharges covered by this permit, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard.

D. APPLICATION REQUIREMENTS

1. Dischargers that are covered by a valid Illinois General NPDES Permit for industrial storm water as of May 31, 2003 are automatically covered by this permit unless they request otherwise prior to the effective date of this permit. Other dischargers seeking coverage under this general permit shall provide the Illinois Environmental Protection Agency (IEPA) with the following information:
 - a. A completed IEPA Notice of Intent form, accompanied by quantitative sampling data for the storm water discharge(s) if available; or
 - b. A completed U.S. EPA Form 1, including Form 2F and quantitative sampling data if available; or
 - c. A completed U.S. EPA Notice of Intent form, accompanied by quantitative sampling data for the storm water discharge(s) if available.
3. Quantitative sampling data as required by U.S. EPA Form 2F for storm water discharges from the following existing facilities is required to be submitted, unless the facility is a participant in a group application accepted by U.S. EPA.
 - a. Facilities subject to reporting requirements under Section 313 of EPCRA for chemicals classified as "Section 313 water priority chemicals": Storm water discharges that come into contact with any equipment, tank, container, or other vessel or area used for storage of a Section 313 water priority chemical, or located at a truck or rail car unloading area where a Section 313 water priority chemical is handled.

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- b. Facilities classified as SIC 33 (Primary Metal Industries).
 - c. Active or inactive landfills, land application sites, or open dumps without a stabilized final cover which have received any industrial wastes.
 - d. Wood treatment facilities: Storm water discharges from areas that are used for wood treatment, wood surface application, or storage of treated or surface protected wood.
 - e. Coal pile runoff at industrial facilities other than coal mines.
 - f. Battery reclaiming facilities: Storm water discharges from areas used for storage of lead acid batteries, reclamation products, or waste products, and areas used for lead acid battery reclamation.
 - g. Airports with over 50,000 flight operations per year: storm water discharges from aircraft or airport deicing areas.
 - h. Meat packing plants, poultry packing plants, and facilities that manufacture animal and marine fats and oils.
 - i. Facilities classified as SIC 28 (Chemicals and Allied Products) and SIC 30 (Rubber and Miscellaneous Plastics Products): Storm water discharges that come into contact with solid chemical storage piles.
 - j. Automobile junkyards: Storm water discharges exposed to over 250 auto/truck bodies with drivelines, over 250 drivelines, or any combination thereof (in whole or in parts); over 500 auto/truck units (bodies with or without drivelines in whole or in parts); or over 100 units per year are dismantled and drainage or storage of automotive fluids occurs in areas exposed to storm water.
 - k. Lime manufacturing facilities: Storm water discharges that have come into contact with lime storage piles.
 - l. Cement manufacturing facilities and cement kilns: Storm water discharges other than those subject to 40 CFR 411.
 - m. Ready-mixed concrete facilities. Sampling data is not required for new ready-mixed concrete facilities or for relocated ready-mixed concrete facilities.
 - n. Ship building and repairing facilities.
3. When a facility has two or more outfalls that, based on consideration of features and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may sample the effluent of one such outfall and report that quantitative data also applied to the substantially identical outfalls. If the applicant is requesting approval to sample a representative outfall, identification of all storm water outfalls considered to be substantially identical along with the outfall being used to represent such outfalls and appropriate justification must be provided with the application.
 4. For existing facilities with an individual NPDES permit covering storm water associated with industrial activity, or those facilities who have previously submitted an application for an individual permit and not yet received a permit, the permittee/applicant may elect to seek coverage under this general permit in place of obtaining an individual permit. To be considered for coverage the permittee/applicant is required to submit the above information following the general permit issue date.
 5. For new facilities, the NOI and required information shall be submitted 180 days prior to the date on which the discharge is to commence unless permission for a later date has been granted by the IEPA. Mobile facilities (such as concrete or asphalt batch plants) shall apply at least 30 days prior to discharge.
 6. The required information shall be submitted to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Permit Section
Post Office Box 19276
Springfield, Illinois 62794-9276
 7. In any case where an NPDES Permit has been timely applied for but final administrative disposition of such application has not been made, it shall not be a violation of Section 12-F of the Environmental Protection Act to discharge without such permit unless the complainant proves that final administrative disposition has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application. For purposes of this provision, participation in a group application filed with U.S. EPA shall be deemed an application filed with the Agency. This provision does not relieve the applicant from the responsibility for compliance with any other requirement of the Act or regulations promulgated under the Act.
 8. Facilities which discharge storm water associated with industrial activity to a municipal separate storm sewer system shall notify the municipality, and shall provide the municipality with a copy of their application if requested.

9. Permittees who wish to continue to discharge after the expiration date of this permit shall submit a Notice of Intent to the Agency not less than 180 days prior to the expiration date.

E. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

1. A storm water pollution prevention plan shall be developed by the permittee 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.
- 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. The plan shall be completed within 180 days of notification by the Agency of coverage by this permit or in the case of new facilities, prior to submitting an NOI to be covered under this permit. Plans shall provide for compliance with the terms of the plan within 365 days of notification by the Agency of coverage by this permit, or in the case of new facilities, prior to submitting an NOI 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 a 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 written certification that the requested changes have been made. Unless otherwise provided, the permittee shall have 30 days after such notification to make the changes.
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 the shortest reasonable period of time, and shall be provided to the Agency for review upon request.
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.
- b. A site map showing:
- The storm water conveyance and discharge structures;
 - An outline of the storm water drainage areas for each storm water discharge point;
 - Paved areas and buildings;
 - Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.
 - Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);
 - 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.
- 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 structural and non-structural control measures to reduce pollutants in storm water discharges;
 - iv. Industrial storm water discharge treatment facilities;
 - v. Methods of onsite storage and disposal of significant materials;
- d. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities.
- 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 of the individuals who are responsible for developing, implementing, and revising the plan.
 - b. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
 - 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 clean up 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;
 - 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.

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- v. Storm Water Diversion - Storm water diversion away from materials manufacturing, storage and other areas of potential storm water contamination;
 - vi. Covered Storage or Manufacturing Areas - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
 - 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 control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
 - 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. 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.
 9. 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.
 10. The plan is considered a report that shall be available to the public at any reasonable time upon request. The permittee may claim portions of the plan as confidential business information, including any portion describing facility security measures.
 11. 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.
 12. 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.

F. CONSTRUCTION AUTHORIZATION

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

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

1. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee thereupon waives all rights thereunder.
2. The issuance of this authorization (a) does not release the permittee from any liability for damage to persons or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (b) does not take into consideration the structural stability of any units or part of this project; and (c) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or other applicable local law, regulations or ordinances.
3. Plans and specifications of all treatment equipment being included as a part of the stormwater management practice shall be included in the SWPPP.
4. Any modification of or deviation from the plans and specifications originally submitted with the initial SWPPP requires amendment of the SWPPP.

5. Construction activities which result from treatment equipment installation, including clearing, grading and excavation activities which result in the disturbance of one acre or more of land area, are not covered by this authorization. The permittee shall contact the IEPA regarding required permit(s).

G. REPORTING

1. The facility shall submit an annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection which is required by Part 8 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).
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 mailed to the following address:

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

H. TERMINATION OF COVERAGE UNDER THIS PERMIT

Where all storm water discharges associated with industrial activity that have been authorized by this permit are eliminated, the operator of the facility may submit a termination request to the Agency at the address shown on Page 5 of this permit. The termination request shall include the name, address, telephone number, and location of the facility, and a description of actions taken to eliminate the storm water discharge or other justification for the request. Coverage under this permit is not terminated until the Agency acts on the termination request, and reports as described above are required until coverage is terminated.

1. The Agency may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Agency to take action under this paragraph. The Agency may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The Agency may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Agency under this paragraph then the applicability of this permit to the individual NPDES permitted is automatically terminated at the end of the day specified for application submittal. The Agency may require an individual NPDES permit based on:
 - a. information received which indicates the receiving water may be of particular biological significance pursuant to 35 Ill. Adm. Code 302.105(d)(6);
 - b. whether the receiving waters are identified as impaired pursuant to the Agency's 303(d) listing and the site storm water is a potential contributing source of any parameter identified as a cause of that impairment;
 - c. size of construction site, proximity of site to the receiving stream, etc.

The Agency may also require monitoring of any storm water discharge from any site to determine whether an individual permit is required.

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2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR 122.28, to the Agency. The request shall be granted by issuing of an individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.
3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is approved for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the issue date of the individual permit or the date of approval for coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied coverage under an alternative NPDES general permit the applicability of this permit to the individual NPDES permitted is automatically terminated on the date of such denial, unless otherwise specified by the Agency.

I. REOPENER CLAUSE

1. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with Part H.I. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Permit modification or revocation will be conducted according to provisions of 35 Ill. Adm. Code, Subtitle C, Chapter I and the provisions of 40 CFR 122.62, 122.63, 122.64 and 124.5 and any other applicable public participation procedures.
3. The Agency will reopen and modify this permit under the following circumstances:
 - a. the U.S. EPA amends its regulations concerning public participation;
 - b. a court of competent jurisdiction binding in the State of Illinois or the 7th Circuit issues an order necessitating a modification of public participation for general permits; or
 - c. to incorporate federally required modifications to the substantive requirements of this permit.

J. DEFINITIONS

1. Coal pile runoff means the rainfall runoff from or through any coal storage pile.
2. Land application site means an area where wastes are applied onto or incorporated into the soil surface for treatment or disposal.
3. Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site, surface impoundment, injection well or waste pile.
4. Section 313 water priority chemical means a chemical or chemical categories which: 1) Are listed at 40 CFR 372.65 pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986); 2) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) Are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.
5. Significant materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
6. Significant spills includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

Note that additional definitions are included in the permit Standard Conditions, Attachment H.

Attachment H
Standard Conditions
Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) Inspection and entry. The permittee shall allow an authorized representative of the Agency, 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
- (c) Changes of Authorization. If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (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.
- (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.
- (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:
- (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
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (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).
- (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.
- (13) Transfer of permits. A permit may be automatically transferred to a new permittee if:
- (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.
- (14) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
- (1) One hundred micrograms per liter (100 ug/l);
- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
- (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
- (4) The level established by the Agency in this permit.
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (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.
- (16) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittees 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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (23) Collected screenings, 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.
- (24) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (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.
- (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.
- (Rev. 3-13-98)

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Complaint and Notice of Filing,
by U.S. Certified Mail (return receipt requested), upon the persons listed on the service list.



JENNIFER A. VAN WIE

Assistant Attorney General

Environmental Bureau

Illinois Attorney General's Office

69 W. Washington Street, Suite 1800

Chicago, Illinois 60602

(312) 814-0609

Date: May 31, 2011