

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC,)	
)	
)	
Petitioner,)	
)	PCB 16-19
v.)	(Time-Limited Water Quality Standard)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
)	
Respondent.)	

NOTICE OF FILING

TO: Don Brown	Brad Halloran
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500	100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA ELECTRONIC MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an **Appearance for Katherine D. Hodge, Appearance for Joshua J. Houser, and ExxonMobil Oil Corporation's Comments on Midwest Generation, LLC's Amended Petition for Time-Limited Water Quality Variance**, copies of which are herewith served upon you.

Respectfully submitted,

Dated: July 25, 2018

By: /s/ Joshua J. Houser
One of Its Attorneys

Katherine D. Hodge
Joshua J. Houser
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
Katherine.Hodge@heplerbroom.com
Joshua.Houser@heplerbroom.com
(217) 528-3674

CERTIFICATE OF SERVICE

I, the undersigned, on oath state the following:

That I have served the attached **Appearance for Katherine D. Hodge, Appearance for Joshua J. Houser, and ExxonMobil Oil Corporation's Comments on Midwest Generation, LLC's Amended Petition for Time-Limited Water Quality Variance** via electronic mail upon:

Don Brown
Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
Don.Brown@illinois.gov

Brad Halloran
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
Brad.Halloran@illinois.gov

Sara Terranova
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That my email address is Joshua.Houser@heplerbroom.com.

That the number of pages in the email transmission is 40 pages.

That the email transmission took place before 5:00 p.m. on the date of July 25, 2018.

/s/ Joshua J. Houser
Joshua J. Houser

Date: July 25, 2018

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v.)	(Time-Limited Water Quality Standard)
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PROTECTION AGENCY)	
)	
Respondent.)	

APPEARANCE

NOW COMES Katherine D. Hodge, of the law firm HEPLERBROOM, LLC, and hereby enters her appearance in this matter on behalf of ExxonMobil Oil Corporation for purposes of submitting comments on Midwest Generation, LLC’s Amended Petition for Time-Limited Water Quality Variance.

Respectfully submitted,

Dated: July 25, 2018

By: /s/ Katherine D. Hodge
Katherine D. Hodge

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)	
Respondent.)	

APPEARANCE

NOW COMES Joshua J. Houser, of the law firm HEPLERBROOM, LLC, and hereby enters his appearance in this matter on behalf of ExxonMobil Oil Corporation for purposes of submitting comments on Midwest Generation, LLC’s Amended Petition for Time-Limited Water Quality Variance.

Respectfully submitted,

Dated: July 25, 2018

By: /s/ Joshua J. Houser
Joshua J. Houser

Joshua J. Houser
HEPLERBROOM, LLC
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Springfield, Illinois 62711
Joshua.Houser@heplerbroom.com
(217) 528-3674

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MIDWEST GENERATION, LLC)	
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Petitioner,)	
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v.)	PCB 16-19
)	(Time-Limited Water Quality Standards)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

**EXXONMOBIL OIL CORPORATION'S
 COMMENTS ON MIDWEST GENERATION, LLC'S
AMENDED PETITION FOR TIME-LIMITED WATER QUALITY VARIANCE**

ExxonMobil Oil Corporation (“ExxonMobil”), by and through its attorneys, HeplerBroom, LLC, hereby submits its comments on Midwest Generation, LLC’s (“MWGen”) Amended Petition for Time-Limited Water Quality Variance (“MWGen Petition”) filed in the above-captioned proceeding on June 27, 2018.

I. INTRODUCTION

A. ExxonMobil’s Joliet Refinery

ExxonMobil’s Joliet Refinery (“Refinery”) is located on a 1,300-acre tract of land in Channahon Township in unincorporated Will County. The site is adjacent to Interstate 55 at the Arsenal Road exit, approximately 50 miles southwest of Chicago. To the immediate north of the Refinery is the Des Plaines River, while east and south of the Refinery is the former Joliet Army Arsenal, which has been redeveloped as an industrial complex, and the Midewin National Tallgrass Prairie.

The Refinery discharges water to the Upper Dresden Island Pool (“UDIP”) stretch of the Lower Des Plaines River (“LDPR”) and Jackson Creek tributary as authorized by NPDES Permit No. IL0002861. The Refinery has ten permitted outfalls: seven storm water outfalls (five that

discharge to the LDPR and two that discharge to Jackson Creek near its mouth into the LDPR) and three other outfalls that combine into a 48-inch diameter pipe and discharge into the LDPR through a manmade open channel (Outfalls 001, 002, and 003). The discharge channel enters the LDPR approximately 1,600 feet upstream of the I-55 Bridge and MWGen's downstream temperature monitor (which is located at very close proximity to the I-55 Bridge). *See* MWGen Petition, Exhibit R (showing locations of certain thermal dischargers to the UDIP, including ExxonMobil, which is approximately 18 miles downstream of MWGen's Will County Station and 7 miles downstream of MWGen's Joliet Stations 9 and 29).

Outfall 001 consists of treated process effluent, sanitary effluent, and stormwater. Outfall 002 consists of non-contact cooling water, boiler blowdown, zeolite water-softening regeneration streams, condensate, potable water, firewater, and overflow of excess river/well water from utility makeup water systems. Outfall 003 consists of stormwater run-off and hydrostatic test water from the tankage area and coke storage area, well test water, and emergency once-through cooling water.

The permitted average flows from Outfalls 001 and 002 are 4.32 MGD and 10.476 MGD, respectively. Flows from Outfall 003 are intermittent. The combined effluent flow of approximately 14.8 MGD is approximately 1.5 percent of the 7Q10 flow (seven-day low flow in a 10-year period) in the UDIP. Because the Refinery effluent is a small fraction of the river flow, the water quality impacts of the effluent on the LDPR are small, and for many effluent constituents, undetectable.

The Refinery has a requirement in its NPDES permit to conduct modeling of thermal impacts of its effluent. This modeling was last updated in 2014. Modeling at that time indicated maximum temperature rise at the I-55 Bridge above the Refinery's water intake of 2.0°F in the

winter and 1.4°F in the summer. Thus, in the absence of elevated intake temperatures, the Refinery is able with allowed mixing to demonstrate compliance with applicable water quality standards upstream (UDIP) and downstream (general use) of the I-55 Bridge. The Illinois Environmental Protection Agency (“Illinois EPA”) has reviewed the Refinery’s thermal modeling and concluded that “there is no reasonable potential to exceed the water quality standards with allowed mixing in the receiving stream.” *See* NPDES Permit No. IL0002861, at Special Condition 2, attached as Exhibit 1.

B. Water Quality Standards Promulgated in 2015

On July 1, 2015, the temperature water quality standards (“WQS”) for the UDIP at 35 Ill. Adm. Code § 302.408, adopted by the Illinois Pollution Control Board (“Board”) on June 18, 2015, became effective. *See* Board Opinion and Order, PCB No. R08-9(D) (Ill.Pol.Control.Bd. June 18, 2015); *see also* Board Opinion and Order, R08-9(D) (Ill.Pol.Control.Bd. Aug. 20, 2015). Although these new temperature WQSs were effective on July 1, 2015, the more stringent set of temperature WQSs did not apply until July 1, 2018. *See id.*

C. Time-Limited Water Quality Standard Legislation

On February 24, 2017, Public Act 99-937 was signed into law. This legislation created Section 38.5 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 38.5, which provides the Board with authority to adopt time-limited water quality standards (“TLWQS”). Pursuant to Section 38.5(c) of the Act, MWGen’s pending variance petition in this proceeding, PCB No. 16-19, was converted by operation of law into a petition for a TLWQS under Section 38.5 of the Act.

D. Illinois EPA's 21-Day Response to MWGen Petition

Pursuant to Section 38.5(e) of the Act, Illinois EPA filed its 21-day response in this TLWQS proceeding on March 16, 2017. *See* Illinois EPA's Response to the Variance Petition, PCB No. 16-19 (Mar. 16, 2017) ("21-Day Response"). In its 21-Day Response, Illinois EPA described its recommended class of dischargers affected by the WQS from which relief is being sought as follows:

Based on the Agency's understanding and the review of initial data, the requested time-limited water quality standards relief by Midwest Gen and Flint Hills will affect Stepan Chemical and *possibly, but not likely, Exxon Mobil*, both of which are located further downstream from the Midwest Gen and Flint Hills discharges.

* * *

The class of discharger is for dischargers of heated effluent.

Id. at 3 (emphasis added).

Illinois EPA also identified the Chicago Sanitary and Ship Canal and the UDIP as the receiving waters of the dischargers identified in its recommended class, as well as suggested that the appropriate type of TLWQS "could be an individual, waterbody segment, or multi-discharger [TLWQS]. The Agency or Midwest Gen will update the Board once a decision is reached as to what the appropriate relief should be." *Id.* at 3-4. Finally, Illinois EPA recommended that amended petitions should be filed with the Board "no later than 90 days after the adoption of the rules the Agency will be proposing pursuant to 415 ILCS 5/38.5(k)." *Id.* at 4.

E. ExxonMobil's Comments on Illinois EPA's 21-Day Response

On March 31, 2017, ExxonMobil filed comments on Illinois EPA's 21-Day Response. *See* ExxonMobil Oil Corporation's Comments on Respondent's Response to the Variance Petition, PCB No. 16-19 (Mar. 31, 2017) ("21-Day Response Comments"). Specifically, due to Illinois EPA's 21-Day Response characterizing ExxonMobil as a "possibly, but not likely"

affected discharger and suggesting that the Board include ExxonMobil “[u]ntil additional and sufficient data is collected and evaluated,” ExxonMobil was directly implicated in Illinois EPA’s 21-Day Response and was compelled to file comments for the Board’s consideration while the Board prepared its 30-day Order pursuant to Section 38.5(f) of the Act. *See id.* at 2.

ExxonMobil’s 21-Day Response Comments reiterated that the Refinery’s once-through cooling system and process effluent discharges a maximum of 104 million British Thermal Units per hour (“MBTU/hr”) and that larger upstream thermal discharges, including MWGen’s, have a much greater impact on temperatures in UDIP waters. *See id.* at 2-3. ExxonMobil noted that, in 2016, MWGen converted its Joliet Stations 9 and 29 generating units from coal-fired base-load operations to gas-fired peaking units and took one of two coal-fired units at its Will County Station offline. *See id.* at 3. However, ExxonMobil emphasized that its status and path forward regarding the TLWQS relief requested in this proceeding was uncertain at that time because thermal data collection post-MWGen’s conversion still needed to be fully completed and evaluated. *See id.*

In particular, MWGen’s data collection and modeling necessary to support its petitions for alternative thermal effluent limitations pursuant to Section 316(a) of the Clean Water Act and 35 Ill. Adm. Code Part 106, Subpart K (“Section 316(a) ATEL”) for MWGen’s Will County Station, Joliet 9 Station, and Joliet 29 Station (collectively “MWGen Stations”) were still ongoing, and the exact areas that would be included in MWGen’s Section 316(a) ATEL were unknown. *See id.* at 3-4. Due to geographical proximity, ExxonMobil noted that the area could potentially include ExxonMobil’s receiving waters. *See id.* at 4. Just as Illinois EPA’s 21-Day Response indicated that additional data was needed before Illinois EPA could make a final determination as to whether ExxonMobil (located approximately 18 miles downstream of Will

County Station and 7 miles downstream of Joliet Stations 9 and 29) would be included in the TLWQS relief, ExxonMobil noted that it could not know how to proceed until MWGen completes its Section 316(a) ATEL data collection and modeling and until a final determination is made as to whether ExxonMobil is an affected discharger for purposes of the TLWQS relief.

See id.

F. Board Order Establishing the Class of Dischargers and Deadline to File

Pursuant to Section 38.5(f) of the Act, the Board entered its 30-day order in this TLWQS proceeding on April 12, 2017. In its order, based on Illinois EPA's 21-Day Response, the Board established the class of dischargers that may be covered by the TLWQS in this proceeding and the deadline to file initial or amended petitions for purposes of preserving or obtaining a stay of the temperature WQS as follows:

- a) heated effluent dischargers into Chicago Sanitary and Ship Canal, and Upper Dresden Island Pool, including Flint Hills, Midwest Generation (Will County Station, Joliet 9 Station, and Joliet 29 Station), and Stepan Chemical as the class of dischargers that may be covered by a time-limited water quality standard for temperature under Section 38.5(f) of the Act; *Exxon Mobil as a potentially-affected discharger, subject to the Agency's further evaluation*; and
- b) a deadline of 90 days after the Board adopts rules under Section 38.5(k) of the Act for petitioners to file any amended or initial petitions under Section 38.5(h). 415 ILCS 5/38.5(f), (h), (k).

Board Order, at 2, PCB 16-19 (Ill.Pol.Control.Bd. Apr. 12, 2017) (internal citation omitted) (emphasis added).

G. TLWQS Regulations at 35 Ill. Adm. Code Part 104, Subpart E

On April 26, 2018, the Board issued its final order adopting the TLWQS procedural rules at 35 Ill. Adm. Code Part 104, Subpart E. *See* Board Opinion and Order, PCB No. R18-18 (Ill.Pol.Control.Bd. Apr. 26, 2018). The TLWQS rules were effective April 27, 2018, and were

published in the Illinois Register on May 11, 2018. *See* Email Exchange between J.P. Schwartz (Illinois Secretary of State), Nancy Hoepfner (Board), and Richard McGill (Board), PCB No. R18-18 (Ill.Pol.Control.Bd. Apr. 27, 2018).

Of particular relevance to ExxonMobil and these comments, the TLWQS rules include the following provisions for dischargers that are not petitioners under a TLWQS:

Section 104.565 Opinion and Order

* * *

d) All orders adopting a TLWQS will include:

* * *

2) Applicability

A) Watershed, Water Body, Waterbody Segment and Multiple Discharger

* * *

ii) Eligibility criteria that may be used by new or existing dischargers or classes of dischargers to obtain coverage under the TLWQS during its duration[.]

Section 104.575 Coverage Under Board-Approved [TLWQS]

a) Any discharger that has not obtained a TLWQS may obtain coverage under a Board-approved TLWQS by satisfying, at the time of renewal or modification of that person's NPDES permit, or at the time the person files an application for certification under section 401 of the federal Clean Water Act, the Board-approved criteria for coverage under the TLWQS.

35 Ill. Adm. Code §§ 104.565(d)(2)(A)(ii), 104.575(a). Thus, the TLWQS regulations contemplate the situation where a discharger does not petition the Board for a TLWQS but later obtains TLWQS coverage at the time of renewal or modification of the discharger's NPDES

permit by satisfying the eligibility criteria established by the Board in its order adopting the TLWQS.

II. MWGEN PETITION

The MWGen Petition, consisting of approximately 650 pages including exhibits, was filed in this proceeding with the Board on June 27, 2018. Of particular relevance to ExxonMobil and these comments, ExxonMobil highlights the following key items from the MWGen Petition:

- MWGen consultant EA Engineering Science and Technology, Inc.’s (“EA”) “preliminary conclusions are that each of these [downstream] dischargers require minimal assimilative capacity in the UDIP receiving waters to maintain compliance” MWGen Petition, at 38, final ¶.
- Furthermore, EA concluded that “. . . Exxon’s discharge is too small to have a meaningful effect on downstream temperatures – and thus, has either no or a very small need for assimilative capacity in the water to maintain compliance with the 2018 Thermal Standards.” *Id.* at 39, 2nd ¶.
- “Until the Joliet DSP [(Detailed Study Plan)] work is completed, MWGen is unable to determine with a reasonable degree of certainty whether the MWGen Stations’ thermal discharges will or will not consistently attain compliance with the General Use Thermal Standards applicable at the I-55 Bridge.” *Id.* at 40, final ¶.
- MWGen further notes that their measurements at the I-55 Bridge showed that “[t]here were no exceedances of either the AS 96-10 or General Use standards in 2016 or 2017” *Id.*
- “Based on the work completed thus far as part of the Joliet DSP, there is compelling evidence that the dischargers named in this TLWQS petition [Will County, Joliet 9 and Joliet 29 Stations] do not meaningfully interfere with the attainment of water quality standards beyond the I-55 Bridge.” *Id.* at 65, Section H.
- “MWGen has no information on the status of the Agency’s evaluation, and its listing of Exxon Mobil’s NPDES permit does not constitute an admission that Exxon Mobil will be affected by the TLWQS standards requested here.” *Id.* at 65-66, fn. 63.
- MWGen is continuing to progress its Clean Water Act Section 316(a) (35 Ill. Adm. Code Part 106, Subpart K) petition and needs TLWQS relief until 6/30/2022. *See id.* at 71-72, Section K.2.

- The need for this relief for the Five-Mile Stretch [beyond the I-55 Bridge] is for the rare, combined “worst case” conditions of (a) extreme high ambient temperature, (b) extreme low-flow in river, and (c) maximum operations of MWGen peaking units. *See id.* at 40, final ¶.
- “From 2012 to the present, the summer temperatures at the I-55 Bridge have held steady or decreased, while ExxonMobil’s discharge temperatures have generally been higher than at the I-55 Bridge, which would support a conclusion that ExxonMobil’s discharge is not being influenced by upstream heat sources nor does it have a meaningful effect on downstream temperatures. Thus, it appears to have sufficient assimilative capacity in the water (i.e., a mixing zone) to maintain compliance with the new UDIP thermal standards during the summer period. While winter temperatures for all three downstream dischargers [Stepan, FHR, and ExxonMobil] are generally higher than the corresponding temperatures at the I-55 Bridge, this assessment should also hold true for the winter period under typical conditions.” MWGen Petition, Exhibit D, at 9.
- “Although no specific information currently exists to document any noncompliance with the existing thermal limitations within the Five-Mile Stretch [begins at the I-55 Bridge], this potential will be reviewed, using available information, as part of MWGen’s pursuit of a 316(a) variance for both Joliet Stations.” *Id.* at 8.

III. CONFERENCE CALL BETWEEN EXXONMOBIL AND ILLINOIS EPA

On July 11, 2018, ExxonMobil and Illinois EPA participated in a conference call to discuss the MWGen Petition and the potential implications from same for ExxonMobil. During the call, Illinois EPA informed ExxonMobil that it had not yet completed a full review and analysis of the MWGen Petition, and thus, it did not have any evaluation results and is awaiting further input from MWGen. In addition, Illinois EPA has not and is not conducting its own, independent thermal evaluations by which to establish whether or not ExxonMobil is affected by potential relief afforded to the upstream MWGen stations.

IV. EXXONMOBIL’S CURRENT CIRCUMSTANCES

The facts and circumstances outlined in ExxonMobil’s 21-Day Response Comments dated March 31, 2017 (discussed above – see Section I.E) have essentially remained the same. However, MWGen continues to monitor and report temperatures at the I-55 Bridge, and this data provides insight. Specifically, although the new temperature standards were not applicable until

July 1, 2018, two full years of I-55 bridge data for reconfigured, current MWGen operations (coal-fired, base-load operations shut down at Crawford & Fisk Stations; approximately half of Will County Station's capacity shut down; Joliet Stations 9 and 29 converted to gas-fired, peaking units limited to 50% service factor; and continued use of Joliet 29 helper cooling tower) show no excursions of the 2018 temperature standards (up to 88 excursion hours allowed up to 93°F) just downstream of ExxonMobil at the I-55 bridge. A plot of this data as reported by MWGen is attached hereto as Exhibit 2.

The data indicates that for current MWGen operations (i.e., since June 2016) under typical weather patterns with a number of hot summer days, the "worst-case conditions" that form the basis of MWGen's requested relief have not occurred, even for a short duration. In addition, should "worst-case conditions" occur, the 2018 thermal standards allow 88 hours of excursion up to 3°F above the standard. As such, although MWGen evaluations continue, two years of ambient river data for updated MWGen operations further support that ExxonMobil is not affected.

V. EXXONMOBIL'S PATH FORWARD

ExxonMobil agrees with MWGen's representation of ExxonMobil in the MWGen Petition, e.g., "Exxon's discharge is too small to have a meaningful effect on downstream temperatures," ExxonMobil "require[s] minimal assimilative capacity in the UDIP receiving waters to maintain compliance," and Illinois EPA has no thermal evaluation results to determine if ExxonMobil will be affected by upstream thermal relief afforded MWGen, etc. In addition, ExxonMobil supports MWGen's ongoing Section 316(a) ATEL demonstrations, including its thermal modeling of downstream dischargers under maximum thermal loads as part of its modeling objective to support the preliminary conclusion that the lower portion of the UDIP in

the vicinity of the Refinery's intake and discharge has the minimum necessary assimilative capacity to comply with the 2018 Thermal Standards.

However, given that MWGen's Section 316(a) ATEL data collection and modeling are still ongoing, that the exact geographic scope of the UDIP that will be included in MWGen's Section 316(a) ATEL are still unknown, that such areas could potentially include ExxonMobil's receiving waters due to geographical proximity, and that Illinois EPA has yet to make a final determination as to whether ExxonMobil is an affected discharger for purposes of the TLWQS relief requested in this proceeding, ExxonMobil remains unsure of whether it will need future TLWQS relief.

Fortunately, the TLWQS legislation and regulations envisioned the "likely not affected" situation facing ExxonMobil and provided for it under 35 Ill. Adm. Code Sections 104.565(d)(2)(A)(ii) and 104.575(a) (see rule language above in Section I.G). ExxonMobil maintains that its circumstances discussed herein are a perfect fit for potentially obtaining future coverage under MWGen's requested TLWQS via an NPDES permit renewal or modification by satisfying the eligibility criteria the Board will establish in this proceeding, should facts arise that demonstrate that the Refinery has a need. Therefore, ExxonMobil intends to continue participating in this proceeding, PCB No. 16-19, with special focus on the eligibility criteria proposed by Illinois EPA to the Board pursuant to 35 Ill. Adm. Code Section 104.550(b)(1)(C) and to be established by the Board in an order adopting MWGen's requested TLWQS pursuant to 35 Ill. Adm. Code Section 104.565(d)(2)(A)(ii).

WHEREFORE, ExxonMobil Oil Corporation prays that the Illinois Pollution Control Board accept and consider these comments when reviewing Midwest Generation, LLC's Amended Petition for Time-Limited Water Quality Variance filed in this proceeding on June 27,

2018, when reviewing the Illinois Environmental Protection Agency's recommendation to be filed in this proceeding pursuant to 35 Ill. Adm. Code Section 104.550(b)(1)(C), and when preparing the Board's order pursuant to 35 Ill. Adm. Code Section 104.565.

Respectfully submitted,

EXXONMOBIL OIL CORPORATION,

DATE: July 25, 2018

By: /s/ Joshua J. Houser
One of Its Attorneys

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1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

BRUCE RAUNER, GOVERNOR

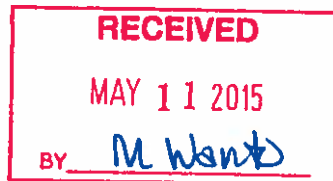
LISA BONNETT, DIRECTOR

217/782-0610

May 8, 2015

ExxonMobil Oil Corporation
Post Office Box 874
Joliet, Illinois 60434

Re: ExxonMobil Oil Corporation
NPDES Permit No. IL0002861
Final Permit



Gentlemen:

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

1. Sample type for phenols and cyanide at outfall 001 has been changed to a grab sample.
2. WET testing required in Special Condition 13 is now also listed on page 4 of the permit.
3. Special Condition 3 has been modified to note that temperature samples shall be taken prior to mixing with the receiving stream.
4. In Special Condition 17.G, the word "discharge" has been removed from the end of the first sentence.
5. In Special Condition 17.H.2 and 17.I, corrective actions noted in observations and inspections shall take place within one week of confirmation unless otherwise specified by the Agency.
6. Special Condition 2 has been modified to explain the temperature limits for the combined outfall.


The Agency has begun a program allowing the submittal of electronic Discharge Monitoring Reports (NetDMRs) instead of paper Discharge Monitoring Reports (DMRs). If you are interested in NetDMRs, more information can be found on the Agency website, <http://www.epa.state.il.us/water/net-dmr/index.html>. If your facility is not registered in the NetDMR program, a supply of preprinted paper DMR Forms for your facility will be sent to you prior to the initiation of DMR reporting under the reissued permit. Additional information and instructions will accompany the preprinted DMRs upon their arrival.

The attached Permit is effective as of the date indicated on the first page of the Permit. Until the effective date of any re-issued Permit, the limitations and conditions of the previously-issued Permit remain in full effect. You have the right to appeal any condition of the Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

Page 2

Should you have questions concerning the Permit, please contact Mark E. Liska at 217/782-0610.

Sincerely,


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

SAK:MEL:14102301.docx

Attachment: Final Permit

cc: Records
Compliance Assurance Section
Des Plaines Region
USEPA
CMAP

NPDES Permit IL0002861

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: April 30, 2020

Issue Date: May 8, 2015

Effective Date: May 8, 2015

Name and Address of Permittee:

ExxonMobil Oil Corporation
Post Office Box 874
Joliet, Illinois 60434

Facility Name and Address:

ExxonMobil Oil Corporation
25915 S.E. Frontage Road
Channahon, Illinois 60410
(Will County)

Discharge Number and Name:


001 -- Treated Process, Sanitary and Storm Water
002 -- Non-Contact Cooling Water, Boiler Blowdown, Zeolite Water
Softening Regeneration Streams (Brine, Slow and Fast Rinses),
Condensate, Potable Water, Fire Water, and Overflow of Excess
River/well Water from Utility Makeup Water Systems
003 -- Storm Water Runoff and Hydrostatic Test Water from Tankage Area
and Coke Storage Area, Well Test Water, and Emergency
Once-Through Cooling Water
A01 -- Purge Treatment Unit Wastewater - Wet Gas Scrubber Wastewater
A03 -- Hydrostatic Test Water
004 -- Storm Water Runoff from Wharf Area
005 -- Storm Water Runoff from Wharf Area
006 -- Storm Water Runoff from Northeast Secondary Drainage Area
007 -- Storm Water Runoff from East Secondary Drainage Area
008 -- Storm Water Runoff from Interceptor Basin Overflow
009 -- Storm Water Runoff from North Secondary Drainage Area
010 -- Storm Water Runoff from Northeast Secondary Drainage Area

Receiving Waters

Des Plaines River
Des Plaines River
Des Plaines River
Internal Outfall
Internal Outfall
Des Plaines River
Des Plaines River
Jackson Creek tributary to Des Plaines River
Jackson Creek tributary to Des Plaines River
Des Plaines River
Des Plaines River
Des Plaines River

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of Ill. Adm. Code, Subtitle C and/or Subtitle D, Chapter 1, and the Clean Water Act (CWA), the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.


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

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Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
Flow (MGD)	See Special Condition 20				Daily	Continuous
pH	See Special Condition 1				1/Week	Grab
BOD ₅	584	1,435	20	40	2/Month	24 hr Composite
Total Suspended Solids	730	1,793	25	50	2/Week	24 hr Composite
COD***	14,164	27,295			2/Month	24 hr Composite
Oils, Fats and Grease	438	1,076	15	30	1/Week	24 hr Composite*
Phenols	8.2	27	0.3	0.6	1/Month	Grab
Chromium (Total)	9.7**	28**	1.0	2.0	2/Month	24 hr Composite
Chromium (Hexavalent)	0.78**	1.8**	0.1	0.2	2/Month	24 hr Composite
Sulfide	11	24			1/Month	24 hr Composite
NH ₃ -N	108	252	3.0	6.0	2/Week	24 hr Composite
Cyanide	2.9	7.2	0.1	0.2	1/Month	Grab
Fluoride	438	1,076	15	30	1/Month	24 hr Composite

*See Special Condition 4.

**See Special Conditions 10, and 28.

***See Special Conditions 10.

****See Special Conditions 7, 13, and 19.

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Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		

1. From the effective date of this permit until the expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 002* - Non-Contact Cooling Water and Boiler Blowdown (Discharge = 10.476 MGD)

Flow (MGD)	See Special Condition 20			Daily	Continuous
pH	See Special Condition 1			1/Week	Grab
TOC	See Special Condition 5		'5' Net	1/Month	24 hr Composite

* See Special Condition 8.

Outfall: 003** Storm Water Runoff (Intermittent Discharge)
Hydrostatic Test Water from Tankage Area and Coke Storage Area (Intermittent Discharge)
Well Test Water (Intermittent Discharge)

			If Discharge Occurs	
Flow (MGD)	See Special Condition 20		Daily	Continuous
pH*	See Special Condition 1		2/Month*	Grab
Oil & Grease*		15	2/Month*	Grab
TOC*		110	2/Month*	Grab

*The discharge must be sampled daily in the subsequent 48 hours of discharge after the West Storm Basin receives flow from the coke sedimentation basin. See Special Conditions 21 and 22.

**See Special Conditions 19, 21, 22, and 23.

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Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
Flow (MGD)	See Special Condition 20				1/Event*	Estimate
pH	See Special Condition 1				1/Event*	Grab
Total Suspended Solids			15	30	1/Event*	Grab
Oil & Grease			15	30	1/Event*	Grab
Iron (Total)			2	4	1/Event*	Grab
Benzene			--	0.05	1/Event*	Grab
Total BETX**			--	0.75	1/Event*	Grab
Phenols			0.3	0.6	1/Event*	Grab

1. From the effective date of this permit until the expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall: A03*** - Hydrostatic Test Water through Outfall 003 (Intermittent Discharge)

*Monitor each event prior to discharging to Outfall 003. An event is defined as the hydrostatic test water discharge associated from a tank, piping, or pipeline integrity testing activity.

**See Special Condition 24.

***See Special Conditions 25, 26 and 27.

Combined Outfalls 001, 002, and 003

WET	See Special Condition 13			1/Year	
Temperature	See Special Conditions 2, 3 and 6			Daily	Continuous
Total Dissolved Solids	385,000			2/Month*	24 hr Composite
Total Residual Chlorine	See Special Conditions 18 and 31		0.05	1/Event	Grab
Phosphorus (Total)			Monitor Only	1/Month	24 hr Composite
Nitrogen (Total)			Monitor Only	1/Month	24 hr Composite
Mercury**			Monitor Only	1/Month	Grab
Sulfate			Monitor Only	1/Month	24 hr Composite
Chloride			Monitor Only	1/Month	24 hr Composite

* Sampling shall take place only during the months of November through April. No sampling is required during the remaining months.

**Mercury must be monitored using USEPA method 1631E using the heated digestion option in Section 11.1.1.2. Prior to analysis for mercury, digest the sample using the option in 1631E of heating samples at 50°C for 6 hours in a bromine chloride (BrCl) solution in closed vessels.

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Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS lbs/day		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		

1. From the effective date of this permit until the expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall: A01 - Purge Treatment Unit Wastewater - contains Wet Gas Scrubber Wastewater

Temperature	90° F*	Daily	Continuous
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* Temperature on internal outfall A01 from the purge treatment unit shall be monitored, reported, and limited to 90° F only when the combined outfall 001, 002, and 003 daily average temperature exceeds 90° F.

Outfalls: 004* and 005* - Storm Water Runoff from Wharf Area (Intermittent Discharge)
 008* - Storm Water Runoff from Interceptor Basin Overflow - (Intermittent Discharge)

		If Discharge Occurs	
Flow (MGD)	See Special Condition 20	Daily	Estimate
pH	See Special Condition 1	2/Month	Grab
Oil & Grease		2/Month	Grab
TOC		2/Month	Grab

*See Special Conditions 9 and 19 for BAT/BCT rules.

Outfalls: 006** - Storm Water Runoff from Northeast Secondary Drainage Area (Intermittent Discharge)

007** - Storm Water Runoff from East Secondary Drainage Area (Intermittent Discharge)

009** - Storm Water Runoff from North Secondary Drainage Area (Intermittent Discharge)

010** - Storm Water Runoff from Northeast Secondary Drainage Area (Intermittent Discharge)

**See Special Conditions 9 and 17 for SWPPP.

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Special Conditions

SPECIAL CONDITION 1. The pH shall be in the range 6.0 to 9.0 standard units and shall be reported as a daily minimum and a daily maximum.

SPECIAL CONDITION 2. The receiving waters are designated as Secondary Contact and Indigenous Aquatic Life Waters by 35 Ill. Adm. Code 302.408. These waters shall meet the following standard:

Temperatures shall not exceed 93°F (34°C) more than 5% of the time, or 100°F (37.8°C) at any time at the edge of the allowed mixing which is defined by 35 Ill. Adm. Code 302.102.

A thermal model was submitted in 2003 to demonstrate that the discharge would meet the Secondary Contact and Indigenous Aquatic Life standards and a thermal model was submitted in 2014 to demonstrate that the discharge would meet the General Use standards downstream of the I-55 bridge. The thermal models demonstrated that there is no reasonable potential to exceed the water quality standards with allowed mixing in the receiving stream. The maximum effluent temperature at the time of the study was 123°F. The monthly average flow ranged from 2.81 MGD to 12.78 MGD since the outfall has a stormwater component. If the refinery is modified in a way that would change the basis upon which the thermal models in 2003 and 2014 were calculated so that the studies would no longer represent the discharge, the permittee must submit a new thermal model to the Agency with their modification application.

The permittee shall monitor the effluent on a continuous basis and report the monthly maximum temperature on the DMR form.

SPECIAL CONDITION 3. Temperature shall be measured at a point downstream of where outfalls 001, 002 and 003 are combined but prior to mixing with the receiving stream and reported as a daily maximum.

SPECIAL CONDITION 4. The composites for oil, fats, and greases shall consist of sample aliquots of approximately equal volume, a minimum of 100 milliliters, collected at regular time intervals over a 24-hour period (3 aliquots total). A single sample formed by combining all the aliquots, and the solvent rinse of the container, would then be analyzed. The results of the single analysis is then reported for oil, fats, and grease.

SPECIAL CONDITION 5. Permittee shall monitor influent and effluent TOC. Net TOC discharged shall not exceed 5 mg/l. Negative net TOC values shall be reported as zero.

SPECIAL CONDITION 6. Samples taken in compliance with the effluent monitoring requirements for outfall 001, 002 and 003 shall be taken at a point representative of discharge but prior to mixing with each of the other streams.

SPECIAL CONDITION 7. For the purpose of this permit, the discharge from outfall 001 is limited solely to treated process, utility, service, hydrostatic test, well water, sanitary, and storm water free from any other wastewater.

SPECIAL CONDITION 8. For the purpose of this permit, the discharge from outfall 002 is limited to non-contact cooling water, softener regeneration stream, boiler blowdown, condensate, potable water, fire water, and overflow of excess river/well water from utility makeup water system, free from process and other wastewater discharges. In the event that the permittee shall require the use of water treatment additives other than those generic categories or chemical groupings previously approved by this Agency for use with softener regeneration stream, boiler blowdown, or non-contact cooling water that would be discharged to outfall 002, the permittee must notify this Agency in writing in accordance with the Standard Conditions – Attachment H, number (8).

SPECIAL CONDITION 9. For the purpose of this permit, the discharge from outfalls 004, 005, 006, 007, 008, 009, and 010 are limited to storm water, including construction activities, groundwater seepage, condensate, well water, and fire water, free from process and other wastewater discharges.

SPECIAL CONDITION 10. The discharge credit, if necessary, for contaminated storm water from non-process and process area storm water runoff, as applied to discharge 001, shall be as follows:

Additional storm water credit for the following parameters shall be based on the quantity of storm flow taken through process treatment.

Pounds Per 1000 gallons of storm water flow*

Parameter	Average	Maximum
COD	1.5	3.0
Chromium (Total)**	.0018	005
Chromium (Hexavalent)**	.00023	.00052

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Dry Weather Flow: The average flow from the wastewater treatment facility for the last three consecutive zero precipitation days. Previously collected storm water which is sent to process treatment during this period shall not be included in this computation.

***Storm Water Flows:** The storm water runoff treated in the wastewater treatment facility is that portion of flow greater than the dry weather flow. Measurement of previously collected contaminated storm water from tank dikes may also be used in computing storm water credit.

In computing monthly average permit limits to include storm water credit, the mass credit calculated above shall be averaged along with process mass limits over the 30 day period. Explanatory calculations and flow data shall be submitted together with Discharge Monitoring Reports.

****The permittee shall not exceed the following load limits (lbs/day) from outfall 001 at any time:**

Parameter	Average	Maximum
Chromium (Total)	32.94	80.56
Chromium (Hexavalent)	3.29	8.06

SPECIAL CONDITION 11. 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 (NetDMRs) instead of mailing paper DMRs to the IEPA. More information, including registration information for the NetDMR program, can be obtained on the IEPA website, <http://www.epa.state.il.us/water/net-dmr/index.html>.

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

Permittees not using NetDMRs 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 12. If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit, after public notice and opportunity for hearing, in accordance with the more stringent standard or prohibition. In addition to newly promulgated effluent standards or limitations, if new information is received by this Agency that was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance, the Agency shall revise or modify the permit, after public notice and opportunity for hearing, to address the new information.

SPECIAL CONDITION 13. The Permittee shall conduct biomonitoring using effluent collected at a point downstream of where Outfalls 001, 002, and 003 are combined but prior to entry into the receiving water.

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*.

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2. Test Requirements - The above test shall be conducted annually using 24-hour composite samples unless otherwise authorized by the IEPA. Effluent samples must be analyzed for ammonia, chloride, and TDS, given that these parameters may be associated with acute toxicity.
3. Reporting - Results shall be reported according to EPA/821-R-02-012, Section 12, Report Preparation, and shall be submitted to IEPA, Bureau of Water, Compliance Assurance Section within one week of receipt from the laboratory. Results from ammonia, chloride, TDS analyses, as well as any other parameter believed to contribute to effluent toxicity, must be included in the bioassay report.
4. Toxicity – Should a bioassay result in acute toxicity to $\geq 50\%$ of test organisms and the effluent is found to contain non-toxic amounts of ammonia, chloride, and TDS, the IEPA may require, upon notification, six (6) additional rounds of monthly testing on the affected organism(s) to be initiated within 30 days of the toxic bioassay. Results shall be submitted to IEPA within one (1) week of becoming available to the Permittee.
5. Toxicity Identification and Reduction Evaluation - Should any of the additional bioassays result in toxicity to $\geq 50\%$ of organisms and the effluent is found to contain non-toxic amounts of ammonia, chloride, and TDS, the Permittee must contact the IEPA within one (1) day of the results becoming available to the Permittee and begin the toxicity identification evaluation process in accordance with Methods for Aquatic Toxicity Identification Evaluations, EPA/600/6-91/003. The IEPA may also require, upon notification, that the Permittee prepare a plan for toxicity reduction evaluation to be developed in accordance with Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants, EPA/833B-99/002, which shall include an evaluation to determine which chemicals have a potential for being discharged in the plant wastewater, a monitoring program to determine their presence or absence and to identify other compounds which are not being removed by treatment, and other measures as appropriate. The Permittee shall submit to the IEPA its plan for toxicity reduction evaluation within ninety (90) days following notification by the IEPA. The Permittee shall implement the plan within ninety (90) days or other such date as contained in a notification letter received from the IEPA.

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

SPECIAL CONDITION 14. The Bypass and Upset provisions in 40 CFR 122.41(m) and 40 CFR 122.41(n) are applicable to this permit.

SPECIAL CONDITION 15. The use and operation of the wastewater treatment facilities shall be under the supervision of a certified Class K operator.

SPECIAL CONDITION 16. For the duration of this permit, the permittee shall submit to the Agency an annual summary report of the quantities of sludge produced by the wastewater treatment facility 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 Agency by January 31 of each year.

The annual report for sludge shall be reported on the form titled "Sludge Management Reports" to the following address:

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

SPECIAL CONDITION 17.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

- A. A storm water pollution prevention plan shall be maintained by the permittee for the storm water associated with industrial activity at this facility discharge from outfalls 006, 007, 009, and 010. 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

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associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The permittee shall modify the plan if substantive changes are made or occur affecting compliance with this condition.

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

Unless otherwise specified by federal regulation, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 10-year 24-hour rainfall event.

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

For any site which discharges directly to an impaired water identified in the Agency's 303(d) listing, and if any parameter in the subject discharge has been identified as the cause of impairment, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 10-year 24-hour rainfall event. If required by federal regulations, the storm water pollution prevention plan shall adhere to a more restrictive design criteria.

B. The operator or owner of the facility shall make a copy of the plan available to the Agency at any reasonable time upon request.

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

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

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

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

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

2. A site map showing:

- i. The storm water conveyance and discharge structures;
- ii. An outline of the storm water drainage areas for each storm water discharge point;
- iii. Paved areas and buildings;
- iv. Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.
- v. Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);
- vi. Surface water locations and/or municipal storm drain locations
- vii. Areas of existing and potential soil erosion;
- viii. Vehicle service areas;
- ix. Material loading, unloading, and access areas.
- x. Areas under items iv and ix above may be withheld from the site for security reasons.

3. A narrative description of the following:

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- i. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
 - ii. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
 - iii. Existing structural and non-structural control measures to reduce pollutants in storm water discharges;
 - iv. Industrial storm water discharge treatment facilities;
 - v. Methods of onsite storage and disposal of significant materials.
4. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities. Also provide a list of any pollutant that is listed as impaired in the most recent 303(d) report.
 5. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
 6. A summary of existing sampling data describing pollutants in storm water discharges.
- F. The plan shall describe the storm water management controls which will be implemented by the facility. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The description of the storm water management controls shall include:
1. Storm Water Pollution Prevention Personnel - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.
 2. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
 3. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
 4. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
 5. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:
 - i. Containment - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff. To the maximum extent practicable storm water discharged from any area where material handling equipment or activities, raw material, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water should not enter vegetated areas or surface waters or infiltrate into the soil unless adequate treatment is provided.
 - ii. Oil & Grease Separation - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges.
 - iii. Debris & Sediment Control - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges.
 - iv. Waste Chemical Disposal - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges.
 - v. Storm Water Diversion - Storm water diversion away from materials manufacturing, storage and other areas of potential storm water contamination. Minimize the quantity of storm water entering areas where material handling equipment of activities, raw material, intermediate products, final products, waste materials, by-products, or industrial machinery are

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exposed to storm water using green infrastructure techniques where practicable in the areas outside the exposure area, and otherwise divert storm water away from exposure area.

- vi. Covered Storage or Manufacturing Areas - Covered fueling operations, materials manufacturing and storage areas to prevent contact with storm water.
 - 6. Sediment and Erosion Prevention - The plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion. The plan shall describe measures to limit erosion.
 - 7. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
 - 8. Inspection Procedures - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.
- G. Non-Storm Water Discharge - The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water. The certification shall include a description of any test for the presence of non-storm water discharges, the methods used, the dates of the testing, and any onsite drainage points that were observed during the testing. Any facility that is unable to provide this certification must describe the procedure of any test conducted for the presence of non-storm water discharges, the test results, potential sources of non-storm water discharges to the storm sewer, and why adequate tests for such storm sewers were not feasible.
- H. Quarterly Visual Observation of Discharges - The requirements and procedures of quarterly visual observations are applicable to all outfalls covered by this condition.
- 1. You must perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation must be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, you are excused from the visual observations requirement for that quarter, provided you document in your records that no runoff occurred. You must sign and certify the document.
 - 2. Your visual observation must be made on samples collected as soon as practical after a discharge begins. The sampler will record the time of sampling and when the rainfall event began. When monitoring for a discharge from snow melt, the sampler will record when the air temperature exceeded freezing. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measureable (greater than 0.1 inch rainfall) storm event. The observation must document: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. If visual observations indicate any unnatural color, odor, turbidity, floatable material, oil sheen or other indicators of storm water pollution, the permittee shall obtain a sample and monitor for the parameter or the list of pollutants in Part E.4. The permittee shall take corrective action to address the pollutant(s) within one week of confirmation of a pollutant discharge unless otherwise specified by the Agency.
 - 3. You must maintain your visual observation reports onsite with the SWPPP. The report must include the observation date and time, inspection personnel, nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
 - 4. You may exercise a waiver of the visual observation requirement at a facility that is inactive or unstaffed, as long as there are no industrial materials or activities exposed to storm water. If you exercise this waiver, you must maintain a certification with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water.
 - 5. Representative Outfalls - If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, you may conduct visual observations of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s).
 - 6. The visual observation documentation shall be made available to the Agency and general public upon written request.
- I. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response shall be corrected by the permittee within 1 week unless otherwise specified by the Agency. The appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations

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made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.

- J. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.
- K. The plan is considered a report that shall be available to the public at any reasonable time upon request.
- L. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.
- M. Facilities which discharge storm water associated with industrial activity to municipal separate storm sewers may also be subject to additional requirement imposed by the operator of the municipal system

Construction Authorization

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

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

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

REPORTING

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

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

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

- V. The permittee shall notify any regulated small municipal separate storm sewer owner (MS4 Community) that they maintain coverage

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under an individual NPDES permit. The permittee shall submit any SWPPP or any annual inspection to the MS4 community upon request by the MS4 community.

SPECIAL CONDITION 18.

ZEBRA MUSSEL CONTROL PROGRAM FOR OUTFALL 002

The following control program is authorized by this permit, in accordance with the conditions and limitations below.

A. Chlorination/Dechlorination

1. Chlorine or chlorine compounds may be applied on an intermittent or continuous basis.
2. The discharge of Outfall 002 shall be dechlorinated.
3. The discharge limit of the combined flows as monitored under A.6 of this Special Condition shall not exceed 0.05 mg/l total residual chlorine as a daily maximum.
4. Dechlorination chemical(s) shall be applied at a rate sufficient to provide complete dechlorination; excess application should be avoided to the extent practicable. The dechlorination system shall be interlocked or otherwise controlled to operate whenever chlorination is occurring.
5. For continuous chlorination programs, or intermittent chlorination more frequent than once per week, shall be monitored on a weekly basis for total residual chlorine. For intermittent chlorination once per week or less frequently, each chlorine application shall be monitored. Monitoring shall be by a grab sample at the time of maximum chlorine application.
6. Monitoring for total residual chlorine shall be done at a point downstream where outfalls 001, 002 and 003 are combined but prior to entry into the receiving waters.

- B. All samples for total residual chlorine shall be analyzed by an applicable method contained in 40 CFR 136, equivalent in accuracy to low-level amperometric titration. Any analytical variability of the method used shall be considered when determining the accuracy and precision of the results obtained.

SPECIAL CONDITION 19. The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities (Outfalls 001, 003, 004, 005 and 008) for purposes of this permit reissuance, and no pollution prevention plan will be required for such storm water. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated storm water discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

SPECIAL CONDITION 20. Flow shall be reported from outfalls 001, 002, and 003 as a monthly average and daily maximum. Flows shall be reported from outfalls A03, 004, 005, and 008 as a monthly average. All flows shall be reported in million gallons per day on the DMR form.

When continuous flow measurement is required, the measurements will be collected at the sample point location or at an equivalent representative flow location. During periods of maintenance of flow monitoring equipment and/or periods of malfunctioning flow monitoring equipment, a combination of upstream flow meters and/or engineering estimates may be used to calculate an estimate of flow representative of the discharge at effected outfalls. If the use of calculated (estimated) flows is necessary, the Permittee shall indicate on the monthly DMR dates for which calculated (estimated) flows were used.

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SPECIAL CONDITION 21. Runoff from the coke storage area may overflow into outfall 003 when its flow exceeds the design capacity of the coke storage area containment system in the event of a failure or malfunction of the sump pump system. Intentional diversion of some or all of the coke storage area runoff to outfall 003 is allowed only when needed during heavy rains to prevent overflow of oily wastewater at the wastewater treatment plant, provided that no permit discharge limits are exceeded at outfall 003.

SPECIAL CONDITION 22. The Permittee shall indicate on the monthly DMR's the date(s) in which the of coke storage area runoff flowed to outfall 003. The permit may be modified as a result of these analyses to include more frequent sampling for the required parameters, and include sampling requirements for additional parameters along with the appropriate sampling frequencies. Modifications under this Special Condition shall follow public notice and opportunity for hearing.

SPECIAL CONDITION 23. For the purpose of this permit, outfall 003 is limited to stormwater associated with refinery operations and construction activities, utility water, fire water (main flushing, hydrant testing, relief valves, and emergency once-through cooling water), service (river) water, condensate, groundwater seepage, well water, and hydrostatic test water, free from other wastewater discharges.

SPECIAL CONDITION 24. For the purpose of this permit, total BETX is defined as the arithmetic sum of Benzene, Ethylbenzene, Toluene, and Xylene(s). Xylenes shall include ortho-, meta-, and para-xylenes. Xylene shall be analyzed using EPA method 602 or 624, or any other method with prior approval by IEPA. When calculating the arithmetic sum with a mix of data points above and below the Method Detection Level (MDL), the data points below the MDL shall be treated as zero.

SPECIAL CONDITION 25. The Permittee shall notify the IEPA Des Plaines Regional Office at (847-294-4000) at least 24 hours prior to commencing any discharge of hydrostatic test water from tanks that formerly contained petroleum products to Outfall 003 (see Attachment H). This notification shall include:

- A. Total volume of water to be discharged and estimated average discharge flow rate for the event. The permittee shall calculate the flow for each discharge event by dividing the total discharge volume by the number of days over which the discharge is expected to occur. This flow shall be reported as the daily maximum flow.
- B. The piping, pipeline or tank(s) from which water to be discharged originates.
- C. Most recent product(s) stored in the piping, pipeline or tank(s).
- D. Analytical results of wastewater for outfall A03 parameters prior to discharge. The monitoring location shall be established for each discharge event and be located where representative samples of the piping, pipeline or tank (s) contents can be obtained prior to discharge. For parameters for which both monthly average and daily maximum limits are specified, the permittee may take multiple samples of the discharge event to demonstrate compliance with the monthly average limit.

Upon notification, discharge from outfall A03 may commence if wastewater analysis meets effluent limits. If wastewater analysis does not meet permitted effluent limits, the water shall be routed to outfall 001 or treatment will be required before discharge to outfall 003. Construction of permanent treatment facilities which may be necessary to meet the requirements of this permit may not be started until a construction permit is issued by the Agency. This does not include the use of temporary portable treatment facilities.

This analysis shall be included on discharge monitoring reports.

SPECIAL CONDITION 26. Prior to performing any hydrostatic testing subject to Special Condition 25, the permittee shall empty the piping, pipeline, or tank(s) of any product and clean the piping, pipeline, or tank(s).

SPECIAL CONDITION 27. The monitoring/reporting requirements and limitations for the Benzene and total BETX parameters are applicable when the discharges result from hydrostatic testing of piping, pipeline, or tank(s) that had contained products that contain the BETX parameters and are subject to Special Condition 25.

SPECIAL CONDITION 28. On any day when monitoring is required, if the analysis for Total Chromium indicates levels less than the discharge limitations for Hexavalent Chromium, then the analysis for Hexavalent Chromium will not be required (compliance with the discharge limitations for Hexavalent Chromium will be demonstrated for that monitoring event by the results for Total Chromium). If, during any monitoring event, the results for Total Chromium indicate levels greater than the discharge limitations for Hexavalent Chromium, then the analysis for Hexavalent Chromium shall be required using the same sample which was analyzed for Total Chromium. If it is not possible to perform the analysis for Hexavalent Chromium using the same sample which was analyzed for Total Chromium, then another sample shall be immediately collected and analyzed for both Total and Hexavalent Chromium.

SPECIAL CONDITION 29. The Permittee shall monitor and report concentrations (in mg/l) of the following listed parameters twice per year in the months of January and July at the combined outfall. The sample shall be a 24-hour effluent composite except as otherwise specifically provided below and the results shall be submitted on the monthly DMR's to IEPA. The parameters to be sampled are:

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<u>STORET CODE</u>	<u>PARAMETER</u>	<u>Minimum detection limit</u>
01002	Arsenic	0.001 mg/l
01007	Barium	0.5 mg/l
01027	Cadmium	0.003 mg/l
01042	Copper	0.005 mg/l
00718	Cyanide (grab) (weak acid dissociable)	5.0 ug/l
00720	Cyanide (grab not to exceed 24 hours) (total)	5.0 ug/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
01067	Nickel	0.005 mg/l
01147	Selenium	0.075 mg/l
01077	Silver (total)	0.003 mg/l
01087	Vanadium	0.008 mg/l
01092	Zinc	0.50 mg/>

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.

SPECIAL CONDITION 30. Total Residual Chlorine shall be monitored, reported, and limited to 0.05 mg/l whenever well test water is discharged through outfall 003 and when chlorine is used in the well testing activity. Monitoring should be performed a minimum of one time per well test event. An event is defined as the well test water discharge associated from a well water testing activity.

SPECIAL CONDITION 31. Appropriate use of diversions designed as part of the wastewater treatment system to manage flows in the primary section of the wastewater treatment plant do not constitute a bypass provided that the water is routed through the biological treatment plant, treated, and discharged in accordance with permit discharge limitations.

SPECIAL CONDITION 32. Cooling Water Intake Structure. Based on available information, the Agency has determined that the operation of the cooling water intake structure meets the equivalent of Best Technology Available (BTA) in accordance with the Best Professional Judgment provisions of 40 CFR 125.3 and 40 CFR 125.90(b), based on information available at the time of permit reissuance.

However, the Permittee shall comply with the requirements of the Cooling Water Intake Structure Existing Facilities Rule as found at 40 CFR 122 and 125. Any application materials and submissions required for compliance with the Existing Facilities Rule, shall be submitted to the Agency no later than 4 years from the effective date of this permit.

If for any reason, the Cooling Water Intake Structure Existing Facilities Rule is stayed or remanded by the courts, the Permittee shall comply with the requirements below. The information required below is necessary to further evaluate cooling water intake structure operations based on the most up to date information.

A. The permittee shall submit the following information/studies within 4 years of the effective date of the permit:

1. Source Water Physical Data to include:
 - a. A narrative description and scaled drawings showing the physical configuration of all source water bodies used by the facility including aerial dimensions, depths, salinity and temperature regimes;
 - b. Identification and characterization of the source waterbody's hydrological and geomorphological features, as well as the methods used to conduct any physical studies to determine the intake's area of influence and the results of such studies; and
 - c. Location maps.
2. Source Waterbody Flow Information

The permittee shall provide the annual mean flow of the waterbody, any supporting documentation and engineering calculations to support the analysis of whether the design intake flow is greater than five percent of the mean annual flow of the river or stream

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for purposes of determining applicable performance standards. Representative historical data (from a period of time up to 10 years) shall be used, if available.

3. Taxonomic identification of all life stages of fish and shellfish and any species protected under Federal, State, or Tribal law (including threatened or endangered species) that are in the vicinity of the cooling water intake structure(s) and are susceptible to impingement and entrainment;
 4. A characterization of all life stages of fish and shellfish, and any species protected under Federal, or State law, including a description of the abundance and temporal and spatial characteristics in the vicinity of the cooling water intake structure(s). These can include historical data that are representative of the current operation of the facility and of biological conditions at the site.
- B. The permittee shall comply with the following requirements:
1. At all times properly operate and maintain the intake equipment as demonstrated in the application material supporting the BTA determination.
 2. Inform IEPA of any proposed changes to the cooling water intake structure or proposed changes to operations at the facility that affect impingement mortality and/or entrainment.
 3. Debris collected on intake screens is prohibited from being discharged back to the canal. Debris does not include living fish or other living aquatic organisms.
- C. All required reports shall be submitted to the Industrial Unit, Permit Section and Compliance Assurance Section at the address in Special Condition 11.

This special condition does not relieve the permittee of the responsibility of complying with any other laws, regulations, or judicial orders issued pursuant to Section 316(b) of the Clean Water Act.

Attachment H

Standard Conditions

Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency upon request, copies of records required to be kept by this permit.

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

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

(10) **Monitoring and records.**

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
- (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

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

- (a) **Application.** All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized

representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a); and
 - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
 - (3) The written authorization is submitted to the Agency.
- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

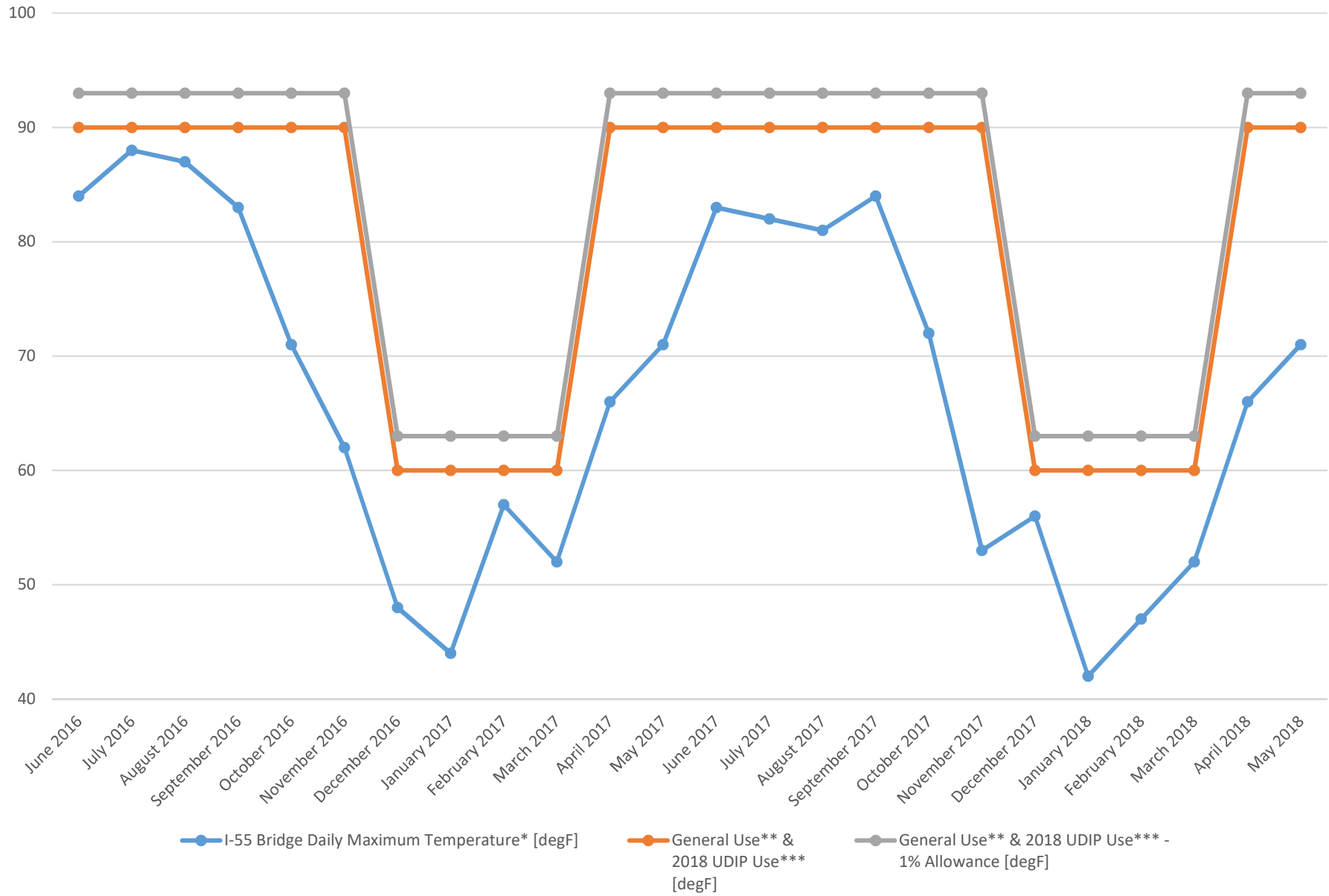
(12) **Reporting requirements.**

- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
 - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
- (d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (2) Any upset which exceeds any effluent limitation in the permit.
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.
The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
- (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
- (h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Bypass.**
- (a) **Definitions.**
 - (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
 - (c) Notice.
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
 - (d) Prohibition of bypass.
 - (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The permittee submitted notices as required under paragraph (13)(c).
 - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) **Definition.** Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - (b) **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - (c) **Conditions necessary for a demonstration of upset.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
 - (4) The permittee complied with any remedial measures required under paragraph (4).
 - (d) **Burden of proof.** In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

- (15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
- (a) Transfers by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
 - (b) Automatic transfers. As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:
 - (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
 - (3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
 - (4) The level established by the Agency in this permit.
 - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
 - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
 - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
 - (20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
 - (21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
 - (22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
 - (23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
 - (24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
 - (25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
 - (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
 - (27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.
 - (28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

I-55 Bridge Temperature Under Current, Peaking Operations



Month	2016	2017	2018	General Use / 2018 UDIP Use	General Use & 2018 UDIP Use 1% Allowance
January		44	42	60	63
February		57	47	60	63
March		52	52	60	63
April		66	66	90	93
May		71	71	90	93
June	84	83		90	93
July	88	82		90	93
August	87	81		90	93
September	83	84		90	93
October	71	72		90	93
November	62	53		90	93
December	48	56		60	63

Month / Year	I-55 Bridge Daily Maximum Temperature* [degF]	General Use** & 2018 UDIP Use*** [degF]	General Use** & 2018 UDIP Use*** - 1% Allowance [degF]
June 2016	84	90	93
July 2016	88	90	93
August 2016	87	90	93
September 2016	83	90	93
October 2016	71	90	93
November 2016	62	90	93
December 2016	48	60	63
January 2017	44	60	63
February 2017	57	60	63
March 2017	52	60	63
April 2017	66	90	93
May 2017	71	90	93
June 2017	83	90	93
July 2017	82	90	93
August 2017	81	90	93
September 2017	84	90	93
October 2017	72	90	93
November 2017	53	90	93
December 2017	56	60	63
January 2018	42	60	63
February 2018	47	60	63
March 2018	52	60	63
April 2018	66	90	93
May 2018	71	90	93

*As Reported in Midwest Generation Discharge Monitoring Reports (DMRs) for NPDES Permit IL0064254

**35 IAC 302.211(e)

***35 IAC 302.408(i) and (f)