



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-0610

Salt Creek Sanitary District
201 South Route 83
Villa Park, Illinois 60181

MAJOR

Re: Salt Creek Sanitary District Sewage Treatment Plant
NPDES Permit No. IL0030953
Bureau ID W0430800004
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 Agency has completed our review of the comment letter dated September 13, 2021 and offers the following response:

1. The fecal coliform limit in the footnote on page 2 has been revised to include the correct number of cfu per day.
2. The influent sampling frequency has been revised to 1 Day/Week to correspond with the effluent sampling frequency.

Pursuant to the Final NPDES Electronic Reporting Rule, all permittees must report DMRs electronically beginning no later than December 21, 2016. The Agency utilizes NetDMR, a web based application, which allows the submittal of electronic Discharge Monitoring Reports instead of paper Discharge Monitoring Reports (DMRs). More information regarding NetDMR can be found on the Agency website, <http://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 will be sent to your facility during the interim period prior to your registration in the NetDMR program. Additional information and instructions will accompany the preprinted DMRs. Please see the attachment regarding the electronic reporting rule.

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

Should you have questions concerning the Permit, please contact Kaushal Desai at 217/782-0610.

Sincerely,

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

DEL:KKD:21060801

Attachment: Final Permit

cc: Records
Compliance Assurance Section
Des Plaines Region
Billing
CMAP
DRSCW/The Conservation Foundation

IEPA
Division of Records Management
Releasable

FEB 01 2023

Reviewer: MDB

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
2009 Mall Street Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

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

NPDES Permit No. IL0030953

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: February 28, 2027

Issue Date: February 15, 2022

Effective Date: March 01, 2022

Name and Address of Permittee:

Salt Creek Sanitary District
201 South Route 83
P. O. Box 6600
Villa Park, Illinois 60181-6600

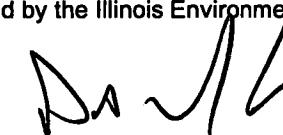
Facility Name and Address:

Salt Creek Sanitary District Sewage Treatment Plant
201 South Route 83
Villa Park, Illinois
(DuPage County)

Receiving Waters: Salk Creek

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

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



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

DEL: KKD:21060801

Effluent Limitations, Monitoring, and Reporting

FINAL

Discharge Number(s) and Name(s): 001 Main Outfall and 002 Sand Filter Bypass

Load limits computed based on a design average flow (DAF) of 3.3 MGD (design maximum flow (DMF) of 8.0 MGD).

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

Parameter	LOAD LIMITS lbs/day			CONCENTRATION LIMITS mg/L			Sample Frequency	Sample Type
	Monthly Average	Weekly Average	DAF (DMF)*	Monthly Average	Weekly Average	Daily Maximum		
Flow (MGD)							Continuous	
CBOD ₅ ****	275 (667)			550 (1334)	10		20	1 Day/Week
Suspended Solids**1	330 (801)			661 (1601)	12		24	1 Day/Week
pH	Shall be in the range of 6 to 9 Standard Units						1 Day/Week	Grab
Fecal Coliform***	See below.						3 Days/Week	Grab
Chlorine Residual***						0.038	***	Grab
Ammonia Nitrogen As (N):								
March – May, Sept - Oct	41 (100)	105(254)		220 (534)	1.5	3.8	8.0	1 Day/Week
June - August	41 (100)			83 (200)	1.5		3.0	1 Day/Week
Nov.-Feb.	110 (267)			220 (534)	4.0		8.0	1 Day/Week
Total Phosphorus (as P) ¹	28 (67)				1.0			1 Day/Month ²
Total Nitrogen (as N)	Monitor only						1 Day/Month	Composite
Dissolved Phosphorus	Monitor only						1 Day/Month	Composite
Nitrate/Nitrite	Monitor only						1 Day/Month	Composite
Total Kjeldahl Nitrogen (TKN)	Monitor only						1 Day/Month	Composite
Alkalinity	Monitor only						1 Day/Month	Grab
Temperature	Monitor only						1 Day/Month	Grab
Chloride	Monitor only						1 Day/Month	Composite
				Monthly Average not less than	Weekly Average not less than	Daily Minimum		
Dissolved Oxygen								
March-July				N/A	6.0	5.0	3 Days/Week	Grab
August-February				5.5	4.0	3.5	3 Days/Week	Grab

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

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

***From May through October the monthly geometric mean shall not exceed 200 per 100 mL or 25 billion cfu per day (61 billion cfu per day), nor shall more than 10% of the samples during the month exceed 400 per 100 mL See Special Condition 10.

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

Effluent Limitations, Monitoring, and Reporting

FINAL

Discharge Number(s) and Name(s): 001 Main Outfall and 002 Sand Filter Bypass (continued)

¹A compliance schedule to provide the facility additional time to comply with the phosphorus limit has been included in Special Condition 16 of this permit. The phosphorus limit is not applicable during this permit cycle; however, monthly monitoring is required.

²Upon the effective date of the phosphorus effluent limits, the sampling frequency shall increase to 3 days /week.

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

Fecal Coliform shall be reported on the DMR as a monthly geometric mean, a daily maximum value, and as a percentage of samples exceeding 400 per 100 mL

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

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

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

Total Phosphorus shall be reported on the DMR as a daily maximum and monthly average value.

Total Nitrogen shall be reported on the DMR as a daily maximum value. Total Nitrogen is the sum total of Total Kjeldahl Nitrogen, Nitrate, and Nitrite.

Influent Monitoring, and Reporting

The influent to the plant shall be monitored as follows:

<u>Parameter</u>	<u>Sample Frequency</u>	<u>Sample Type</u>
Flow (MGD)	Continuous	
BOD ₅	1 Day/Week	Composite
Suspended Solids	1 Day/Week	Composite
Total Phosphorus (as P)	1 Day/Month	Composite
Total Nitrogen (as N)	1 Day/Month	Composite

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

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

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

Total Phosphorus and Total Nitrogen shall be reported on the DMR as a maximum value.

Total Nitrogen shall be reported on the DMR as a daily maximum value. Total Nitrogen is the sum total of Total Kjeldahl Nitrogen, Nitrate, and Nitrite.

Special Conditions

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

SPECIAL CONDITION 2. The use or operation of this facility shall be by or under the supervision of a Certified Class 1 operator.

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

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

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

SPECIAL CONDITION 6. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) electronic forms using one such form for each outfall each month.

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

The Permittee is required to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA unless a waiver has been granted by the Agency. More information, including registration information for the NetDMR program, can be obtained on the IEPA website, <https://www2.illinois.gov/epa/topics/water-quality/surface-water/netdmr/pages/quick-answer-guide.aspx>.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 25th day of the following month, unless otherwise specified by the permitting authority.

Permittees that have been granted a waiver shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

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

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

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

SPECIAL CONDITION 9. Consistent with permit modification procedures in 40 CFR 122.62 and 63, this Permit may be modified to include requirements for the Permittee on a continuing basis to evaluate and detail its efforts to effectively control sources of infiltration and inflow into the sewer system and to submit reports to the IEPA if necessary.

SPECIAL CONDITION 10. Fecal Coliform limits for Discharge Number 001 and 002 are effective May thru October. Sampling of Fecal Coliform is only required during this time period.

For Discharge No. 001 and 002, any use of chlorine to control slime growths, odors or as an operational control, etc. shall not exceed the limit of 0.038 mg/L (daily maximum) total residual chlorine in the effluent. Sampling is required on a daily grab basis during the chlorination process. Reporting shall be submitted on the DMR's on a monthly basis.

SPECIAL CONDITION 11. The Permittee shall conduct semi-annual monitoring of the effluent and report concentrations (in mg/L) of the following listed parameters. Monitoring shall begin three (3) months from the effective date of this permit. The sample shall be a 24-hour effluent composite except as otherwise provided below and the results shall be submitted on Discharge Monitoring Report (DMR) electronic forms, unless otherwise specified by the IEPA. The parameters to be sampled and the minimum reporting limits to be attained are as follows:

STORET CODE	PARAMETER	Minimum reporting limit
01002	Arsenic	0.05 mg/L
01007	Barium	0.5 mg/L
01027	Cadmium	0.001 mg/L

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01032	Chromium (hexavalent) (grab)	0.01 mg/L
01034	Chromium (total)	0.05 mg/L
01042	Copper	0.005 mg/L
00720	Cyanide (total) (grab)***	5.0 µg/L
00722	Cyanide (grab) (available**** or amenable to chlorination)***	5.0 µg/L
00951	Fluoride	0.1 mg/L
01045	Iron (total)	0.5 mg/L
01046	Iron (Dissolved)	0.5 mg/L
01051	Lead	0.05 mg/L
01055	Manganese	0.5 mg/L
71900	Mercury (grab)**	1.0 ng/L*
01067	Nickel	0.005 mg/L
00556	Oil (hexane soluble or equivalent) (Grab Sample only)	5.0 mg/L
32730	Phenols (grab)	0.005 mg/L
01147	Selenium	0.005 mg/L
01077	Silver (total)	0.003 mg/L
01092	Zinc	0.025 mg/L

The minimum reporting limit for each parameter is specified by Illinois EPA as the regulatory authority.

The minimum reporting limit for each parameter shall be greater than or equal to the lowest calibration standard and within the acceptable calibration range of the instrument.

The minimum reporting limit is the value below which data are to be reported as non-detects.

The statistically-derived laboratory method detection limit for each parameter shall be less than the minimum reporting limit required for that parameter.

All sample containers, chemical and thermal preservation, holding times, analyses, method detection limit determinations and quality assurance/quality control requirements shall be in accordance with 40 CFR Part 136.

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.

*1.0 ng/L = 1 part per trillion.

**Utilize USEPA Method 1631E and the digestion procedure described in Section 11.1.1.2 of 1631E.

***Analysis for cyanide (available or amenable to chlorination) is only required if cyanide (total) is detected at or above the minimum reporting limit.

****USEPA Method OIA-1677 or Standard Method SM 4500-CN G.

The Permittee shall sample and analyze the effluent for the pollutants identified in 40 CFR Appendix J, Table 2. Provide data from a minimum of 3 samples taken within four and one-half years prior to the expiration of this Permit. Samples must be representative of the seasonal variation in the discharge. All samples must be collected and analyzed in accordance with analytical methods approved under 40 CFR Part 136. Sample results shall be submitted with the application for renewal of this Permit.

The Permittee must provide notice of any new introduction of pollutants from an indirect discharger which would be subject to Section 301 or 306 of the Clean Water Act as if it were directly discharging these pollutants and any substantial change in the volume or character of pollutants being introduced by a source introducing pollutants at the time of issuance of this Permit. The notice must include information on the quality and quantity of effluent introduced and any anticipated impact of the change on the quantity or quality of the effluent to be discharged.

The Permittee shall provide a report briefly describing the permittee's pretreatment activities and an updated listing of the Permittee's significant industrial users. The list should specify which categorical pretreatment standards, if any, are applicable to each Industrial User. Permittees who operate multiple plants may provide a single report. Such report shall be submitted within six (6) months of the effective date of this Permit to the following addresses:

U.S. Environmental Protection Agency
 Region 5
 77 West Jackson Blvd.
 Chicago, Illinois 60604
 Attention: Water Assurance Branch Enforcement and Compliance

Special Conditions

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

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

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

SPECIAL CONDITION 13. The Permittee shall conduct biomonitoring of the effluent from Discharge Number(s) 001.

Biomonitoring

A. 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:

1. Fish 96-hour static LC₅₀ Bioassay using fathead minnows (*Pimephales promelas*).
2. Invertebrate 48-hour static LC₅₀ Bioassay using *Ceriodaphnia*.

B. Testing Frequency - The above tests shall be conducted using 24-hour composite samples unless otherwise authorized by the IEPA. Sample collection and testing must be conducted in the 18th, 15th, 12th, and 9th month prior to the expiration date of this Permit. When possible, bioassay sample collection should coincide with sample collection for metals analysis or other parameters that may contribute to effluent toxicity.

C. Reporting - Results shall be reported according to EPA/821-R-02-012, Section 12, Report Preparation, and shall be mailed to IEPA, Bureau of Water, Compliance Assurance Section or emailed to EPA.PrmtSpecCondtns@illinois.gov within one week of receipt from the laboratory. Reports are due to the IEPA no later than the 16th, 13th, 10th, and 7th month prior to the expiration date of this Permit.

D. Toxicity – Should a bioassay result in toxicity to >20% of organisms tested in the 100% effluent treatment, 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. Should any of the additional bioassays result in toxicity to ≥50% of organisms tested in the 100% effluent treatments, the Permittee must contact the IEPA within one (1) day of the results becoming available to the Permittee and begin the toxicity identification and reduction evaluation process as outlined below.

E. Toxicity Identification and Reduction Evaluation - Should any of the additional bioassays result in toxicity to ≥50% of organisms tested in the 100% effluent treatment, 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. For the duration of this Permit, the Permittee shall determine the quantity of sludge produced by the treatment facility in dry tons or gallons with average percent total solids analysis. The Permittee shall maintain adequate records of the quantities of sludge produced and have said records available for U.S. EPA and IEPA inspection. The Permittee shall submit to the IEPA, at a minimum, a semi-annual summary report of the quantities of sludge generated and disposed of, in units of dry tons or gallons (average total percent solids) by different disposal methods including but not limited to application on farmland, application on reclamation land, landfilling, public distribution, dedicated land disposal, sod farms, storage lagoons or any other specified disposal method. Said reports shall be submitted to the IEPA by January 31 and July 31 of each year reporting the preceding January thru June and July thru December

Special Conditions

interval of sludge disposal operations.

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

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

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

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

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

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

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

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

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

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

SPECIAL CONDITION 15. This Permit may be modified to include alternative or additional final effluent limitations pursuant to an approved Total Maximum Daily Load (TMDL) Study, an approved trading program, or upon completion of an alternate Water Quality Study.

SPECIAL CONDITION 16.

- A. The Permittee shall participate in the DuPage River Salt Creek Workgroup (DRSCW). The Permittee shall work with other watershed members of the DRSCW to determine the most cost-effective means to remove dissolved oxygen (DO) and offensive condition impairments in the DRSCW watersheds.
- B. The Permittee shall ensure that the following projects and activities set out in the Revised DRSCW Implementation Plan (June, 2021), are completed (either by the permittee or through the DRSCW) by the scheduled dates set forth below; and that the short term objectives are achieved for each by the time frames identified below:

Project Name	Completion Date	Short Term Objectives	Long Term Objectives
Oak Meadows Golf Course dam removal	December 31, 2016 (Completed)	Improve DO	Improve fish passage
Oak Meadows Golf Course stream restoration	December 31, 2017 (Completed)	Improve aquatic habitat (QHEI), reduce inputs of nutrients and sediment	Raise miBi
Fawell Dam Modification	December 31, 2022	Modify dam to allow fish passage	Raise fiBi upstream of structure

Special Conditions

Spring Brook Restoration and dam removal	December 31, 2020 (Completed)	Improve aquatic habitat (QHEI), reduce inputs of nutrients and sediment	Raise miBi and fiBi
Fullersburg Woods dam modification concept plan development	December 31, 2016 (Completed)	Identify conceptual plan for dam modification and stream restoration	Build consensus among plan stakeholders
Fullersburg Woods dam modification	December 31, 2023	Improve DO, improve aquatic habitat (QHEI)	Raise miBi and fiBi
Fullersburg Woods dam modification area stream restoration	December 31, 2023	Improve aquatic habitat (QHEI), reduce inputs of nutrients and sediment	Raise miBi and fiBi
West Branch Physical Enhancement	December 31, 2023	Improve aquatic habitat (QHEI)	Raise miBi and fiBi
Southern East Branch Stream Enhancement	December 31, 2024	Improve aquatic habitat (QHEI), reduce inputs of nutrients and sediment	Raise miBi and fiBi
QUAL 2Kw West Branch, East Branch and Salt Creek	December 31, 2023	Collect new baseline data and update model	Quantify improvements in watershed. Prioritize DO improvement projects for years beyond 2024.
NPS Phosphorus Feasibility Analysis	December 31, 2021	Assess NPS performance from reductions leaf litter and street sweeping	Reduce NPS contributions to lowest practical levels
East Branch Phase II	December 31, 2028	Improve aquatic habitat (QHEI), reduce inputs of nutrients and sediment	Raise miBi and fiBi
Lower Salt Creek Phase 2	December 31, 2028	Improve aquatic habitat (QHEI), Remove fish barrier, reduce inputs of nutrients and sediment	Raise miBi and fiBi
West Branch Restoration Project	December 31, 2028	Improve aquatic habitat (QHEI), reduce inputs of nutrients and sediment	Raise miBi and fiBi

C. The Permittee shall participate in implementation of a watershed Chloride Reduction Program, either directly or through the DRSCW. The program shall work to decrease DRSCW watershed public agency chloride application rates used for winter road safety, with the objective of decreasing watershed chloride loading. An annual report on the annual implementation of the program identifying the practices deployed, chloride application rates, estimated reductions achieved, analyses of watershed chloride loads, precipitation, air temperature conditions and relative performance compared to a baseline condition shall be submitted electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0030953 Special Condition 16.C" as the subject of the email and posted to the DRSCW's website by March 31 of each year. The annual report shall reflect the Chloride Abatement Program performance for the preceding year (example: 2019-20 winter season report shall be submitted no later than March 31, 2021). The Permittee may work cooperatively with the DRSCW to prepare a single annual progress report that is common among DRSCW permittees and may be submitted as part of a combined annual report with paragraph D below.

D. The Permittee shall submit an annual progress report on the projects listed in the table of paragraph B above. The report shall be submitted electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0030953 Special Condition 16.D" as the subject of the email and posted to the DRSCW's website by March 31 of each year. The report shall include project implementation progress. The Permittee may work cooperatively with the DRSCW to prepare a single annual progress report that is common among DRSCW permittees.

Special Conditions

E. The Permittee shall maintain and implement any recommendations from its Phosphorus Discharge Optimization Plan in accordance with the schedule set forth in the Plan. The plan shall include a schedule for the implementation of these optimization measures. Annual progress reports on the optimization of the existing treatment facilities shall be submitted electronically to EPA.PrmSpecCondtns@illinois.gov with "IL0030953 Special Condition 16.E" as the subject of the email and posted to the permittees website by March 31 of each year. If the permittee's plan does not already include a schedule, the permittee shall include a schedule for implementation of any optimization measures recommended in the permittee's annual progress report due the March 31 one year after the permit becomes effective. As part of the plan, the Permittee shall continue to evaluate a range of measures for reducing phosphorus discharges from the treatment plant, including possible source reduction measures, operational improvements, and minor facility modifications that will optimize reductions in phosphorus discharges from the wastewater treatment facility. The Permittee's evaluation shall include, but not be limited to, an evaluation of the following optimization measures:

1. WWTF influent reduction measures.
 - a. Evaluate the phosphorus reduction potential of users.
 - b. Determine which sources have the greatest opportunity for reducing phosphorus (i.e., industrial, commercial, institutional, municipal and others).
 - i. Determine whether known sources (i.e., restaurant and food preparation) can adopt phosphorus minimization and water conservation plans.
 - ii. Evaluate implementation of local limits on influent sources of excessive phosphorus.
2. WWTF effluent reduction measures.
 - a. Reduce phosphorus discharges by optimizing existing treatment processes without causing non-compliance with permit effluent limitations or adversely impacting stream health.
 - i. Adjust the solids retention time for biological phosphorus removal.
 - ii. Adjust aeration rates to reduce dissolved oxygen and promote biological phosphorus removal.
 - iii. Change aeration settings in plug flow basins by turning off air or mixers at the inlet side of the basin system.
 - iv. Minimize impact on recycle streams by improving aeration within holding tanks.
 - v. Adjust flow through existing basins to enhance biological nutrient removal.
 - vi. Increase volatile fatty acids for biological phosphorus removal.

F. Total phosphorus in the effluent shall be limited as follows:

1. If the Permittee will use chemical precipitation to achieve the limit, the effluent limitation shall be 1.0 mg/L on a monthly average basis, effective May 1, 2029 or in accordance with the implementation schedule included in the Nutrient Implementation Plan unless the Agency approves and reissues or modifies the permit to include an alternate phosphorus reduction program or limit pursuant to paragraphs F.3 thru F.8 below.
2. If the Permittee will primarily use biological phosphorus removal to achieve the limit, the effluent limitation shall be 1.0 mg/L monthly average to be effective May 1, 2030 or in accordance with the implementation schedule included in the Nutrient Implementation Plan unless the Agency approves and reissues or modifies the permit to include an alternate phosphorus reduction program or limit pursuant to paragraphs F.3 thru F.8 below.
3. The Permittee demonstrates that the Limit is not technologically feasible; or
4. The Permittee demonstrates the Limit would result in substantial and widespread economic or social impact. Substantial and widespread economic impacts must be demonstrated using applicable USEPA guidance, including but not limited to any of the following documents: 1. Interim Economic Guidance for Water Quality Standards, March 1995, EPA-823-95-002; 2. Combined Sewer Overflows – Guidance for Financial Capability Assessment and Schedule Development, February 1997, EPA-832-97-004; 3. Financial Capability Assessment Framework for Municipal Clean Water Act Requirements, November 24, 2014; or
5. If the Nutrient Implementation Plan determines that a greater phosphorus reduction is necessary, then the Permittee shall meet the phosphorus limit identified in the Nutrient Implementation Plan in accordance with the schedule set out therein, prioritized among all watershed needs; or
6. If the DRSCW has developed and implemented a trading program for POTWs in the DRSCW watersheds, providing for reallocation of allowed phosphorus loadings between two or more POTWs in the DRSCW and Lower DuPage Watershed Coalition watersheds, that delivers the same results of overall watershed phosphorus point-source reduction and loading anticipated from the uniform application of the applicable 1.0 mg/L monthly average effluent limitation, or other allocation identified in the Nutrient Implementation Plan, whichever is more stringent, among the POTW permits in the DRSCW watersheds and removes DO and offensive condition impairments and meets the applicable dissolved oxygen criteria in 35 Ill. Adm. Code 302.206 and the narrative offensive aquatic algae criteria in 35 Ill. Adm. Code 302.203.; or
7. If the DRSCW has demonstrated and implemented an alternate means of reducing watershed phosphorus loading to a comparable result that removes DO and offensive condition impairments and meets the applicable dissolved oxygen criteria in 35 Ill. Adm. Code 302.206 and the narrative offensive aquatic algae criteria in 35 Ill. Adm. Code 302.203.; or
8. If the Limit is demonstrated not to be technologically (e.g., no space available) or economically feasible, which shall be determined by an economic feasibility analysis by the date herein stipulated, but is feasible within a long timeline, then the permit

Special Conditions

shall include a compliance schedule requiring the discharger to comply with the phosphorus effluent limit as soon as possible, consistent with 40 C.F.R. § 122.47 (1), made applicable to Illinois at 40 C.F.R. § 123.25 (a)(18).

G. The Permittee shall monitor the wastewater effluent, consistent with the monitoring requirements on Page 2 of this permit, for total phosphorus, dissolved phosphorus, nitrate/nitrite, total Kjeldahl nitrogen (TKN), ammonia, total nitrogen (calculated), alkalinity and temperature at least once a month. The Permittee shall monitor the wastewater influent for total phosphorus and total nitrogen at least once a month. The results shall be submitted on electronic DMRs (NetDMRs) to the Agency unless otherwise specified by the Agency.

H. The Permittee shall submit electronically to EPA.PrmtSpecCondtns@illinois.gov with "IL0030953 Special Condition 16.H" as the subject of the email and post to the DRSCWs website by December 31, 2023 a Nutrient Implementation Plan (NIP) for the DRSCW watersheds that identifies phosphorus input reductions by point source discharges, non-point source discharges and other measures necessary to remove DO and offensive condition impairments and meet the applicable dissolved oxygen criteria in 35 Ill. Adm. Code 302.206 and the narrative offensive aquatic algae criteria in 35 Ill. Adm. Code 302.203. The NIP shall also include a schedule for implementation of the phosphorus input reductions and other measures. The Permittee may work cooperatively with the DRSCW to prepare a single NIP that is common among DRSCW permittees. Progress reports shall be submitted every year until completion and submission of the NIP. The DRSCW may prepare a single progress report for all DRSCW permittees and may be submitted as part of a combined annual report with paragraph D above. The Agency will renew or modify the NPDES permit as necessary to incorporate NIP requirements.

SPECIAL CONDITION 17. The Permittee shall work towards the goals of achieving no discharges from sanitary sewer overflows or basement back-ups and ensuring that overflows or back-ups, when they do occur do not cause or contribute to violations of applicable standards or cause impairment in any adjacent receiving water. Overflows from sanitary sewers are expressly prohibited by this permit and by Ill. Adm. Code 306.304. As part of the process to ultimately achieve compliance through the elimination of and mitigating the adverse impacts of any such overflows if they do occur, the Permittee shall (A) identify and report to IEPA all SSOs that do occur, and (B) update the existing Capacity, Management, Operations, and Maintenance (CMOM) plan at least annually and maintain it at the facility for review during Agency Field Operations Section inspections. The Permittee shall submit copies of the CMOM to the IEPA upon written request. The Permittee shall modify the Plan to incorporate any comments that it receives from IEPA and shall implement the modified plan as soon as possible. The Permittee should work as appropriate, in consultation with affected authorities at the local, county, and/or state level to develop the plan components involving third party notification of overflow events. The Permittee may be required to construct additional sewage transport and/or treatment facilities in future permits or other enforceable documents should the implemented CMOM plan indicate that the Permittee's facilities are not capable of conveying and treating the flow for which they are designed.

The CMOM plan shall include the following elements:

A. Measures and Activities:

1. A complete map and system inventory for the collection system owned and operated by the Permittee;
2. Organizational structure; budgeting; training of personnel; legal authorities; schedules for maintenance, sewer system cleaning, and preventative rehabilitation; checklists, and mechanisms to ensure that preventative maintenance is performed on equipment owned and operated by the Permittee;
3. Documentation of unplanned maintenance;
4. An assessment of the capacity of the collection and treatment system owned and operated by the Permittee at critical junctions and immediately upstream of locations where overflows and backups occur or are likely to occur; use flow monitoring and/or sewer hydraulic modeling, as necessary;
5. Identification and prioritization of structural deficiencies in the system owned and operated by the Permittee. Include preventative maintenance programs to prevent and/or eliminate collection system blockages from roots or grease, and prevent corrosion or negative effects of hydrogen sulfide which may be generated within collection system;
6. Operational control, including documented system control procedures, scheduled inspections and testing, list of scheduled frequency of cleaning (and televising as necessary) of sewers;
7. The Permittee shall develop and implement an Asset Management strategy to ensure the long-term sustainability of the collection system. Asset Management shall be used to assist the Permittee in making decisions on when it is most appropriate to repair, replace or rehabilitate particular assets and develop long-term funding strategies; and
8. Asset Management shall include but is not limited to the following elements:
 - a. Asset Inventory and State of the Asset;
 - b. Level of Service;
 - c. Critical Asset Identification;
 - d. Life Cycle Cost; and
 - e. Long-Term Funding Strategy.

B. Design and Performance Provisions:

1. Monitor the effectiveness of CMOM;
2. Upgrade the elements of the CMOM plan as necessary; and
3. Maintain a summary of CMOM activities.

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C. Overflow Response Plan:

1. Know where overflows and back-ups within the facilities owned and operated by the Permittee occur;
2. Respond to each overflow or back-up to determine additional actions such as clean up; and
3. Locations where basement back-ups and/or sanitary sewer overflows occur shall be evaluated as soon as practicable for excessive inflow/infiltration, obstructions or other causes of overflows or back-ups as set forth in the System Evaluation Plan.
4. Identify the root cause of the overflow or basement backup, and document to files;
5. Identify actions or remediation efforts to reduce risk of reoccurrence of these overflows or basement backups in the future, and document to files.

D. System Evaluation Plan:

1. Summary of existing SSO and Excessive I/I areas in the system and sources of contribution;
2. Evaluate plans to reduce I/I and eliminate SSOs;
3. Evaluate the effectiveness and performance in efforts to reduce excessive I/I in the collection system;
4. Special provisions for Pump Stations and force mains and other unique system components; and
5. Construction plans and schedules for correction.

E. Reporting and Monitoring Requirements:

1. Program for SSO detection and reporting; and
2. Program for tracking and reporting basement back-ups, including general public complaints.

F. Third Party Notice Plan:

1. Describes how, under various overflow scenarios, the public, as well as other entities, would be notified of overflows within the Permittee's system that may endanger public health, safety or welfare;
2. Identifies overflows within the Permittee's system that would be reported, giving consideration to various types of events including events with potential widespread impacts;
3. Identifies who shall receive the notification;
4. Identifies the specific information that would be reported including actions that will be taken to respond to the overflow;
5. Includes a description of the lines of communication; and
6. Includes the identities and contact information of responsible POTW officials and local, county, and/or state level officials.

For additional information concerning USEPA CMOM guidance and Asset Management please refer to the following web site addresses.
http://www.epa.gov/npdes/pubs/cmom_guide_for_collection_systems.pdf and
http://water.epa.gov/type/watersheds/wastewater/upload/guide_smallsystems_assetmanagement_bestpractices.pdf

SPECIAL CONDITION 18. The Permittee has undergone a Monitoring Reduction review and the influent and effluent sample frequency has been reduced for parameters due to sustained compliance. The IEPA may require that the influent and effluent sampling frequency for these parameters be increased without Public Notice. This provision does not limit EPA's authority to require additional monitoring, information or studies pursuant to Section 308 of the CWA.

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.