



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, ACTING DIRECTOR

217/782-0610

October 21, 2016

Village of Wilmette
1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

Re: Village of Wilmette Combined Sewer Overflows
NPDES Permit No. ILM580012
Draft General Permit

Dear Permittee:

Please note that based on comments during the draft notice the language in Special Condition 1 has been revised. The dates to report CSO monitoring results have been changed to allow the Permittees to work with the Metropolitan Water Reclamation District in collecting data and submitting the results. Reports, data, and plans are only required to be submitted to the District if requested. In addition, the Agency has modified language in Special Condition 8, and extended the submittal deadline for completing the Capacity, Management, Operations, and Maintenance (CMOM) plan.

Please post the attached Public Notice for at least a period of thirty days from the date on the Notice in a conspicuous place on your premises.

The Agency will receive comments regarding the Permit for a period of 30 days after the Public Notice is issued. If you wish to comment or object to any of the terms and conditions of the Permit, you must state the objections in writing prior to the end of the public notice. The Agency may or may not change the Permit based on comments received from you or the public.

If you should have questions or comments regarding the above, please contact Jamie Cowles at 217/782-0610.

Sincerely,

A handwritten signature in cursive script that reads "Amy L. Dragovich".

Amy L. Dragovich, P.E.
Manager, Northern Unit, Permit Section
Division of Water Pollution Control

JMC:\ILM580\IL0069981\ILM580012

Attachments: Draft Permit, Public Notice/Fact Sheet

cc: Records Unit (2 copies)
Compliance Assurance Section
DesPlaines Regional Office
Municipal Clerk
USEPA



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, ACTING DIRECTOR

217/782-0610

October 21, 2016

Village of Wilmette
1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

Re: Village of Wilmette Combined Sewer Overflows
NPDES Permit No. ILM580012
Draft General Permit

Dear Permittee:

Please note that based on comments during the draft notice the language in Special Condition 1 has been revised. The dates to report CSO monitoring results have been changed to allow the Permittees to work with the Metropolitan Water Reclamation District in collecting data and submitting the results. Reports, data, and plans are only required to be submitted to the District if requested. In addition, the Agency has modified language in Special Condition 8, and extended the submittal deadline for completing the Capacity, Management, Operations, and Maintenance (CMOM) plan.

Please post the attached Public Notice for at least a period of thirty days from the date on the Notice in a conspicuous place on your premises.

The Agency will receive comments regarding the Permit for a period of 30 days after the Public Notice is issued. If you wish to comment or object to any of the terms and conditions of the Permit, you must state the objections in writing prior to the end of the public notice. The Agency may or may not change the Permit based on comments received from you or the public.

If you should have questions or comments regarding the above, please contact Jamie Cowles at 217/782-0610.

Sincerely,

A handwritten signature in cursive script that reads "Amy L. Dragovich".

Amy L. Dragovich, P.E.
Manager, Northern Unit, Permit Section
Division of Water Pollution Control

JMC:\ILM580\IL0069981\ILM580012

Attachments: Draft Permit, Public Notice/Fact Sheet

cc: Records Unit (2 copies)
Compliance Assurance Section
DesPlaines Regional Office
Municipal Clerk
USEPA

NPDES Permit No. ILM580

Notice No. JMC:ILM580.docx

Public Notice Beginning Date: **October 21, 2016**

Public Notice Ending Date: **November 21, 2016**

National Pollutant Discharge Elimination System (NPDES)
Permit Program

Draft Reissued General NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-0610

Discharges Authorized by this General Permit: In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board (35 Ill. Adm. Code, Subtitle C, Chapter 1), and the Clean Water Act the following discharges may be authorized by this permit, in accordance with Effluent Limitations, Monitoring and Reporting requirements; Special Conditions, and Attachment H Standard Conditions attached herein.

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue the NPDES General Permit to discharge into waters of the state and has prepared a draft permit for discharges from combined sewer overflows (CSOs) which are owned by municipalities in the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) Tunnel and Reservoir Plan (TARP) service area.

Coverage under this permit: Discharges may be authorized to any General Use, Secondary Contact and Indigenous Aquatic Life Standard Use, Primary Contact Recreation Use, and Incidental Contact Recreation Use Waters of the State, or to stormwater conveyances tributary to such surface waters.

Interested persons are invited to submit written comments on the draft permit to the IEPA at the above address. The NPDES permit and notice number(s) must appear on each comment page. Any interested person may submit a written request for a public hearing on the draft permit, stating his or her name and address, the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues.

The Public Notice/Fact Sheet, draft permit, comments received, and other documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person. All comments on the draft permit and requests for hearing must be received by the IEPA no later than 30 days from the date of this publication. If written comments or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. Response to comments will be provided when final action is taken. For further information, please call Jamie Cowles at 217/782-0610.

The following explains the conditions of the proposed permit.

The General Permit is applicable to Municipalities previously covered by an individual NPDES Permit or this General NPDES Permit. Municipalities not previously covered by the General Permit may receive authorization for coverage under this General Permit. To receive authorization to discharge under this General Permit, applicants must complete and submit Application Forms 1 and 2A for all new and existing discharges. Authorization to discharge or continue to discharge, if granted, will be by letter and include a copy of the permit.

Any discharge covered by this permit must not alone or in combination with other sources, cause a violation of any applicable water quality standard, or contain any settleable solids, floating debris, visible oil, grease, scum, or sludge solids. Color, odor, and turbidity shall be reduced below obvious levels. In addition, if a Total Maximum Daily Load (TMDL), or alternate water quality study is performed for any waterbody which is impaired by any parameter applicable to a discharge, the permittee shall comply with any schedule provided in an approved TMDL, or alternate water quality study.

Authorization from IEPA must be obtained to be covered under a General Permit. Permittees possessing a current individual NPDES permit need not apply for this General Permit unless they wish to be covered. Individual NPDES permits must be revoked by IEPA.

A General Permit is a single permit issued to cover discharges from a number of facilities in a specified geographic area which involve the same or substantially similar types of operations. The facilities must discharge the “same type of wastes” which has been interpreted to mean the waste streams need not be identical but must be sufficiently similar that the same permit conditions are appropriate. A determination by the IEPA must be made that the discharges are more appropriately covered under a General Permit than under individual permits.

A General Permit is the equivalent of an individual permit in terms of effluent limitations, water quality standards, monitoring and reporting requirements, and enforceability.

The General Permit does not name any permittees, nor does it authorize any person to discharge. The authorization to discharge under a General Permit will be by a separate letter, issued to a specific applicant, with authorization letters issued at any time while the permit is in effect. This issuance procedure does not require the revocation of a large number of individual permits at the time of General Permit issuance. Rather, individual dischargers are placed under the General Permit as their existing permits come up for reissuance. If the permittee requested revocation of their individual permit, they could be authorized to discharge under the General Permit at that time.

Any owner or operator of these discharges may request to be excluded from the coverage of the General Permit by submitting an application for individual permit with reasons supporting the request. IEPA will review the application and make a determination as to whether or not the general permit is appropriate to regulate the discharge. If the conclusion is that it would, the discharger will be notified of our decision to include them under the General Permit. IEPA’s decision is appealable to the Illinois Pollution Control Board.

Upon issuance of this renewal, the Agency is proposing to cover the following facilities currently covered under this permit (ILM580), which have submitted a renewal application, under the reissued permit.

NPDES PERMIT NO.	PERMITTEE
ILM580002	EVANSTON, CITY OF
ILM580003	MELROSE PARK, VILLAGE OF
ILM580004	LYONS, VILLAGE OF
ILM580005	MORTON GROVE, VILLAGE OF
ILM580006	ARLINGTON HEIGHTS, VILLAGE OF
ILM580007	RIVERDALE, VILLAGE OF
ILM580008	LAGRANGE PARK, VILLAGE OF
ILM580009	LA GRANGE, VILLAGE OF
ILM580010	SOUTH HOLLAND, VILLAGE OF
ILM580011	DIXMOOR, VILLAGE OF
ILM580012	WILMETTE, VILLAGE OF
ILM580013	SCHILLER PARK, VILLAGE OF
ILM580014	PARK RIDGE, CITY OF
ILM580015	RIVERSIDE, VILLAGE OF
ILM580016	CALUMET PARK, VILLAGE OF

ILM580017	DOLTON, VILLAGE OF
ILM580018	BURNHAM, VILLAGE OF
ILM580019	FOREST PARK, VILLAGE OF
ILM580020	HARVEY, CITY OF
ILM580021	RIVER GROVE, VILLAGE OF
ILM580022	MAYWOOD, VILLAGE OF
ILM580023	STICKNEY, VILLAGE OF
ILM580024	RIVER FOREST, VILLAGE OF
ILM580025	CALUMET CITY
ILM580026	DES PLAINES, VILLAGE OF
ILM580027	LANSING, VILLAGE OF
ILM580029	FRANKLIN PARK, VILLAGE OF
ILM580030	NORTH RIVERSIDE, VILLAGE OF
ILM580031	BLUE ISLAND, CITY OF
ILM580032	BROOKFIELD, VILLAGE OF
ILM580033	SUMMIT, VILLAGE OF
ILM580034	LINCOLNWOOD, VILLAGE OF
ILM580035	NILES, VILLAGE OF
ILM580036	SKOKIE, VILLAGE OF
ILM580037	POSEN, VILLAGE OF

This draft permit also contains the following requirements as special conditions:

1. An authorization of combined sewer discharges.
2. Reopening of this Permit to include different final effluent limitations.
3. Submission of the operational data in a specified form and at a required frequency at any time during the effective term of this Permit.
4. Prohibition against causing or contributing to violations of water quality standards.
5. Recording the monitoring results on CSO Discharge Monitoring Report Forms using one such form for each month and submitting the forms to the IEPA quarterly.
6. Requiring an individual NPDES Permit or an alternative General Permit.
7. Authorization to discharge under this Permit.
8. Capacity, Management, Operations, and Maintenance (CMOM) requirements.
9. Identification of additional overflow points.

NPDES Permit No. ILM580

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

Expiration Date:

Issue Date:

Effective Date:

**Reissued General (NPDES) Permit
for
Discharges from Combined Sewer Overflows**

Coverage under this Permit

This Permit can cover discharges from combined sewer overflows (CSOs) which are owned by municipalities in the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) Tunnel and Reservoir Plan (TARP) service area and which discharge into General Use, Secondary Contact and Indigenous Aquatic Life Use, Primary Contact Recreation Use, or Incidental Contact Recreation Use Waters.

Eligibility

This Permit can cover CSOs, tributary to the TARP operated by the MWRDGC, that are publicly owned by entities that do not operate treatment facilities themselves and have had or currently have an NPDES permit. Municipalities not previously covered under an individual or general NPDES permit cannot be authorized to discharge under this General Permit.

Receiving Waters: General Use, Secondary Contact and Indigenous Aquatic Life Use, Primary Contact Recreation Use, and Incidental Contact Recreation Use Waters of the State in the Suburban Chicago Area

To receive authorization to discharge under this General Permit, a facility owner or operator must submit the proper application forms to the IEPA. Authorization, if granted, will be by letter and include a copy of this Permit.

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

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

SPECIAL CONDITION 1.AUTHORIZATION OF
COMBINED SEWER OVERFLOW DISCHARGES

The IEPA has determined that at least a portion of the collection system consists of combined sewers. References to the collection system and the sewer system refer only to those parts of the system which are owned and operated by the Permittee. The Permittee may discharge from the overflow(s) listed in the letter authorizing the Permittee to discharge under this General Permit provided the following terms and conditions are met:

A. Transport and Treatment Requirements or Collection and Treatment Requirements

1. All combined sewage shall be given sufficient treatment by the proper treatment authority to prevent pollution and the violation of applicable water quality standards. This program may be performed in cooperation with MWRDGC.
2. All dry weather flows, the first flush of storm flows, and at least ten (10) times average dry weather flows shall be conveyed to the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) for treatment.
3. All CSO discharges authorized by this Permit shall be treated by the proper treatment authority, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203 and 302.403 and to prevent depression of dissolved oxygen levels below the applicable water quality standard. This program may be performed in cooperation with MWRDGC.
4. Overflows during dry weather are prohibited. Dry weather overflows, if discovered, shall be reported to the IEPA pursuant to Standard Condition 12(f) of this Permit (24 hour notice).
5. The collection system shall be operated to optimize storage and transport of wastewater flows and to minimize CSO discharges. This program may be performed in cooperation with MWRDGC.

B. Nine Minimum Controls

6. The Permittee shall comply with the nine minimum controls contained in the National CSO Control Policy published in the *Federal Register* on April 19, 1994. The nine minimum controls are:
 - a. Proper operation and maintenance programs for the sewer system and the CSOs;
 - b. Maximum use of the collection system for storage;
 - c. Review and modification of pretreatment requirements to assure CSO impacts are minimized (Compliance with this Item is under the control of the treatment authority--the Metropolitan Water Reclamation District of Greater Chicago, MWRDGC);
 - d. Maximization of flow to the POTW for treatment;
 - e. Prohibition of CSOs flow during dry weather;
 - f. Control of solids and floatable materials in CSOs flow;
 - g. Pollution prevention programs which focus on source control activities;
 - h. Public notification to ensure that citizens receive adequate information regarding CSO occurrences and CSO impacts; and,
 - i. Monitoring to characterize impacts and efficiency of CSO controls.

C. Pollution Prevention Activities

7. The Permittee shall implement practicable pollution prevention measures such as street cleaning, public education programs, solid waste collection and recycling to keep contaminants from entering the Permittee's sewer system. These measures shall include, but not be limited to, developing and implementing a pollution prevention plan (PPP), updated to reflect system modifications. The PPP shall be reviewed, and revised within nine (9) months of the date of authorization to discharge under this General Permit to address the items contained in Chapter 8 of the U.S. EPA guidance document, Combined Sewer Overflows, Guidance For Nine Minimum Controls, and any items contained in

NPDES Permit No. ILM 580
Special Conditions

previously-sent review documents from the IEPA concerning the PPP. Combined Sewer Overflows, Guidance For Nine Minimum Controls is available on line at <http://www.epa.gov/npdes/pubs/owm0030.pdf>. The PPP shall be presented to the general public at a public information meeting conducted by the Permittee annually during the term of this Permit.

The Permittee shall submit documentation that the pollution prevention plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the date of authorization to discharge under this General Permit and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the "CSO Pollution Prevention Plan Certification" one (1) with original signatures. This certification form is available online at <http://www.epa.state.il.us/water/permits/waste-water/forms/csopolprev.pdf>.

The Permittee shall immediately implement the additional elements of the pollution prevention plan and shall maintain a current pollution prevention plan, updated to reflect system modifications, on file at the sewage treatment works or other acceptable location and made available to the public. Any pollution prevention plan revisions shall be submitted to the IEPA one (1) month from the revision date. Upon request the Permittee shall also submit a copy of the Pollution Prevention Plan and all subsequent updates to MWRDGC.

D. Sensitive Area Considerations

8. Pursuant to Section II.C.3 of the federal CSO Control Policy of 1994, sensitive areas are any water likely to be impacted by a CSO discharge which meet one or more of the following criteria: (1) designated as an Outstanding National Resource Water; (2) found to contain shellfish beds; (3) found to contain threatened or endangered aquatic species or their habitat; (4) used for primary contact recreation; or, (5) within the protection area for a drinking water intake structure. The most recent Sensitive Area Consideration Report, produced by MWRDGC, was updated February 2003.

Within (6) months of the date of the completion of the tributary reservoir (Thornton Composite Reservoir or McCook Reservoir) or within six (6) months of the date of authorization to discharge under this General Permit, whichever comes later, the Permittee shall submit two (2) copies of documentation indicating which of the outfalls do not discharge to sensitive areas. Such documentation shall include information regarding the use of the receiving water for primary contact activities (swimming, water skiing, etc.). If the Permittee believes that it is not possible for primary contact recreation to occur in the areas impacted or potentially impacted by the CSOs, justification as to why primary contact recreation is not possible shall be submitted. Adequate justification shall include, but is not limited to: (1) inadequate water depth; (2) presence of physical obstacles sufficient to prevent access to or for primary contact recreation; and, (3) uses of adjacent land sufficient to discourage primary contact activities. The IEPA will make a determination based on this documentation and other information available to the IEPA. Should the IEPA conclude that any of the CSOs discharge to a sensitive area, the IEPA will notify the Permittee in writing. Within three (3) months of the date of notification, or such other date contained in the notification letter, the Permittee shall submit two (2) copies of a plan and schedule to eliminate or relocate discharges from these outfalls. If elimination or relocation is not economically feasible or technically achievable, the Permittee shall revise the plan and schedule for treating the discharge. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy.

Additionally, if any of the CSOs authorized for discharge under this General Permit are determined to discharge to sensitive areas, the IEPA may require the Permittee to submit an individual NPDES permit application based on this documentation and information. An individual NPDES permit may be issued to include additional CSO controls for such outfalls and to include a schedule for relocating, controlling, or treating CSO flows to sensitive areas. If none of these options are possible, the Permittee shall submit adequate justification at that time as to why these options are not possible. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy.

E. Operational and Maintenance Plans

9. The Permittee shall implement measures to reduce, to the greatest extent practicable, the total loading of pollutants and floatables entering the receiving stream and to mitigate, to the greatest extent practicable, the impacts from such loadings, to ensure that the Permittee ultimately achieves compliance with water quality standards. These measures shall include, but not be limited to developing and implementing a CSO O&M plan, tailored to the local government's collection and wastewater treatment system (satellite treatment system or MWRDGC water reclamation facility), which shall include mechanisms and specific procedures where applicable to ensure:
- a. Collection system inspection on a regular scheduled basis;

NPDES Permit No. ILM 580
Special Conditions

- b. Sewer, catch basin, manhole, and regulator cleaning and maintenance on a regular scheduled basis;
- c. Inspections are made and preventative maintenance is performed on all pump/lift stations;
- d. Collection system replacement, where necessary;
- e. Detection and elimination of illegal connections;
- f. Detection, prevention, and elimination of dry weather overflows;
- g. The collection system is operated to maximize storage capacity and the combined sewer portions of the collection system are operated to delay storm water entry into the system; and,
- h. The collection system is operated to maximize treatment.

Unless already completed a CSO operational and management plan (CSO O&M plan) shall be developed by the Permittee within nine (9) months of the date of the authorization to discharge under this General Permit.

The CSO O&M plan shall be presented to the general public at a public information meeting conducted by the Permittee within nine (9) months of the date of the authorization to discharge under this General Permit.

The CSO O&M plan shall be consistent with the MWRDGC CSO O&M plan and may be developed in cooperation with MWRDGC. The Permittee shall submit documentation that the CSO O&M plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the date of the authorization to discharge under this General Permit, and the CSO O&M plan shall be implemented immediately and shall include a summary of all significant issues raised by the public, the Permittees response to each issue and shall identify any modifications made to the plan as a result of the public information meeting along with a brief description of the CSO O&M plan, and two (2) copies of the "CSO Operational Plan Checklist and Certification", one (1) with original signatures. Copies of the "CSO Operational Plan Checklist and Certification" are available online at <http://www.epa.state.il.us/water/permits/waste-water/forms/cso-checklist.pdf>.

The Permittee shall maintain a current CSO O&M plan, updated to reflect system modifications, on file at the municipal clerks office or other acceptable location and made available to the public. The Permittee shall review its O&M plan from time to time, but at least annually, and revise the plan if necessary employing a process that actively involves the affected communities. As part of these annual reviews, the permittee shall address any comments that it has received from IEPA and the public on its current or prior O&M plan. Upon request a copy of the CSO O&M plan and all subsequent updates shall be submitted to MWRDGC. The CSO O&M plan shall be submitted to the IEPA upon written request.

F. Sewer Use Ordinances

- 10. The Permittee, within six (6) months of the date of the authorization to discharge under this General Permit, shall review and where necessary, modify its existing sewer use ordinance to ensure it contains provisions addressing the conditions below. If no ordinance exists, such ordinance shall be developed and implemented within six (6) months of the date of the authorization to discharge under this General Permit. Sewer use ordinances are to contain specific provisions to:
 - a. prohibit introduction of new inflow sources to a sanitary sewer;
 - b. require that new construction tributary to the combined sewer system be designed to minimize and/or delay inflow contribution to the combined sewer system;
 - c. require that inflow sources on the combined sewer system be connected to a storm sewer, within a reasonable period of time, if a storm sewer becomes available;
 - d. provide that any new building domestic waste connection shall be distinct from the building inflow connection;
 - e. assure that CSO impacts from non-domestic sources are minimized by determining which non-domestic discharges, if any, are tributary to CSOs and reviewing, and, if necessary, modifying the sewer use ordinance to control pollutants in these discharges; and,

NPDES Permit No. ILM 580
Special Conditions

- f. require that the owners of all publicly owned systems with combined sewers tributary to the Permittee's collection system have procedures in place adequate to ensure that the objectives, mechanisms, and specific procedures given in Paragraph 9 of this Special Condition are achieved.

Upon completion of the review of the sewer use ordinance(s), the Permittee shall submit two (2) copies of a completed "Certification of Sewer Use Ordinance Review", one with original signatures, to the IEPA. Copies of the certification form can be obtained on line at <http://www.epa.state.il.us/water/permits/waste-water/forms/sewer-use.pdf>. Upon request a copy of the sewer use ordinance and all subsequent updates shall be submitted to MWRDGC. The Permittee shall submit copies of the sewer use ordinance(s) to the IEPA upon written request.

The Permittee shall enforce the applicable sewer use ordinances.

- a. The Permittee shall implement and enforce all conditions and requirements of the Sewer Summit Agreement between the Permittee and MWRDGC that are the responsibility and/or under the jurisdiction of the Permittee in the Agreement. The steps used to implement the Sewer Summit Agreement and Article 8 of the MWRDGC Watershed Management Ordinance shall be included in the OMP contained in Paragraph 9 of this Special Condition.
- b. In the event there is excessive I/I (any wet weather flows exceeding 150 gpcpd 24-hour average with peak flow not to exceed 100 gpcpd times an allowable peaking factor in accordance with the Illinois Recommended Standards for Sewage Treatment Works) in their separate sewer systems that cause or contribute to basement back-ups and/or sanitary sewer overflows, the Permittee shall implement measures in addition to those required under the Sewer Summit Agreement in an effort to reduce the excessive I/I. Such additional remedies may include sewer system evaluation studies, sewer rehabilitation or replacement, inflow source removal, and restrictions on the issuance of additional sewer connection permits.

G. Compliance with Water Quality Standards

11. Pursuant to Section 301 of the federal Clean Water Act and 40 CFR 122.4, discharges from the CSOs authorized under this General Permit shall not cause or contribute to violations of applicable water quality standards or cause use impairment in the receiving waters. Should information become available which indicates the CSO discharges cause violations of applicable water quality standards or cause use impairment, the Permittee shall develop and implement a plan to assess and abate impacts from CSO discharges. This plan may be developed in conjunction with MWRDGC. Three (3) copies of this plan shall be submitted to the IEPA within six (6) months of notification and shall contain a schedule for its implementation and provisions for re-evaluating compliance with applicable standards and regulations after implementation. Upon request a copy of this plan and all subsequent updates shall be submitted to MWRDGC.

H. Monitoring, Reporting and Notification Requirements

12. The Permittee shall monitor the frequency of discharge (number of discharges per month) and estimate the duration (in hours) of each discharge from each outfall authorized under this General Permit. Estimates of storm duration and total rainfall shall be provided for each storm event.
13. For frequency reporting, all discharges from the same storm, or occurring within 24 hours, shall be reported as one. The date that a discharge commences and the duration of the discharge shall be recorded for each outfall.
14. The Permittee shall monitor, through a visual inspection, each outfall authorized to discharge under this General Permit once per month during dry weather, at least 24 hours after a precipitation event of 0.25 inches ends.
15. Monitoring results generated in accordance with Paragraphs 12-14 shall be recorded for each calendar month on the forms provided by the IEPA. The forms shall be submitted directly to the IEPA on a quarterly basis and upon request by the IEPA.
16. The Permittee may elect to fulfill the monitoring requirements set forth in Paragraphs 12 & 13 for any or all of its outfalls by utilizing CSO frequency and duration information submitted to IEPA by the MWRDGC as part of MWRDGC's CSO Monitoring Program, provided the Permittee (a) sends a notice to IEPA indicating its intent to rely upon MWRDGC's data; (b) specifies in the notice the outfalls that the Permittee will not be independently monitoring; and (c) receives a written response from IEPA indicating that IEPA approves the Permittee's decision to rely upon MWRDGC's data. The Permittee's election to utilize MWRDGC information for some, but not all, of the outfalls authorized under this permit, shall not relieve the Permittee's obligation under Paragraphs 12 & 13 to monitor the frequency and estimate the duration of each discharge from those outfalls not being addressed through the MWRDGC information. The Permittee may not utilize MWRDGC information to fulfill the monitoring

NPDES Permit No. ILM 580
Special Conditions

requirements set forth in Paragraphs 12 & 13 if the Permittee receives written notice from IEPA that it may no longer do so.

17. If the Permittee elects to rely upon MWRDGC's data in accordance with paragraph 16 to fulfill the requirements of Paragraphs 12 & 13, the Permittee may not challenge the admissibility or accuracy of that data in any enforcement action.
18. A public notification program in accordance with Section II.B.8 of the federal CSO Control Policy of 1994 and 40 CFR Part 122 shall be developed and implemented employing a process that actively informs the affected public. This program may be developed in conjunction with MWRDGC. The program shall include at a minimum public notification of CSO occurrences and CSO impacts, with consideration given to including mass media and/or Internet notification, and provisions shall be made to include modifications of the program when necessary and notification to any additional affected public. The Permittee shall provide within their city or village website a computer link to the MWRDGC's website location where the public notification of CSO occurrences are posted, as well as providing the public the opportunity to sign up for automatic notification of a CSO occurrence.

The Permittee shall post and maintain signs in waters likely to be impacted by CSO discharges at the point of discharge and at points where these waters are used for primary contact recreation. The signage message should be visible from both shoreline and water vessel approach (if appropriate), respectively. The Permittee shall inspect, maintain and replace any damaged or missing CSO signs. In the event that the Permittee is not in control of the potentially impacted downstream areas and does not have the legal authority to compel the posting of such notices, the Permittee shall specifically identify this problem and detail a specific resolution.

The program shall be presented to the general public at a public information meeting conducted by the Permittee. The Permittee shall conduct the public information meeting providing a summary and status of the CSO control program annually during the term of this permit. The Permittee shall submit documentation that the public information meeting was held, shall submit a summary of all significant issues raised by the public and the Permittee's response to each issue and shall identify any modifications to the program as a result of the public information meeting within 60 days of holding the public meeting. Upon request a copy of the public notification program and all subsequent updates shall be submitted to MWRDGC.

19. If any of the CSO discharge points listed in the authorization to discharge under this General Permit are eliminated, or if additional CSO discharge points, not listed in the authorization to discharge under this General Permit, are discovered, the Permittee shall notify the IEPA in writing within one (1) month of the respective outfall elimination or discovery. Such notification shall be in the form of a request for the appropriate modification to discharge under this General Permit.

I. Summary of Compliance Dates in this CSO Special Condition

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

Submission of CSO Monitoring Data (Paragraph 12, 13, 14, 16)	Quarterly (March 25 th , June 25 th , September 25 th , December 25 th)*
Documentation of CSO Locations (Paragraph 8, Sensitive Areas)	6 months from the date of completion of the tributary reservoir
Elimination of a CSO or Discovery of Additional CSO Locations (Paragraph 19)	1 month from discovery or elimination
Control (or Justification for No Control) of CSOs to Sensitive Areas (Paragraph 8)	3 months from IEPA notification
Certification of Sewer Use Ordinance Review (Paragraph 10)	6 months from the date of the authorization to discharge under this General Permit
Conduct Pollution Prevention and PN Public Information Meeting (Paragraphs 7 and 18)	Annually
No Submittal Due with this Milestone	

NPDES Permit No. ILM 580
Special Conditions

Conduct OMP Meeting (Paragraph 9) No Submittal Due with this Milestone	Within 9 months from the date of the authorization to discharge under this General Permit
Submit Pollution Prevention Certification and OMP Certification, (Paragraphs 7 and 9)	12 months from the date of the authorization to discharge under this General Permit
Submit PN Information Meeting Summary (Paragraph 18)	60 days after the public meeting.
CSO Abatement Plan (Paragraph 11)	6 months from IEPA notification
*Data may be submitted with MWRDGC quarterly report.	

All submittals listed in this condition shall be mailed to the following addresses:

Illinois Environmental Protection Agency Division of Water Pollution Control 1021 North Grand Avenue East Post Office Box 19276 Attention: CSO Coordinator, CAS	Illinois Environmental Protection Agency DesPlaines Regional Office Division of Water Pollution Control 9511 West Harrison Street DesPlaines, Illinois 60016	MWRDGC Executive Director 100 East Erie Street Chicago, Illinois 60611-3154
---	--	--

J. Reopening and Modifying this Permit

21. The IEPA may require the completion and submittal of an individual NPDES permit application at any time. Individual NPDES permit issuance would be to include requirements and compliance dates which have been submitted in writing by the Permittee and approved by the IEPA, or other requirements and dates which are necessary to carry out the provisions of the Illinois Environmental Protection Act, the Clean Water Act, or regulations promulgated under those Acts. Public Notice of such issuance and opportunity for public hearing shall be provided.

SPECIAL CONDITION 2. 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 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 effluent, alone or in combination with other sources, shall not cause or contribute to causing a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302.

SPECIAL CONDITION 5. The Permittee shall record monitoring results on CSO Discharge Monitoring Report forms (e.g., Form IL 532-2471, or updated form of the same). In the event that no CSO discharges occurred during a monthly reporting period, the DMR form shall be submitted with no discharge indicated.

The completed Discharge Monitoring Report forms shall be submitted quarterly to IEPA, (By the 25th of June, September, December, and March) for each quarter (January-March, April-June, July-September, and October-December), unless otherwise specified by the permitting authority.

Permittees shall mail CSO Discharge Monitoring Reports with an original signature to the IEPA at the following address:

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

The Permittee will be required to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA when available and notified by the Agency.

NPDES Permit No. ILM 580
Special Conditions**SPECIAL CONDITION 6. Requiring an individual NPDES Permit or an alternative General Permit**

- a. The IEPA may require any person authorized by this Permit to apply for and obtain either an individual NPDES Permit or an alternative NPDES General Permit. Any interested person may petition the IEPA to take action under this paragraph. The IEPA may require any owner or operator authorized to discharge under this Permit to apply for an individual NPDES Permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES Permit or the alternative General Permit as it applies to the individual Permittee, coverage under this General Permit shall automatically terminate. The IEPA may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit an individual NPDES Permit application required by the IEPA under this paragraph in a timely manner, then the authorization to discharge under this General Permit is automatically terminated at the end of the day specified for application submittal. In addition, the Agency may require an individual NPDES permit based on:
1. Information received which indicates the receiving water may be of particular biological significance pursuant to 35 Ill. Admin. Code Section 302.105(d)(6).
 2. Whether the receiving waters are identified as impaired pursuant to the Agency's 303(d) listing and the facility discharge is a potential contributing source of any parameter identified as a cause of that impairment.
 3. Additional effluent limitations or conditions are required for the permittees discharge.
- b. Any owner or operator authorized to discharge under this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual NPDES Permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR 122.21, to the IEPA. If the reasons cited by the owner or operator are adequate to support the request, the request shall be granted by issuance of any individual NPDES Permit or an alternative General Permit.
- c. When an individual NPDES Permit is issued to an owner or operator otherwise subject to this Permit, or the owner or operator is approved for coverage under an alternative NPDES General Permit, the authorization to discharge under this General Permit is automatically terminated on the issue date of the individual NPDES Permit or the date of approval for coverage under the alternative General Permit, whichever the case may be. When an individual NPDES Permit is denied to an owner or operator otherwise subject to this Permit, or the owner or operator is denied for coverage under an alternative NPDES General Permit, the authorization to discharge under this General Permit remains in effect, unless otherwise specified by the IEPA.

SPECIAL CONDITION 7.

- a. Authorization: To receive authorization to discharge under this General Permit, applicants must complete and submit NPDES Forms 1 and 2A (EPA Forms 3510-1 and 3510-2A). Upon review of the application, the IEPA may deny coverage under this General Permit and draft an individual NPDES permit.
- b. Duty to reapply: In order to obtain authorization to discharge beyond the expiration date of this Permit, any person authorized to discharge under this General NPDES Permit shall submit a proper application to the IEPA not less than 180 days prior to the expiration date of this General NPDES permit.
- c. Change in Contact Person, Ownership or Operators: In the event that the contact person for this facility is changed or in the event of a change in ownership or operator for a facility authorized to discharge under this Permit, an updated application shall be filed with the IEPA within thirty (30) days of such change. Upon review of an application, the IEPA may deny coverage under this Permit or require any person otherwise authorized to discharge under this Permit to apply for and obtain either an individual NPDES Permit or to obtain authorization to discharge under an alternative General NPDES Permit.

SPECIAL CONDITION 8. 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, Section 301(a) of the Clean Water Act, and by Ill. Adm. Code 306.304. As part of the process to ultimately achieve compliance through the elimination of and mitigating any adverse impacts of any such overflows, the Permittee shall (A) identify and report to IEPA all SSOs that do occur, and (B) develop, implement and submit to the IEPA a Capacity, Management, Operations, and Maintenance (CMOM) plan which includes an Asset Management strategy within thirty-six (36) months of the effective date of this Permit or review and revise any

NPDES Permit No. ILM 580
Special Conditions

existing plan accordingly. 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.

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;
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 cause of the overflow or basement backup, and document to files; and
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:

NPDES Permit No. ILM 580
Special Conditions

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 9.

Discharge from any point or outfall other than those specifically authorized in this permit is prohibited. Overflows from sanitary sewers are expressly prohibited by Ill. Adm. Code 306.304. The permittee shall identify any additional overflow points on the sewer system within one (1) month of discovery. Overflow points are defined as a pipe or diversion structure that could be used when it is unavoidable to prevent loss of life, personnel injury, or severe property damage. This Special Condition is not intended to relieve the Permittee from the applicable sections of the regulations.

Identification of the additional overflow points shall be indicated on a sewer system map submitted to IEPA together with a tabular inventory of the identified points within eighteen (18) months of discovery. These prohibited discharges, if they occur, are subject to conditions A and B below.

A. Definitions

"Severe Property damage" means substantial physical damage to property, damage to 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 discharge. Severe property damage does not mean economic loss caused by delays in production.

B. Notice

1. Anticipated discharge. If the Permittee knows in advance of the need for a prohibited discharge, it shall submit prior notice, if possible at least ten (10) days before the date of the discharge.
2. Unanticipated discharge. The Permittee shall submit notice of the unanticipated discharge as required in Standard Condition 12(f) of this Permit (24-hour notice).

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:
- 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;
 - Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - 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.**

- Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 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.
- Records of monitoring information shall include:
 - The date, exact place, and time of sampling or measurements;
 - The individual(s) who performed the sampling or measurements;
 - The date(s) analyses were performed;
 - The individual(s) who performed the analyses;
 - The analytical techniques or methods used; and
 - The results of such analyses.
- 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.

- Application.** All permit applications shall be signed as follows:
 - 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;
 - For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- 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:

- The authorization is made in writing by a person described in paragraph (a); and
 - 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
 - The written authorization is submitted to the Agency.
- 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.
 - 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.**

- 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:
 - 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
 - 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).
 - 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.
- 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.
- Transfers.** This permit is not transferable to any person except after notice to the Agency.
- 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.
- Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - 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.
- (Rev. 7-9-2010 bah)