NPDES Permit No. ILG84
Notice No. ILG84PN.TJF

Public Notice Beginning Date: **December 11, 2017**

Public Notice Ending Date: **January 10, 2018**

National Pollutant Discharge Elimination System (NPDES)
Permit Program

Draft Reissued General NPDES Permit to Discharge into Waters of the State
from Non-coal Mine Facilities

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-0610

In March 2012 the Illinois EPA issued a General National Pollutant Discharge Elimination Permit (General NPDES Permit) for non-coal mining activities. The issuance of this General NPDES Permit, designated as ILG84, allowed the regulated community to apply and receive authorization to operate sand and gravel pits, limestone quarries and other similar facilities and to discharge wastewater and stormwater to waters of the State under the provisions of state and federal regulations. The applicable regulations for non-coal mines are contained in the Illinois Pollution Control Board adopted rules under 35 Il. Adm. Code Subtitle D: Mine Related Water Pollution and in the federal regulations developed by the U.S. EPA under the NPDES program, found in 40 CFR 436, Mineral Mining and Processing Point Source Category and the federal NPDES stormwater regulations found under 40 CFR 122.26. The General NPDES Permit ILG84 issued on March 23, 2012 expired on February 28, 2017. The Illinois EPA intends to reissue this permit.

Copies of the Draft Permit are being sent to all current ILG84 permit holders and to other parties the Illinois EPA believes may have an interest in this matter.

The Illinois EPA proposes to post on its internet website a notice of the Notice of Intents (NOIs) or permit applications that have been reviewed with a determination that the facility may be eligible for coverage under the General NPDES Permit. Thirty days after posting of the web notice the Agency proposes to complete its review and issue coverage under the General NPDES permit to eligible facilities.

Upon reissuance of the new General NPDES Permit, those facilities eligible to be covered under the new permit must notify the Illinois EPA. Those operations applying for renewal of the General NPDES Permit for their facilities must provide a NOI or new permit application. The NOI shall include the information required by Special Condition 14.

The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice/Fact Sheet. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the draft permit to the IEPA at the above address. Commenters shall provide his or her name and address and the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues. Commenters may include a request for public hearing. The NPDES permit and notice number(s) must appear on each comment page.

The Public Notice/Fact Sheet and draft permit are available at the following internet web address http://www.epa.illinois.gov/public-notices/npdes-notices/index. 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.

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 the final permit is issued. For further information, please call Thaddeus Faught at 217/782-0610.

Concurrently with this Public Notice of the general NPDES permit the Agency is posting a list of current permittees under the general NPDES permit ILG84 that have filed permit applications or NOIs for renewal of their NPDES permit, this list is attached as Appendix A of this notice and is posted on the Illinois EPA website at http://www.epa.illinois.gov/public-notices/index. The Agency proposes to issue coverage of these facilities under the permit after issuance of the final general NPDES permit ILG84.

Interested parties may contact the Illinois EPA, Division of Water Pollution Control, at 217/782-0610 regarding the mining operations covered in the general NPDES permit. Permit Applications or facility information may be obtained by request in accordance with the IEPA's FOIA rules (http://www.epa.state.il.us/foia/index.html).

Proposed substantive modifications to the draft permit from the existing general permit ILG84 are listed below:

1. Special Condition 3: Revised to acknowledge NetDMRs.
2. Special Condition 5: Added requirements regarding use of native topsoil and avoidance of soil compaction in areas where final vegetative stabilization will occur.
3. Special Condition 14 (c) and (d): Added requirements for indicating the dates and titles of existing plans to be used if the plans have not modified since previously approved permits.
4. Special Condition 14 (e) and (f): Added requirements to provide a statement regarding Clean Construction and Demolition Debris and heated effluents or cooling water discharges in NOI for renewals.
5. Special Condition 19(b)(ii)(D)(i)(4): Added requirement to identify areas where construction or mining activities will occur within 50 feet from Waters of the United States on site map.
6. Special Condition 19(b)(ii)(D)(ii): Added requirements for timing of installation of stormwater pollution controls.
7. Added Special Condition 19(b)(ii)(D)(ii)(1)(d): Requirements for dust control.
8. Added Special Condition 19(b)(ii)(D)(ii)(1)(e): Requirements for disturbance of steep slopes.
9. Added Special Condition 19(b)(ii)(D)(ii)(2)(d): Requirements for stormwater discharges from activities within 50 feet of a Waters of the United States.
10. Special Condition 19(b)(ii)(D)(iii): Added requirement for timing of required maintenance of stormwater controls.
11. Added Special Condition 19(b)(iii): Benchmark Monitoring.
12. Special Condition 25: Added requirement for reporting data and activities resulting from Benchmark Monitoring.
13. Special Condition 31: Revised language on continuation of the permit.
14. Definitions: Replaced definition for "Large and Medium municipal separate storm sewer system" with definition for "Municipal Separate Storm Sewer."

The discharge(s) from the facilities shall be monitored and limited at all times as follows:

	LOAD LIMITS lbs/day DAF (DMF)			CONCENTRATION LIMITS mg/l		
PARAMETER	30 DAY AVERAGE	DAILY MAXIMUM	REGULATION	30 DAY AVERAGE	DAILY MAXIMUM	REGULATION
pH	Shall be in the Range of 6.5 to 9 Standard Units					302.204
Total Suspended Solids				35	70	406.106
Total Suspended Solids (for Industrial Sand Operations only)				25	45	40 CFR 436
Total Suspended Solids (for Concrete Mix Plants)				15	30	304.124

Offensive Conditions	No effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids, color, or odor. Turbidity shall be below obviously visible levels.	406.107

Discharge(s) that contain heated effluents or cooling waters shall be monitored and limited as follows:

	THERMAL MONITORING (C degrees, F degrees)	
Parameter	LIMITATIONS	REGULATION
Temperature	See Special Condition 29	302.211, 302.408, 303

See Special Condition 32 regarding discharges limitations for Asphalt Concrete Plants.

Antidegradation Assessment for General Permit for Non-Coal Mine Facilities
NPDES Permit No. ILG84

The subject General Permit is proposed to regulate discharges from mining and quarrying of non-metallic minerals, except fuels. These discharges are limited to storm water, process wastewater, mine dewatering and pit pumpage. Typically, these facilities are limestone quarries largely producing crushed stone, industrial sand mines and sand and gravel pits mining near-surface deposits. The permit also covers site run-off from facilities that include concrete mix plants or asphalt plants, but does not cover process wastewater from the concrete mix or asphalt plants. The permit requires that storm water exposed to mined areas, product stockpiles, processing areas, etc., must be routed to outfalls covered by this permit. These usually involve sedimentation ponds. Other areas may be drained off-site without being routed through the outfall, but must include best management practices to ensure that water pollution does not occur.

Identification and Characterization of the Affected Water Body.

The receiving waters for these effluents may be any waters of the State except for Lake Michigan Basin waters. Waters that are designated as Outstanding Resource Waters pursuant to 35 Ill. Adm. Code 303.205 and listed in 35 Ill. Adm. Code 303.206 must not be lowered in quality and would not be available for coverage under this General Permit except as provided in 35 Ill. Adm. Code 302.105(b)(1)(A) and (b)(1)(B).

In order for the General Permit to comply with the antidegradation standard, each notice of intent (or application) for General Permit coverage will be evaluated with regard to the specific receiving water involved. In rare cases, water bodies may not be suitable for these discharges due to their ecological or hydraulic nature. Flow increases could disturb sensitive receiving waters insofar as rare or endangered organisms are dependent on intermittent flow. These conditions are believed to be very uncommon. As stated elsewhere in this assessment, water quality of the discharges will not be an issue if the terms and conditions of the General Permit are met for most applications. However, Standards Unit will conduct the evaluation of the receiving waters as applications for coverage under this General Permit are received. If a proposed receiving water is determined to be unsuited for the effluent, i.e., existing uses would not be preserved by the addition, a suitable alternative will be explored with the discharger. If no suitable alternative is found, the General Permit coverage will be denied on the basis of incompatibility with the antidegradation standard.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

The discharges covered under this permit may increase the loading of several parameters to the receiving water. These may include total suspended solids, total dissolved solids and sulfate. These parameters are inherent in the groundwater and storm water encountered in quarries and gravel pits. While loading increases in the receiving stream because of these discharges, the concentrations encountered do not exceed water quality standards. It is often the case that the receiving stream will actually benefit from the inflow of these effluents. Two other pollutants may be introduced from other activities such as rock crushing (heat) and fuel storage (oil & grease). The permit will limit these parameters at water quality or effluent standards. No impact on uses is anticipated from these parameters.

The wastewaters meeting the effluent limits applied in the general permit are of generally good quality. Groundwater pit pumpages from these facilities in many cases creates an excellent source of good quality water for small streams and may be supplied continuously, even under drought conditions. Many of the facilities that produce these wastewaters employ water reuse practices, which minimizes the volume of discharge to some extent. If unique ecological features are present in a receiving stream, the effects of the new effluent will be evaluated in light of any potential adverse consequences.

Fate and Effect of Parameters Proposed for Increased Loading.

The settling provided in the treatment of process wastewaters and storm waters from the facilities covered under this permit is adequate to make them of at least similar quality, and in many cases better quality, than the runoff from surrounding properties. Sedimentation is not expected to increase from the discharge of these waters. Total suspended solids from these mines and quarries will be only a small fraction of that coming from the other land uses within a watershed. Temperature increases or decreases in the receiving waters will be very minor if any exist at all. Oil and grease likewise will be in such small concentrations, if discharged at all, to be indiscernible.

Purpose and Anticipated Benefits of the Proposed Activity.

Mining and quarrying of crushed stone, sand and gravel and industrial sand provide jobs for many individuals. The construction material supplied by these activities allows for more efficient supply for local projects and reduces transportation costs. Efficient access to building materials bolsters the local construction industry. Local industries are supplied with necessary raw materials.

Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.

Given that suspended and dissolved solids are the pollutants primarily associated with the General Permit, sedimentation basins and the incorporation of best management practices are the most practical means of pollution prevention. Alternative treatment and/or discharge options generally do not exist for these types of mining and quarrying operations, hence the practicality of the general permit. Alternative treatment technologies such as reverse osmosis and ion exchange are impractical due to high costs, inadequate water supplies, and the production of concentrated waste streams that require disposal. Alternative discharge options such as no discharge or relocation of the discharges are impractical given that they are storm water driven. Illinois design standards for sedimentation ponds allow for discharge during and after storm events provided the design minimizes the release of sediment with the discharged storm water. It is not economically feasible to construct large, no discharge stormwater detention ponds when sedimentation ponds with occasional discharges are allowed and can meet water quality standards. Relocation of discharges to publicly owned treatment works is not feasible given the volume of water that would be discharged during a storm event. Alternative discharge options are not economically and/or technically feasible. Discharges from facilities that would be covered by this General Permit are often minimized through reuse of the process wastewaters generated on-site, which reduces demand on local potable water sources and reduces effluent volume. Permit special conditions and best management practices have been established for facilities contained under this General Permit and are enforced within the permit. These requirements are the most effective means of minimizing pollutant loading and environmental degradation from these facilities.

Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities

The General Permit will undergo public notice and all appropriate agencies will be provided with this antidegradation assessment and other pertinent information. Any comments submitted by IDNR will be considered within the time frame required for Agency response.

Agency Conclusion.

This assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard). We tentatively find that the proposed activities will result in discharges that will allow attainment of water quality standards. All existing uses will be fully protected. All technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed General Permit. The activities allowed by the General Permit will benefit the community at large by fostering jobs and providing construction materials for local projects. The proposed General Permit is therefore believed to be compliant with the Antidegradation standard. Comments received during the NPDES public notice period will be evaluated before a final decision is made by the Agency.

Appendix A. List of mines proposed to be renewed under proposed ILG84 general mine permit

NPDES Permit No.	Facility Name	County	Receiving Water	Project Type
ILG840003	Hardin County No. 1 – Cave-in-Rock	Hardin	Unnamed tributary to Ohio River	Existing
ILG840004	Columbia Quarry Co.- Waterloo 7	Monroe	Rockhouse Creek	Existing
ILG840005	Coots Materials Company - Monmouth Quarry	Warren	Unnamed tributary to Cedar Creek	Existing
ILG840008	Eagle Creek Quarries – Sword Quarry Milledgeville	Carroll	Eagle Creek	Existing
ILG840011	Lafarge North America – Cave in Rock	Hardin	Ohio River	Existing
ILG840012	Northern Illinois Service Company - Blacks 127	Winnebago	Unnamed tributary to Pecatonica River	Existing
ILG840013	Macklin Inc. - Ashton Quarry	Lee	Township Road Ditch to Rock River	Existing
ILG840014	Macklin Inc. - Stonebridge Quarry	Lee	Unnamed tributary to Rock River	Existing
ILG840017	Kimaterials- Lohr Quarry	Madison	Little Piasa Creek	Existing
ILG840019	Rochelle Quarry – Rochelle	Ogle	Unnamed tributary to the Kyte River	Existing
ILG840023	Martin and Company – Oregon Quarry	Ogle	Unnamed tributary to the Rock River	Existing
ILG840028	Gray Quarries - Hamilton	Hancock	Unnamed tributary to Mississippi River	Existing
ILG840029	Hanson Materials Service - Yard 585	Cook	McCook Creek	Existing
ILG840030	Lafarge Utica Pit – Utica	LaSalle	Unnamed tributary to Illinois River	Existing
ILG840032	Vulcan Construction Materials – Plainfield Quarry	Will	Lily Cache Creek, Lake Plainfield, Unnamed tributary to Lake Renwick	Existing
ILG840034	Vulcan Construction Materials – Bolingbrook Quarry	Will	DuPage River	Existing
ILG840042	LaFarge Elburn – Elburn Pit	Kane	Unnamed tributary to Blackberry Creek	Existing
ILG840047	Riverstone - Allied MC30	Rock Island	Rock River	Existing
ILG840049	Riverstone-Troy Grove MC46	LaSalle	Little Vermillion River	Existing
ILG840051	Vulcan- Manteno Quarry	Kankakee	Soldier Creek	Existing
ILG840055	Nokomis Quarry Co. – Nokomis Quarry	Montgomery	Unnamed tributaries to South Fork Creek	Existing
ILG840056	Cessford Construction Company – Dallas City Quarry	Henderson	Camp Creek	Existing
ILG840057	Martin Marietta- Kaskaskia	Randolph	Unnamed tributary of the Mississippi River	Existing
ILG840060	LaFarge Aggregates – Fox River Quarry	Kane	Unnamed tributary to the Fox River	Existing
ILG840063	Anna Quarries - Hartline and Midwest	Union	Unnamed tributary To Cache River	Existing
ILG840064	Columbia Quarry – Columbia 1	St. Clair	Palmer Creek	Existing
ILG840065	Shawnee Stone - Ullin Quarry	Pulaski	Indian Camp Creek	Existing
ILG840066	Lafarge Conco Stone North Aurora	Kane	Unnamed tributary to Fox River	Existing
ILG840067	Southern Illinois Stone – Buncombe	Johnson	Grasshopper Creek	Existing
ILG840074	Central Stone – Fesler Quarry (CS-40)	Pike	Unnamed tributary to Hadley Creek	Existing
ILG840075	Central Stone Company – Chambersburg	Pike	McKee Creek	Existing
ILG840077	Iola Quarry Inc. - Brush Creek Quarry	Shelby	Brush Creek	Existing
ILG840079	Lee Quarry, Inc. - Lee Quarry	Boone	Unnamed tributary to Trimble Run Creek	Existing
ILG840080	Central Stone Co - Carthage Quarry	Hancock	Unnamed Ditch to La Moine River	Existing
ILG840081	Conmat – Dwyer Quarry #4	Stephenson	Yellow Creek	Existing
ILG840082	William Charles Construction – Johns Quarry #141	Winnebago	Unnamed tributary to North Fork of Kent Creek	Existing
ILG840084	LaFarge North America – Sheridan Plant	LaSalle	Somonauk Creek	Existing
ILG840085	Elmhurst Chicago Stone – Kanevil	Kane	Unnamed tributary to Welch Creek	Existing
ILG840091	Fischer Excavating – Lake Carroll Quarry	Carroll	Unnamed tributary to Lake Carroll	Existing

Appendix A. Continued (2/3)

NPDES Permit No.	Facility Name	County	Receiving Water	Project Type
ILG840094	Conmat – Loberg Quarry	Carroll	Unnamed tributary to Lake Carroll	Existing
ILG840095	Tuscola Stone Company	Douglas	Hayes Branch	Existing
ILG840098	Central Stone – Kinderhook Quarry (CS-37)	Pike	Unnamed tributary to Hadley Creek	Existing
ILG840099	Central Stone – Richfield (CS-35)	Adams	McCraney Creek	Existing
ILG840102	Hardin County No. 2 – Cave-in-Rock	Hardin	Unnamed tributary to the Ohio River	Existing
ILG840103	Martin Marietta Materials – Rosiclare	Hardin	Wallace Branch	Existing
ILG840105	Christian County Limestone- Pana	Christian	Unnamed tributary to Cotton Creek	Existing
ILG840107	Shawnee Stone - Jonesboro Quarry	Union	Mill Creek	Existing
ILG840117	Central Stone Co - Florence 33	Pike	Unnamed tributary to Illinois River	Existing
ILG840119	Central Stone Company - Mill Creek 42	Adams	Mill Creek	Existing
ILG840120	Wendling Quarries – Huisenga	Whiteside	Cedar Creek	Existing
ILG840121	Belvidere Material - Belvidere Quarry	Boone	Unnamed tributary to Kishwaukee River	Existing
ILG840122	William Charles Construction – Mulford Quarry	Winnebago	Unnamed tributary to Madigan Creek	Existing
ILG840123	Illinois Cement Company – Dimmick Mine	LaSalle	Unnamed tributary to Little Vermilion River	Existing
ILG840124	Reliable Materials – Lyons	Cook	Unnamed tributary to Des Plaines River	Existing
ILG840125	Prairie Material – Elburn Yard 91	Kane	Welsh Branch	Existing
ILG840127	VCNA Prairie- Yard 88 Pontiac	Livingston	Hickory Creek	Existing
ILG840128	Boughton Trucking & Materials - 119th St.	Will	DuPage River	Existing
ILG840129	Vulcan Construction Materials – Lisbon Quarry	Kendall	Valley Run Creek	Existing
ILG840131	Hanson Material Service – Nokomis	Montgomery	Unnamed tributary to South Fork of the Sangamon RIver	Existing
ILG840134	Collinson Stone Co. - Milan Stone	Rock Island	Mill Creek	Existing
ILG840135	RiverStone Group – Cleveland Quarry (MC-31)	Henry	Unnamed tributary to the Rock River	Existing
ILG840136	Unimin Specialty Materials, inc. - Elco Plant – Tamms	Alexander	Unnamed tributary to Hartline Creek	Existing
ILG840137	Mid Illinois Concrete – Mid Ill Quarry	Clark	Quarry Branch	Existing
ILG840139	Unimin Corp - Oregon Plant	Ogle	Unnamed tributaries to Rock River and Gale Creek	Existing
ILG840140	Vulcan Construction Materials – Macon	Macon	Sangamon River	Existing
ILG840143	William Charles Construction Company - Porter 133	Winnebago	Unnamed tributary to McDonald Creek	Existing
ILG840144	Boughton Trucking & Materials - 111th St.	Will	DuPage River	Existing
ILG840145	Prairie Material- Yard 99 Iroquois	Iroquois	Unnamed tributary in Iroquois County	Existing
ILG840146	Riverstone-Valley MC07	Warren	Cedar Creek	Existing
ILG840148	VCNA Prairie – Lisbon Yard 107	Kendall	Valley Run Creek	Existing
ILG840149	Renner Quarries- Robbins Quarry	Lee	Unnamed tributary to Green River	Existing
ILG840150	Renner Quarries- Miller Quarry	Lee	Three Mile Creek	Existing
ILG840152	Wendling Quarries – Mount Carroll	Carroll	Cedar Creek	Existing
ILG840155	Valley View Industries – McDowell II	Livingston	Unnamed tributary to Vermilion River	Existing
ILG840157	William Charles Const.- State St.	Winnebago	Beaver Creek	Existing
ILG840161	William Charles Construction Company - Farm 110	Winnebago	Unnamed tributary to Pecatonica River	Existing
ILG840162	Rogers Ready Mix – Mulford	Winnebago	Unnamed tributary to the Kishwaukee River	Existing

Appendix A. Continued (3/3)

NPDES Permit No.	Facility Name	County	Receiving Water	Project Type
ILG840164	Riverstone Group – Midway Quarry (MC-45)	Rock Island	Zuma Creek	Existing
ILG840165	Meyer Material Company - Marengo Yard 39	McHenry	Riley Creek	Existing
ILG840167	LaFarge Midwest – Aux Sable	Grundy	Illinois and Michigan Canal	Existing
ILG840172	Riverstone Group – Vermilion 47	LaSalle	Vermilion River and tributary	Existing
ILG840178	Central Stone - Marblehead Quarry (CS-21)	Adams	Mill Creek	Existing
ILG840182	Stark Material- Becker Olson & Sholty	McLean	Sugar Creek	Existing
ILG840184	Vulcan-Kankakee Quarry	Kankakee	Lehigh Raymond Run	Existing
ILG840186	Morris Sand & Gravel – Morris	Grundy	Illinois River and unnamed tributary to Peacock Slough	Existing
ILG840188	Vulcan- Rochester Sand & Gravel	Sangamon	Sangamon River	Existing
ILG840189	Central Stone Company – Tennessee Quarry CS53	Adams	Unnamed tributary to Troublesome Creek	Existing
ILG840190	Northern Illinois Services - Bedrock Quarry	Winnebago	McDonald Creek	Existing
ILG840191	Cordray Brothers - Leaf River	Ogle	Unnamed tributary To Otter Creek	Existing
ILG840192	Carlyle Sand and Gravel - Carlyle	Clinton	Kaskaskia River	Existing
ILG840193	Roscoe Rock and Sand – Truman Quarry	Winnebago	Unnamed tributary to Pecatonia River	Existing
ILG840195	US Silica – Peru	LaSalle	Unnamed tributary to Little Vermilion River	Existing
ILG840196	Madison County Sand – Collinsville	Madison	Unnamed tributary to Cahokia Creek Canal	Existing
ILG840200	Vulcan Construction Materials – McCook Quarry 378	Cook	Unnamed tributary to Des Plaines River and Chicago Sanitary and Ship Canal	Existing
ILG840201	Rockview 105 – New Milford	Winnebago	Unnamed tributary to Kilbuck Creek	Existing
ILG840202	Alliance Materials – Emerson Quarry	Whiteside	Elkhorn Creek	Existing
ILG840203	U.S. Silica Company – Ottawa Quarry	LaSalle	Unnamed tributary to Horseshoe Creek	Existing
ILG840204	Vulcan Construction Materials – Barbers Corner Quarry	Will	East Branch DuPage River and Bradlink Lake	Existing
ILG840207	Savanna Quarry – Savanna	Carroll	Unnamed tributary to Plum River	Existing
ILG840208	R.L. O'Neal & Sons – Plymouth Quarry	Hancock	Unnamed tributary to Bronson Creek	Existing
ILG840209	Heil Trust – Prairie Quarry 1 Yard 12	Will	DuPage River	Existing
ILG840210	Vulcan Construction Materials – DeKalb	DeKalb	East Branch of the South Branch of the Kishwaukee River	Existing
ILG840213	Columbia Quarry – Columbia Plant #9 Dupo	St. Clair	Prairie DuPont Drainage Ditch and tributary	Existing
ILG840214	Central Stone – Loraine Quarry (CS-43)	Adams	Unnamed tributary to Bigneck Creek	Existing
ILG840216	Plainfield Plant – Bolingbrook	Will	Lily Cache Creek	Existing
ILG840217	LaFarge Aggregates – Kendall County	Kendall	Valley Run	Existing
ILG840219	Conmat – Palmyra Quarry	Lee	Sugar Creek	Existing
ILG840224	Vulcan Construction Materials – Lemont Quarry	Will	Unnamed tributary to Des Plaines River	Existing
ILG840226	Fred Weber - Bluff City Minerals – Alton	Madison	Unnamed tributary to West Fork Wood River	Existing

NPDES Permit No. ILG840

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

General NPDES Permit
For
Non-Coal Mines

Expiration Date: **Issue Date:**

Effective Date:

Coverage under this permit

The permit covers all areas of the State of Illinois discharging to surface Waters of the United States.

Eligibility

This permit may cover all existing and proposed non-coal mines with discharges which currently have an existing NPDES permit or require an NPDES Permit. The types of facilities that may be covered by this permit include and are limited to those operations covered under 40 CFR 436, Subparts B, C and D, for crushed stone, construction sand and gravel, and industrial sand subcategories, and/or those same operations covered under 35 Ill. Adm. Code Subtitle D including the aforementioned operations that have concrete mix plants or asphalt concrete plants subject to 35 Ill. Adm. Code Subtitle C and/or 40 CFR 443, Subpart B for asphalt concrete plants. This permit does not cover cooling water discharges associated with cooling water intakes from waters of the State. Cooling water discharges associated with cooling water intakes from quarry pits in the mine or associated with groundwater wells may be covered by this permit. This permit does not cover discharges to waters that are designated as Outstanding Resource Waters pursuant to 35 Ill. Adm. Code 303.205 and listed in 35 Ill. Adm. Code 303.206.

Discharge Number and Name:	Non-Coal Outfall (s)* Storm Water Discharges** Non-storm Water Discharges** Cooling Water Outfalls*	**Receiving Waters:**	Surface Waters of the United States in Illinois

Effluent Limitations, Monitoring, and Reporting

From the effective date of this permit until the expiration date, the effluent of the above discharge(s) from Non-Coal Outfall (s)* shall be monitored and limited at all times as follows:

	CONCENTRATION LIMITS (mg/l)			
Parameter	**Monthly Average**	**Daily Maximum**	**Sample Frequency**	**Sample Type**
Flow (MGD)			***	
Total Suspended Solids	**35**	**70**	********	*********
Total Suspended Solids (for Industrial Sand operations only)	**25**	**45**	********	*********
Total Suspended Solids (for Concrete Mix Plant)	**15**	**30**	********	*********
pH	Shall be in the Range of 6.5 to 9 Standard Units		1 per month	Grab
Offensive Conditions	No effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids, color, or odor. Turbidity shall be below obviously visible levels.		once per month	Visual Inspection

*See Special Condition 16.

** See Special Condition 19(b)

***Effluent sampling for flow shall be continuous if hardware allows otherwise it shall be a single reading when monitoring each parameter.

Flows shall be reported as a monthly average on the Discharge Monitoring Reports (DMR). The pH shall be reported as a minimum and a maximum.

****Samples shall be taken three times a month as separate grab samples or one time a month as a composite sample.

*****Composite samples shall consist of at least 3 sample aliquots of approximately equal volume of at least 100 milliliters each, collected at periodic intervals within a 24-hour period. If the permittee elects to take and analyze grab samples, in lieu of a composite sample then: 1) if the discharge is expected to occur on only a single day, three grab samples may be taken within a single 24-hour period or, 2) if the discharge is expected to occur on more than one day, three separate grab samples shall be taken over more than one day to represent the monthly discharge. The one composite sample or three grab samples shall be representative of the discharge over the calendar month. The analysis results of each composite and grab sample shall be reported on the Discharge Monitoring Reports. The monthly average shall be reported on the Discharge Monitoring Reports.

See Special Condition 32 regarding discharge limitations for Asphalt Concrete Plants.

Discharge sampling and monitoring must be representative of the discharges from the facility considering factors such as frequency, duration and intensity of precipitation runoff and operational practices that affect discharge quality.

Authorization to Discharge

To receive authorization to discharge under this general permit, a facility owner or operator must submit the proper application forms to the Illinois Environmental Protection Agency. Authorization, if granted, will be by letter and include a copy of this permit.

ILG84 General NPDES (2017).docx

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

Special Conditions

SPECIAL CONDITION 1: Permit Coverage: For the purpose of this permit, this discharge is limited to storm water, non-storm water discharges, process wastewater discharges, industrial wastewater discharges from concrete mix plants, mine dewatering, pit pumpage and pit overflows.

SPECIAL CONDITION 2: Sampling: 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 3: Discharge Monitoring Reports: 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) 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, http://www.epa.state.il.us/water/net-dmr/index.html.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 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 4: Abandonment, Cessation and Suspension of Mining: The permittee shall notify the Illinois Environmental Protection Agency in writing by certified mail within thirty days of abandonment, cessation, or suspension of active mining for thirty days or more unless caused by a labor dispute. During cessation or suspension of active mining, whether caused by a labor dispute or not, the permittee shall provide whatever interim impoundment, drainage diversion, and wastewater treatment is necessary to avoid violations of the Act or Subtitle D: Mine Related Water Pollution.

SPECIAL CONDITION 5: Abandonment Plan: The abandonment plan submitted for the specific project shall be executed and completed in accordance with Sections 405.109 and 405.110 of Subtitle D: Mine Related Water Pollution. Unless infeasible, native topsoil removed during clearing, grading or excavation shall be preserved and stored in a manner that will maximize its use in reclamation or final vegetative stabilization of the site. Where final vegetative stabilization will occur, equipment/vehicle use in these areas shall be restricted to avoid soil compaction or soil conditioning techniques shall be used to support vegetative growth.

SPECIAL CONDITION 6: Permit Revocation: If any statement or representation in the application is found to be incorrect, this permit may be revoked and the permittee thereupon loses all rights thereunder.

SPECIAL CONDITION 7: Rights and Responsibilities: The issuance of this permit (a) shall not be considered as in any manner affecting the title of the premises upon which the mine or mine refuse area is to be located; (b) does not release the permittee from any liability for damage to person or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (c) does not take into consideration the structural stability of any units or parts of the project; and (d) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or with applicable local laws, regulations or ordinances.

SPECIAL CONDITION 8: Transfer of Permits: A permit may be automatically transferred to a new permittee if:

(a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;

(b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees;

(c) The notice includes a statement that the new permittee plans to meet the provisions of the abandonment plan submitted by the existing permittee and approved by the Agency for coverage under this permit. If a new or modified abandonment plan is submitted with the transfer request, coverage may not be automatically transferred under this permit; and

(d) 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.

Special Conditions

SPECIAL CONDITION 9: Plans and Specifications Revisions: There shall be no deviations from the approved plans and specifications unless revised plans, specifications and application shall first have been submitted to the Illinois Environmental Protection Agency for approval.

SPECIAL CONDITION 10: Emergency Response and Notification: The permit holder shall notify the Illinois Environmental Protection Agency (217/782-3637) immediately of an emergency at the mine or mine refuse area which causes or threatens to cause a sudden discharge of contaminants into the waters of Illinois and shall immediately undertake necessary corrective measures as required by Section 405.111 under Subtitle D: Mine Related Water Pollution of Illinois Pollution Control Board Rules and Regulations.

SPECIAL CONDITION 11: Permit Application Documentation: Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified in the records of the Illinois Environmental Protection Agency, by the permit number designated in the heading of this Section.

SPECIAL CONDITION 12: Construction Authorization: The subject facility shall be operated in accordance with the attached Construction Authorization.

SPECIAL CONDITION 13: Requiring an individual permit or an alternative general permit:

The Illinois Environmental Protection Agency 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 Illinois Environmental Protection Agency to take action under this paragraph. The Illinois Environmental Protection Agency may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The Illinois Environmental Protection Agency may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Illinois Environmental Protection Agency under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal. The Agency may require an individual NPDES permit based on:

a. information received which indicates the receiving water may be of particular biological significance pursuant to 35 Ill. Adm. Code 302.105 (d) (6).

b. whether the receiving waters are identified as impaired pursuant to the Agency's 303 (d) listing and the site discharges are a potential contributing source of any parameter identified as a cause of that impairment.

c. size of the mining site, proximity of site to the receiving stream, etc.

Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR 122.21, to the Illinois Environmental Protection Agency. The request shall be granted by issuing of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is approved for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Illinois Environmental Protection Agency.

SPECIAL CONDITION 14: Application Requirements:

Authorization for new mines or modifications of existing permitted mines: Owners or operators of existing permitted discharges must submit a Notice of Intent (NOI) or a permit application in accordance with the requirements of this permit to be authorized to discharge under this general permit. Owners and operators of new discharges, or modification(s) shall complete and submit Forms 1 and 2C and Form WPC-PS-MW with Schedules MA through ME to the Illinois Environmental Protection Agency. Non-coal mines with concrete mix plants or asphalt paving plants shall complete form 2F in addition to the aforementioned forms. The application shall identify cooling waters and heated effluents and include in the application a cooling water and heated effluent plan in accordance with Special Condition 29 when cooling waters or heated effluents are proposed at the site. The application shall specify if the facility accepts clean construction or demolition debris and identify any authorizations received from the Bureau of Land to accept clean construction and demolition debris. The application shall indicate the location on the site where clean construction and demolition debris will be placed and provide information sufficient to show where drainage from the clean construction and demolition debris placement area discharges. The application must include a stormwater pollution prevention plan when required by Special Condition 19.

Special Conditions

Authorization, if granted, will be by letter and include a copy of the permit. Upon review of the NOI or the permit application, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit for a previously permitted facility.

Renewals or existing permittees seeking coverage under the General Permit: Applicant for renewal or existing non-coal mine permittee seeking coverage under the general permit may file a Notice of Intent to the Illinois Environmental Protection Agency and must include at a minimum the following information:

a. Name, mailing address, and location of the facility for which the notification is submitted;

b. The operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity;

c. Stormwater pollution prevention plan when required by Special Condition 19, if not already approved under a previous non-coal mine permit (If approved under a previous permit, identify the date and title of most recent SWPPP);

d. Documentation indicating modifications are proposed from the previous permitted mine permit boundary, mine operations, mine refuse disposal plan, stormwater pollution prevention plan, abandonment plan, or discharges. Additional application forms and documentation may be required for any modifications to the facility. If the mine permit boundary, mine refuse disposal plan, stormwater pollution prevention plan, abandonment plan or discharges are modified, additional application forms and documentation must be submitted in the application. If no modifications are to be made then indicate no modifications in the NOI or application and identify the dates and titles of the existing plans (refuse disposal, SWPPP, abandonment, etc.) to be followed;

e. Statement whether or not the facility accepts Clean Construction Demolition and Debris;

f. Statement whether or not the facility has a heated effluent or cooling water discharge;

g. Receiving waters.

h. The NOI or permit application for coverage under this permit shall be submitted to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Permit Section # 15
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

SPECIAL CONDITION 15: Permit Coverage: This permit covers only those facilities under 40 CFR 436 Subparts B, C, and D and includes all requirements therein. [**NOTE**: 40 CFR 436 Subpart B and C specify the NPDES effluent limitations for the “Crushed Stone Subcategory” and the “Construction Sand and Gravel Subcategory”, respectively. 40 CFR 436 Subpart D specifies the NPDES effluent limitations for the “Industrial Sand Subcategory.] This permit may cover asphalt concrete plants or concrete mix plants when either is associated with the mining activities at the site.

SPECIAL CONDITION 16: Discharges Covered: This permit covers only those discharge points identified in the Construction Authorization, non-storm water discharges and storm water discharges from areas subject to Special Condition 19.

SPECIAL CONDITION 17: Well Setbacks: The permittee shall maintain the appropriate setback distances between any excavation and community and/or private water supply wells, as provided in the Illinois Environmental Protection Act. The community and/or private water supply wells for which this condition may apply may be identified with the appropriate setback zones in the attached Construction Authorization.

SPECIAL CONDITION 18: Storm Water Discharges: The Illinois Environmental Protection Agency has determined that the effluent limitations for the non-coal outfall(s) in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities for purposes of this permit issuance, and no pollution prevention plan will be required for such storm water. This does not preclude the use of pollution prevention techniques as a means or partial means of meeting the effluent limits. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with mining and determine whether any facility modifications have occurred which result in previously treated storm water discharges no longer receiving treatment. If any such discharges are identified, the permittee shall request a modification of coverage under this permit within 30 days after the inspection unless such discharges meet the conditions of Special Condition 19. Records of the annual inspection shall be retained by the permittee for the term of this permit and shall be made available to the Illinois Environmental Protection Agency upon request.

Special Conditions

SPECIAL CONDITION 19: Storm Water Runoff and Storm Water Discharges: All storm water runoff from areas affected by mining activities such as earthen berms, aggregate processing plants, overburden stockpiles, and crushed stone stockpiles, sand and gravel stockpiles and industrial sand product stockpiles, shall be routed to non-coal outfalls except for the following identified in (a) and (b) below:

a. **Surface Runoff from Earthen Areas:** Surface runoff from earthen berms or other earthen areas using spoil from the mining operation is not required to be routed to the Non-Coal Outfall(s) when the earthen areas meet the following conditions:

i) The area is graded to an acceptable slope, covered with sufficient uncontaminated topsoil as needed to support vegetation, seeded at an adequate rate with an appropriate grass mixture to stabilize such areas, properly maintained with vegetation and other practices to minimize the potential for erosion and final stabilization has been completed for the area.

ii) For areas in which final stabilization under Special Condition 19 (a) (i) are incomplete, erosion control measures described in the Illinois Urban Manual (IEPA/USDA, NRCS;2016) are implemented.

iii) The earthen berms or areas are not contaminated by mine refuse, chemical spillage, other wastes or wastewaters from mining activities at the site.

iv) The earthen material does not contain acid producing material.

v) The earthen area has no contact with waters of the United States.

vi) Surface runoff from the earthen areas does not cause water quality violations.

vii) The area is identified in the storm water pollution prevention plan required in Special Condition 19 (b) below as meeting Special Condition 19 (a) (i-vi) above.

b. **Storm Water Discharges and Certain Non-storm Water Discharges.** Storm water runoff discharges and non-storm water discharges are allowed according to the following conditions and this permit provided that the discharges do not contain the following: industrial wastewater; mine process wastewater; pit pumpage; pit overflows; mine dewatering wastewaters; cooling waters, heated effluents or surface runoff from disturbed earthen areas that contain mine refuse, chemical spillage, other wastes, or acid producing material.

i) **Prohibition on Non-Storm Water Discharges**. All discharges covered by this special condition shall be composed entirely of storm water except for:

discharges from fire fighting activities; fire hydrant flushings; waters used to control dust on vehicle traffic areas outside the mine area and mined area; potable water sources including uncontaminated waterline flushings; irrigation drainages; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; condensate from refrigerants; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents. These non-storm water discharges must comply with Special Condition 19 (b) (ii) (D) (ii) (3).

ii) **Storm Water Pollution Prevention Plans**

A storm water pollution prevention plan shall be developed for surface runoff from each mining site covered by this special condition. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity at a mining site. In addition, the plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with industrial activity at a mining site and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

(A) **Deadlines for Plan Preparation and Compliance.**

The plan shall:

(i) Be completed prior to the start of the mining activities to be covered under this special condition and updated as appropriate; and

(ii) Provide for compliance with the terms and schedule of the plan beginning with the initiation of mining activities.

Special Conditions

(B) **Signature, Plan Review and Notification.**

(i) The plan shall be signed in accordance with Standard Condition 11 Attachment H (Signatory Requirements), and be retained on-site at the facility which generates the storm water discharge in accordance with Standard Condition 8 Attachment H (Duty to Provide Information) of this permit.

(ii) The permittee shall make plans available upon request from this Agency or a local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity at a mining site which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.

(iii) The Agency may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this special condition. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 30 days from receipt of notification from the Agency, the permittee shall make the required changes to the plan and shall submit to the Agency a written certification that the requested changes have been made. Failure to comply shall terminate authorization under this special condition.

(iv) All storm water pollution prevention plans required under this permit are considered reports that shall be available to the public at any reasonable time upon request. However, the permittee may claim any portion of a storm water pollution prevention plan as confidential in accordance with 40 CFR Part 2, including any portion describing facility security measures.

(C) **Keeping Plans Current.** The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the Waters of the United States and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Special Condition 19 (b) (ii) (D) (ii) below, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with mining activities. Amendments to the plan may be reviewed by the Agency in the same manner as Special Condition 19 (b) (ii) (B) (ii) above.

(D) **Contents of Plan.** The storm water pollution prevention plan shall include the following items:

(i) Site Description. Each plan shall, provide a description of the following:

1. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading);

2. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;

3. An estimate of the runoff coefficient of the site after mining activities are completed and existing data describing the soil or the quality of any discharge from the site;

4. A site map indicating drainage patterns and approximate slopes anticipated before and after major grading activities, locations where vehicles enter or exit the site and controls to prevent offsite sediment tracking, areas of soil disturbance, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, an outline of storm water drainage areas for each storm water discharge point, paved areas and buildings, locations where storm water is discharged to a surface water, and identification of those areas where construction or mining activities will occur within 50 feet from Waters of the United States;

5. Description of the areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.

a. Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);

b. Surface water locations and/or municipal storm drain locations;

c. Areas of existing and potential soil erosion;

d. Vehicle service areas;

e. Material loading, unloading, and access areas.

Special Conditions

6. A narrative description of the following:

   a. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;

   b. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;

   c. Industrial storm water discharge treatment facilities;

   d. Methods of onsite storage and disposal of significant materials;

   e. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities;

   f. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings;

   g. A summary of existing sampling data describing pollutants in storm water discharges;

   h. The name of the receiving water(s) and the ultimate receiving water(s), and areal extent of wetland acreage at the site.

(ii) **Controls.** Each plan shall include a description of appropriate controls that will be implemented at the mining site. The plan will clearly describe for each major activity identified in Special Condition 19 (b) (ii) (D) (i) (1) above, appropriate controls and the timing during the mining process that the controls will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). All stormwater pollution controls shall be installed and operational prior to any construction or mining activities. If infeasible, controls shall be installed and operational as soon as practicable. All stormwater controls described in the SWPPP shall be installed and made operational as soon as conditions on each portion of the site allows. The description of controls shall address as appropriate the following minimum components:

1. Erosion and Sediment Controls.

   a. Stabilization Practices. A description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Except as provided in paragraphs i and ii below, stabilization measures shall be initiated as soon as practicable in portions of the site where mining activities have temporarily or permanently ceased, but in no case more than 7 days after the mining activities in that portion of the site has temporarily or permanently ceased.

      i. Where the initiation of stabilization measures by the 7th day after mining activities temporarily or permanently cease is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.

      ii. Where mining activities will resume on a portion of the site within 14 days from when activities ceased, (e.g. the total time period that mining activities is temporarily ceased is less than 14 days) then stabilization measures do not have to be initiated on that portion of site by the 7th day after mining activities temporarily ceased.

   b. Structural Practices. A description of structural practices to the degree attainable, to divert flows from disturbed earthen areas, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

Special Conditions

c. Best Management Practices for Impaired Waters. For any site which discharges directly to an impaired water identified in the Agency's 303(d) listing for suspended solids, turbidity, or siltation, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations or the Illinois Environmental Protection Agency's Illinois Urban Manual, the storm water pollution prevention plan shall adhere to a more restrictive design criteria.

d. Dust Control. A description of how the generation of dust will be minimized through the appropriate application of water or other dust suppression techniques. If a permit for dust control is required from the Agency Bureau of Air (BOA), provide information regarding any dust control requirements to be utilized by the facility. You may contact the BOA Permit Section at 217-785-1705 regarding BOA requirements.

e. Steep Slopes. A description of how disturbances of steep slopes (slopes greater than 15%) are minimized. When disturbances of steep slopes are necessary, a description of the erosion and sediment controls used to minimize erosion.

2. Storm Water Management. A description of measures that will be installed during mining to control pollutants in storm water discharges that will occur after mining operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the mining activities have been completed and the site has undergone final stabilization. Permittees are responsible for only the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity at a mining site have been eliminated from the site.

a. Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

b. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. maintenance of hydrologic conditions, such as the hydroperiod and hydrodynamics present prior to the initiation of mining activities).

c. Unless otherwise specified in the Illinois Environmental Protection Agency's Illinois Urban Manual, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event.

d. For any stormwater discharges from construction or mining activities within 50 feet of a Waters of the United States, except for activities for water-dependent structures authorized by a Section 404 permit, the permittee shall:

i. Provide a 50-foot undisturbed natural buffer between the construction or mining activity and the Waters of the United States; or

ii. Provide additional erosion and sediment controls within that area.

e. Other Controls.

i. No solid materials, including building materials, shall be discharged to Waters of the United States, except as authorized by a Section 404 permit.

ii. The plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.

f. Pollution Prevention Practices

i. Storm Water Pollution Prevention Personnel - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.

Special Conditions

ii. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.

iii. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.

iv. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.

v. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:

Containment - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff;

Oil & Grease Separation - Oil/water separators, booms, skimmers or other methods to minimize oil contaminated storm water discharges;

Debris & Sediment Control - Screens, booms, sediment ponds or other methods to reduce debris and sediment in storm water discharges;

Waste Chemical Disposal - Waste chemicals such as antifreeze, degreasers and used oils shall be recycled or disposed of in an approved manner and in a way which prevents them from entering storm water discharges;

Storm Water Diversion - Storm water diversion away from mining excavation, materials processing, materials storage and other areas of potential storm water contamination;

Covered Storage, Processing or Mining Areas - Covered fueling operations, materials processing and storage areas to prevent contact with storm water.

vi. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.

vii. Inspection Procedures - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.

3. Verification of Non-Storm Water Discharges - The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include a description of any tests for the presence of non-storm water discharges, the methods used, the dates of the testing, and any onsite drainage points that were observed during the testing. Any facility that is unable to provide this certification must describe the procedure of any test conducted for the presence of non-storm water discharges, the test results, potential sources of non-storm water discharges to the storm sewer, and why adequate tests for such storm sewers were not feasible. Except as provided in Special Condition 19 (b) (i), discharges not comprised entirely of storm water are not authorized by this Special Condition.

4. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.

Special Conditions

5. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.

6. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.

7. Facilities which discharge storm water associated with industrial activity at a mining site to municipal separate storm sewers may also be subject to additional requirements imposed by the operator of the municipal system.

8. Approved State or Local Plans.

   a. The management practices, controls and other provisions contained in the storm water pollution prevention plan must be at least as protective as the requirements contained in Illinois Environmental Protection Agency's Illinois Urban Manual, 2016. Facilities which discharge storm water associated with industrial activities at a mining site must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials. Requirements specified in sediment and erosion site plans or site permits or storm water management site plans or site permits approved by local officials that are applicable to protecting surface water resources are, upon submittal of an NOI to be authorized to discharge under this permit, incorporated by reference and are enforceable under this permit even if they are not specifically included in a storm water pollution prevention plan required under this permit. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the mining site.

   b. Dischargers seeking alternative permit requirements are not authorized by this permit and shall submit an individual permit application in accordance with 40 CFR 122.26 and Subtitle D; Mine Related Pollution at the following address, along with a description of why requirements in approved local plans or permits should not be applicable as a condition of an NPDES permit:

      Illinois Environmental Protection Agency
      Division of Water Pollution Control
      Permit Section #15
      1021 North Grand Avenue East
      Post Office Box 19276
      Springfield, Illinois 62794-9276

(iii) **Maintenance.** A description of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures identified in the site plan. Whenever it is determined that a stormwater control requires maintenance to continue operating effectively, efforts to fix the problem shall be initiated immediately and such work shall be completed as soon as practicable.

(iv) **Inspections.** Qualified personnel (provided by the permittee) shall inspect disturbed areas of the mining site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site annually. Qualified personnel means a person knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer or other knowledgeable person who possesses the skills to assess conditions at the mining site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the mining activities.

1. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

2. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with Special Condition 19 (b) (ii) (D) (i) (Site Description) of this permit and pollution prevention measures identified in the plan in accordance with Special Condition 19 (b) (ii) (D) (ii) (Controls) of this permit shall be revised as appropriate as soon as practicable after such inspection. Such modifications shall provide for timely implementation of any changes to the plan within 30 calendar days following the inspection.

Special Conditions

3. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Special Condition 19 (b) (ii) (D) (iv) 2 above shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the permit coverage expires or is terminated. The report shall be signed in accordance with standard conditions Attachment H (Signatory Requirements) of this permit.

4. The permittee shall complete and submit within 5 days an "Incidence of Noncompliance" (ION) report for any violation of the storm water pollution prevention plan observed during an inspection conducted, including those not required by the Plan. Submission shall be on forms provided by the Agency and include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance.

5. All reports of noncompliance shall be signed by a responsible authority as defined in standard conditions Attachment H (Signatory Requirements).

6. All reports of noncompliance shall be mailed to the Agency at the following address:
   Illinois Environmental Protection Agency
   Compliance Assurance Section
   1021 North Grand Avenue East
   Post Office Box 19276
   Springfield, Illinois 62794-9276

(v) **Non-Storm Water Discharges** - Except for flows from fire fighting activities, sources of non-storm water listed in Special Condition 19 (b) (i) that are combined with storm water discharges associated with industrial activity at a mining site must be identified in the plan. The plan shall identify and insure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

iii) **Benchmark Monitoring.**

For Storm Water Discharges that are not directed to Non-Coal Outfalls, this permit specifies pollutant benchmark concentrations that are applicable to certain subsectors as specified Table 1 below. Benchmark monitoring data are primarily for the Permittee' s use to determine the overall effectiveness of specific control measures and to assist Permittees in knowing when additional corrective action(s) may be necessary to comply with the discharge limitations of this permit.

Table 1

Subsector (You may be subject to requirements for more than one sector/subsector)	**Parameter**	**Benchmark Monitoring Concentration**
Subsector J1. Sand and Gravel Mining (SIC 1442, 1446)	Total Suspended Solids (TSS)	100 mg/L
Subsector J2. Dimension and Crushed Stone and Nonmetallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499)	Total Suspended Solids (TSS)	100 mg/L

(A) The benchmark concentrations are not discharge limitations. However, corrective action is required as the result of a benchmark exceedance pursuant to Part (iv) “Corrective Actions” below.

(B) At the Permittee’s discretion, more than four samples may be taken during separate runoff events and used to determine the average benchmark parameter concentration for facility discharges.

(C) Applicability of Benchmark Monitoring: The Permittee must monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to the discharge. Industry-specific benchmark concentrations are listed in Table 1 above.

(D) Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which sampling is required.

(E) Benchmark Monitoring Schedule. Benchmark monitoring must be conducted quarterly for the first four full quarters of permit coverage commencing no later than 180 days after the coverage letter date for this permit.

Special Conditions

(i) Data not exceeding benchmarks: After collection of four quarterly samples, if the average of the four monitoring values for any parameter does not exceed the benchmark, monitoring requirements for that parameter for the permit term have been fulfilled;

(ii) Data exceeding benchmarks: After the collection of four quarterly samples, if the average of the four monitoring values for any parameter exceeds the benchmark, the Permittee must, in accordance with Part (iv) "Corrective Actions" below, review the selection, design, installation and implementation of the control measures to determine if modifications are necessary to meet the discharge limitations in this permit, and either:

1. Make the necessary modifications and continue quarterly monitoring until the Permittee has completed four additional quarters of monitoring for which the average does not exceed the benchmark; or

2. Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology discharge limitations or are necessary to meet the discharge limitations of this permit, in which case the Permittee must continue monitoring once per year. The Permittee must also document the rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with the SWPPP.

3. In accordance with Part (iv) "Corrective Actions" below, the Permittee must review the control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full four quarters of monitoring data, if an exceedance of the four quarter average is mathematically certain. If after modifying its control measures and conducting four additional quarters of monitoring, the average still exceeds the benchmark (or if an exceedance of the benchmark by the four quarter average is mathematically certain prior to conducting the full four additional quarters of monitoring), the Permittee must again review its control measures and take one of the two actions above.

(iii) Natural background pollutant levels. Following the first four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data, see above), if the average concentration of a pollutant exceeds a benchmark value, and the Permittee determines that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, the Permittee is not required to perform corrective action or additional benchmark monitoring provided that:

1. The average concentration of the benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;

2. The Permittee document and maintain with the SWPPP, the supporting rationale for concluding that the benchmark exceedances are in fact attributable solely to natural background pollutant levels. The Permittee must include in the rationale any data previously collected by the Permittee or other sources (i.e., literature studies) that describe the level of natural background pollutants in the storm water discharge; and

3. Notify the Agency on the Permitee's final quarterly benchmark monitoring report that the benchmark exceedances are attributable solely to natural background pollutant levels.

4. Permittees may discontinue monitoring natural background pollutants that occur solely from run-on sources provided the Permittee analyzes the pollutant in the run-on source during the benchmark monitoring period.

(F) Representative Outfalls – If the Permittee's facility has two or more outfalls that are believed to discharge substantially identical effluents, based on similarities of the mining activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, the Permittee may conduct benchmark monitoring of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s).

iv) **Corrective Actions**. Conditions Requiring SWPPP Review and Revision.

(A) The Permittee must review the SWPPP when any of the following conditions occur:

(i) An unauthorized release or discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another NPDES permit) occurs at the facility;

(ii) Control measures are not stringent enough for the discharge to meet applicable water quality standards or the conditions of this permit;

Special Conditions

(iii) A required control measure was never installed, was installed incorrectly, or not in accordance with this permit or is not being properly operated or maintained;

(iv) Visual observations indicate signs of storm water pollution (e.g., unnatural color, odor, turbidity, floatable material, settled solids, suspended solids, foam, and oil sheen);

(v) The average of four quarterly sampling results exceeds any applicable benchmark monitoring concentration. If less than four samples have been taken, but the results are such that an exceedance of the four quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark monitoring concentration) this is considered a benchmark exceedance, triggering this review;

(vi) Construction or a change in design, operation, or maintenance at the facility that modifies the type or concentration of pollutants discharged in storm water from the facility, or increases the quantity of pollutants discharged.

(B) **Corrective Actions and Deadlines**.

(i) Immediate Actions. If any condition in Part (iv) "Corrective Actions" (A) above occurs, the Permittee must immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

(ii) Subsequent Actions. If the Permittee determines that additional changes are necessary beyond those implemented pursuant to this permit, it must install a new or modified control and make it operational, or complete the repair, before the next storm event if possible, and within 14 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 14 calendar days, the Permittee must document why it is infeasible to complete the installation or repair within the 14 day timeframe. The Permittee must also identify the schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery.

Where the Permittee's corrective actions result in changes to any of the controls or procedures documented in its SWPPP, the Permittee must modify its SWPPP accordingly within 14 calendar days of completing corrective action work.

(C) **Corrective Action Documentation.** The Permittee must document the existence of any of the conditions listed in Part (iv) "Corrective Actions" (A) above within 24 hours of becoming aware of such condition. The Permittee is not required to submit its corrective action documentation to Illinois EPA. Include the following information in the documentation:

(i) Identification and description of the condition triggering the need for corrective action review. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to Waters of the United States, through storm water or otherwise;

(ii) Date the condition was identified;

(iii) For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases; and

(iv) The Permittee must also document the corrective actions taken that occurred as a result of the conditions listed in Part (iv) "Corrective Actions" (A) above, within 14 days from the time of discovery of any of those conditions. Provide the dates when each corrective action was initiated and completed (or is expected to be completed). If applicable, document why it is infeasible to complete necessary installations or repairs within the 14-day timeframe and document the Permittee's schedule for installing the controls and making them operational as soon as practicable after the 14-day timeframe.

(D) Substantially Identical Outfalls. If the event triggering corrective action is similar to an outfall that represents other substantially identical outfalls, the Permittee's review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event. The SWPPP must be modified to include any additional control measures required pursuant to this paragraph.

Special Conditions

SPECIAL CONDITION 20: Oil and Hazardous Substance Liability: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

SPECIAL CONDITION 21: Prohibited Storm Water Discharges: This permit is not applicable to storm water discharges from the following facilities:

a. Hazardous waste treatment, storage or disposal facilities.

b. Storm water discharges associated with inactive mining occurring on Federal lands where an operator cannot be identified.

c. Storm water discharges that the Agency determines are not appropriately covered by this general permit.

SPECIAL CONDITION 22: Oil and Hazardous Substance Discharge Prohibition: This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill, and does not supersede any reporting requirements for spills or releases of hazardous substances or oil.

SPECIAL CONDITION 23: Bulk Storage and Hazardous Waste Containment Area: Provisions for handling storm water from bulk storage and hazardous waste containment areas.

a. This permit does not authorize the discharge of storm water collected in containment areas at bulk storage and hazardous waste facilities where the storm water becomes contaminated by direct contact with a spill or release of stored materials into the containment area. Such storm water should be handled properly by on-site treatment or hauling off-site for treatment and disposal.

b. Where a spill or release to a dry containment area occurs, the permittee shall institute procedures to clean up the spill in order to prevent contamination of any storm water, which subsequently collects in the containment area. Where these procedures are followed, collected storm water may be discharged; following visual inspection to assure that the storm water contains no unnatural turbidity, color, oil films, foams, settleable solids, or deposits.

c. Storage piles of salt used for deicing or other commercial or industrial purposes must be enclosed or covered to prevent exposure to precipitation (except for exposure resulting from adding or removing materials from the pile). Piles do not need to be enclosed or covered where storm water from the pile is not discharged to Waters of the United States or the discharges from the piles are authorized under another permit.

SPECIAL CONDITION 24: Discharges into Receiving Waters With an Approved Total Maximum Daily Load (TMDL):

a. Existing dischargers, new dischargers and new sources: you must carefully document the justifications for all BMP selections in your SWPPP, and install, implement and maintain BMPs that are consistent with all relevant TMDL allocations and with all relevant conditions in an implementation plan.

b. Discharges to waters for which there is a TMDL allocation for sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) are not eligible for coverage under this permit unless the owner/operator develops and certifies a SWPPP that is consistent with the assumptions and requirements in the approved TMDL. To be eligible for coverage under this general permit, operators must incorporate into their SWPPP any conditions and/or Best Management Practices applicable to their discharges necessary for consistency with the assumptions and requirements of the TMDL within any timeframes established in the TMDL. If a specific numeric wasteload allocation has been established that would apply to the facility's discharges, the operator must incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation.

Please refer to the Agency website at:
http://www.epa.illinois.gov/topics/water-quality/watershed-management/tmdls/reports/index

SPECIAL CONDITION 25: Reporting: The facility shall submit an annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection required by Special Condition 19 (b) (ii) (D) (ii) (4) and the results of the inspections required by (b) (ii) (D) (iv) and of the Storm Water Pollution Prevention Plan of this permit. The report shall include, at a minimum, a review and update of the SWPPP. The Permittee shall submit modifications of the requirements of the plan to the Agency with the Annual Report. Permittees have 180 days to update their SWPPP to comply with the new requirements and then submit with the following annual report. The report shall also include any benchmark monitoring data required by Special Condition 19(b)(iii) and discussion of any corrective actions taken as a result of the benchmark monitoring. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s).

Special Conditions

a. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.

b. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.

c. The permittee shall retain the annual inspection report on file at least 3 years. This period may be extended by request of the Illinois Environmental Protection Agency at any time.

d. Annual inspection reports shall be mailed to the following address:

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

SPECIAL CONDITION 26: Permit Applicability: This permit is not applicable to discharges to any receiving waters identified under 35 Ill. Adm. Code 302.105 (d) (6).

SPECIAL CONDITION 27: Reopener: This permit may be modified to include different discharge limitations or other requirements which are consistent with applicable laws, regulations, or judicial orders. The Agency will public notice the permit modification.

SPECIAL CONDITION 28: Water Quality: Discharges covered by this permit, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard.

SPECIAL CONDITION 29: Heated Effluents and Cooling Water Discharges: Discharges of heated effluents and cooling waters must meet the water quality provisions of 35 Ill. Adm. Code Subtitle C for temperature.

The permittee with heated effluents or cooling water discharges shall develop a heated effluent and cooling water plan. The plan is incorporated as a condition of this permit and shall contain the following:

i) Identification of each internal heated effluent and cooling water wastestream at the mining site,

ii) All temperature monitoring data of the cooling waters or heated effluents within the last five years or that represents proposed temperature conditions,

iii) The daily average flow (MGD) of each internal heated effluent and cooling water wastestream,

iv) The mean detention time of each heated effluent and cooling water wastestream in any impoundments on the mining site,

v) Description and identification of any facilities such as impoundments that attenuate or treat heated effluent and cooling water wastestreams,

vi) The daily average flow (MGD) for each outfall that contains heated effluent or cooling water, and

vii) The predicted temperature increase of the receiving stream caused by the discharge.

SPECIAL CONDITION 30: Acceptance of materials

The permittee shall comply with the requirements of Sections 3.160 and 22.51 of the Illinois Environmental Protection Act and regulations adopted thereunder for the acceptance of clean construction or demolition debris. Discharges of waters that contact clean construction and demolition debris shall be routed to the non-coal outfalls, meet the effluent limits, sampling and monitoring requirements of this permit for non-coal outfalls and the water quality provisions of Special Condition 28 of this permit. The abandonment plan shall conform to Sections 3.160 and 22.51 of the Illinois Environmental Protection Act and regulations thereunder and Bureau of Land (BOL) authorizations for the acceptance of clean construction and demolition debris. If the abandonment plan must be modified to meet the BOL requirements the modified abandonment plan shall be submitted to the Bureau of Water for approval prior to implementation.

Special Conditions

SPECIAL CONDITION 31: Continuation of the permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

a. The Permittee submits a notice of termination and that notice is approved by the IEPA; or

b. The Permittee is authorized for coverage under an individual permit or the renewed or reissued General Permit; or

c. The Permittee's application for an individual NPDES permit for a discharge or Notice of Intent for coverage under the renewed or reissued General Permit is denied by the IEPA; or

d. IEPA issues a formal permit decision not to renew or reissue this General Permit at which time you must seek coverage under an alternative general permit or an individual permit.

The permittee shall submit a revised or updated NOI to the Agency no later than 180 days prior to the expiration date of this permit in order for permit coverage to be administratively continued.

SPECIAL CONDITION 32: Asphalt Concrete Plant Discharge Limitations:

There shall be no discharge of pollutants from asphalt concrete production to Waters of the United States.

SPECIAL CONDITION 33: Definitions:

"Asphalt Concrete Plant" means a facility that mixes aggregate and asphalt binder materials to form a composite material for construction projects.

"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 United States. 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.

"Commencement of Mining" - The initial disturbance of soils associated with clearing, grading, or excavating activities or other mining activities.

"Concrete Mix Plant" means a facility that mixes aggregate and binder materials to form a composite material for construction projects. Asphalt Concrete Plants are not concrete mix plants.

"Cooling water" means mine process wastewater that is used for cooling of mining operations and is contaminated with heat. Heated effluent and cooling water that contains cleaning chemicals, pesticides or treatment chemicals used to clean or treat the piping, equipment or discharge of the cooling system are not covered by this permit.

"Cooling water outfalls" means point sources that discharge cooling waters or heated effluents.

"CWA" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.)

"Director" means the Director of the Illinois Environmental Protection Agency or an authorized representative.

"EPCRA" means the Emergency Planning and Community Right-to-Know Act (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986).

"Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% cover for unpaved areas and areas not covered by permanent structures has been established or equivalent stabilization measures (such as the use of riprap, gabions or geotextiles) have been employed.

"Heated effluent" means mine process wastewater or industrial wastewater contaminated with heat from mining operations.

"Mine Area or Mined Area" means the surface and subsurface land where mining has occurred or is occurring. The term does not include the unmined surface land directly above underground mine workings which is not otherwise disturbed by mining activities.

"Mine Process Wastewater or Process Wastewater" means waters used for or generated from: cooling of mining and mine processing equipment; mineral processing plants; cleaning mining and mining processing equipment; air emission controls (e.g., dust control); pit pumpage; pit overflows; mine dewatering; sedimentation ponds; or surface runoff from disturbed areas that contain mine refuse; chemical spillage; other wastes or acid producing materials.

Special Conditions

"Mining" means the surface or underground extraction or processing of natural deposits of, gravel, sand or stone by the use of any mechanical operation or process. The term also includes the recovery or processing of the minerals from a mine refuse area. It does not include drilling for oil or natural gas.

"Mining Activities" means all activities on a facility which are directly in furtherance of mining, including activities before, during and after mining. The term does not include land acquisition, exploratory drilling, surveying and similar activities. The term includes, but is not limited to, the following:

a. Preparation of land for mining activities;

b. Construction of mine related facilities which could generate refuse, result in a discharge or have the potential to cause water pollution;

c. Ownership or control of a mine related facility;

d. Ownership or control of a coal storage yard or transfer facility;

e. Generation or disposal of mine refuse;

f. Mining;

g. Opening a mine;

h. Production of a mine discharge or non-point source mine discharge;

i. Surface drainage control; and

j. Use of acid-producing mine refuse.

"Municipal Separate Storm Sewer" means (as defined at 40 CFR 122.26(b)(8)) a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

"NOI" means notice of intent to be covered by this permit (see special condition 14 of this permit).

"Non-coal Outfalls" means point sources that discharge mine dewatering waters, process wastewaters, industrial wastewater, pit pumpage or pit overflows.

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, mine discharge, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

"Storm Water" means storm water runoff, snow melt runoff, surface runoff and drainage.

"Storm Water Discharges" means discharges that contain only storm water.

Special Conditions

"Storm Water Associated with Industrial Activity at a Mining Site" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at a mining site. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of mining sites identified in subparagraphs (i), (ii), and (iii) of this subsection definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated) that meet the description of the facilities listed in this paragraph (i), (ii), and (iii) include those facilities designated under 40 CFR 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity at a mining site" for purposes of this definition:

i) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;

ii) Construction activity including clearing, grading, and excavation activities that disturbs land area at a mining site.

iii) Asphalt concrete plant or concrete mix plant on the mining site.

"Waters" mean all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon the State of Illinois, except that sewers and treatment works are not included except as specially mentioned; provided, that nothing herein contained shall authorize the use of natural or otherwise protected waters as sewers or treatment works except that in-stream aeration under Agency permit is allowable.

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

Special Conditions

Construction Authorization

[Project Description]

Storm Water Pollution Prevention Plan: Authorization is hereby granted to construct treatment works and related equipment that may be required by the Storm Water Pollution Prevention Plan developed pursuant to this permit. Discharging sedimentation ponds are not covered under the Storm Water Pollution Prevention Plan authorization, unless they discharge to a non-coal outfall specifically identified in a construction authorization under this permit.

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

a. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee thereupon waives all rights thereunder.

b. Plans and specifications of all treatment equipment being included as a part of the storm water management practices shall be included in the SWPPP.

c. Any modification of or deviation from the plans and specifications in the initial SWPPP requires amendment of the SWPPP.

d. Construction activities which result from treatment equipment installation, including clearing, grading and excavation activities which result in the disturbance of land area must meet the conditions of this permit.

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.