NPDES Permit No. ILG580

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Expiration Date: JUNE 30, 2018

Issue Date: JULY 10, 2013
Effective Date: JULY 10, 2013

Reissued General (NPDES) Permit for Sewage Treatment Systems

Coverage under this Permit

This Permit covers all areas of the State of Illinois discharging to General Use or Secondary Contact Waters.

Eligibility

This Permit may cover any existing publicly owned treatment facility that consists of a domestic lagoon system with a single pipe discharge, without combined sewer overflows and whose domestic waste load is 2500 population equivalent or less and has obtained a lagoon exemption from the IEPA under the provisions of 35 Ill. Adm. Code Part 373, or whose effluent has a dilution ratio (the ratio of the seven-day once in ten year low flow of the receiving stream or the lowest flow of the receiving stream when effluent discharge is expected to occur, whichever is greater, to the average flow of the treatment works for the design year) no less than five to one, and has obtained a year-round disinfection exemption under 35 Ill. Adm. Code Section 378.203, and currently has an individual NPDES Permit at the same design flow or is currently authorized to discharge under this General NPDES Permit ILG580. Applicants seeking to discharge from a new facility or seeking an increase in permitted loadings or flows to their treatment facility are required to apply for an individual NPDES Permit and are not eligible for authorization to discharge under this General Permit until the new loadings or flows have first been permitted under an individual NPDES Permit. Applicants deemed by the IEPA as needing additional permit requirements, not included in this General NPDES Permit, are required to apply for an individual NPDES Permit and are not eligible for authorization to discharge under this General Permit. Applicants that are presently authorized to discharge pursuant to an individual permit may be eligible for coverage by this general permit only if they are presently in compliance with their individual permit.

Discharge Number and Name: 001 STP Outfall

Receiving Waters: General Use and Secondary Contact Waters of the State

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

Alan Keller

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

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Effluent Limitations, Monitoring, and Reporting

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

Case A: The effluent from the facility has a dilution ratio of no less than five to one.

Parameter	LOAD LIMITS lbs/day DAF (DMF)*		CONCENTRATION LIMITS MG/L			
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Sample Frequency	Sample Type
Flow (MGD)					See Below	
$CBOD_5$**	25 x 8.34 x DAF (in MGD)	40 x 8.34 x DAF (in MGD)	25	40	1 per month	Grab
Suspended Solids	37 x 8.34 x DAF (in MGD)	45 x 8.34 x DAF (in MGD)	37	45	1 per month	Grab
pH	Shall be in the Range of 6 to 9 Standard Units				1 per month	Grab
Ammonia Nitrogen	Monitor Only				1 per month	Grab
Fecal Coliform***	Monitor Only				1 per month	Grab

*For flows greater than DAF, load limits shall be calculated based on the DMF instead of DAF. DAF and DMF are shown in the letter authorizing discharge under this General Permit.
**Carbonaceous BOD_5 ($CBOD_5$) testing procedures shall be in accordance with 40 CFR 136.
***Fecal coliform monitoring shall be conducted May through October with sample results reported as a daily maximum value.
Flows shall be reported as a monthly average and daily maximum on the DMRs. pH shall be reported as a minimum and a maximum.

Influent Monitoring and Reporting

Influent BOD_5 and Suspended Solids shall be sampled at least once per month as a composite sample. Influent and effluent measurement for flow shall be continuous if hardware allows, otherwise it shall be a single reading once a week. Influent flow measurement, BOD_5 and Suspended Solids sampling shall be taken at a point representative of the influent. Influent BOD_5 and Suspended Solids shall be reported on the Discharge Monitoring Reports (DMRs) as monthly average concentrations.

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Case B: The facility has obtained a lagoon exemption pursuant to 35 Ill. Adm. Code Part 373 or the Agency has designated that these effluent limitations are applicable due to receiving waters conditions.

Parameter	LOAD LIMITS lbs/day DAF (DMF)* Monthly Average	LOAD LIMITS lbs/day DAF (DMF)* Weekly Average	CONCENTRATION LIMITS MG/L Monthly Average	CONCENTRATION LIMITS MG/L Weekly Average	Sample Frequency	Sample Type
Flow (MGD)					See Below	
$CBOD_5$**	25 x 8.34 x DAF (in MGD)	40 x 8.34 x DAF (in MGD)	25	40	1 per month	Grab
Suspended Solids	37 x 8.34 x DAF (in MGD)	45 x 8.34 x DAF (in MGD)	37	45	1 per month	Grab
pH	Shall be in the Range of 6 to 9 Standard Units				1 per month	Grab
Dissolved Oxygen	Shall not be less than 6 mg/L				1 per month	Grab
Ammonia Nitrogen	Monitor Only				1 per month	Grab
Fecal Coliform***	Monitor Only				1 per month	Grab

*For flows greater than DAF, load limits shall be calculated based on the DMF instead of DAF. DAF and DMF are shown in the letter authorizing discharge under this General Permit.
**Carbonaceous BOD_5 ($CBOD_5$) testing procedures shall be in accordance with 40 CFR 136.
***Fecal coliform monitoring shall be conducted May through October with sample results reported as a daily maximum value.
Flows shall be reported as a monthly average and daily maximum on the DMRs. pH shall be reported as a minimum and a maximum.

Influent Monitoring and Reporting

Influent BOD_5 and Suspended Solids shall be sampled at least once per month as a composite sample. Influent and effluent measurement for flow shall be continuous if hardware allows, otherwise it shall be a single reading once a week. Influent flow measurement, BOD_5 and Suspended Solids sampling shall be taken at a point representative of the influent. Influent BOD_5 and Suspended Solids shall be reported on the Discharge Monitoring Reports (DMRs) as monthly average concentrations.

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Special Conditions

SPECIAL CONDITION 1: The use or operation of this facility shall be by or under the supervision of a Certified Class 4 operator.

SPECIAL CONDITION 2: The IEPA may request in writing submittal of operational information in a specified form and at a required frequency at any time during the effective period of this Permit. The IEPA may require additional monitoring and reporting by the permittee in either the general permit coverage letter or by separate letter

SPECIAL CONDITION 3: The effluent, alone or in combination with other sources, shall not cause a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code Part 302.

SPECIAL CONDITION 4: 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 5: BOD_5 (85% removal required): The arithmetic mean of the values for effluent samples collected in a period of one calendar month shall not exceed 15 percent of the arithmetic mean of the values for influent samples collected at approximately the same time during the same period, except during those periods when the influent is diluted because of high flows if the tributary sewer system is combined. The percent removal need not be reported to the IEPA on DMR's but influent and effluent data must be available, as required elsewhere in this Permit, for IEPA inspection and review. For measuring compliance with this requirement, 5 mg/L shall be added to the effluent $CBOD_5$ concentration to determine the effluent BOD_5 concentration.

SPECIAL CONDITION 6: For Discharge No. 001, any use of chlorine to control slime growths, odors or as an operational control, etc. shall not exceed the limit of 0.05 mg/L (daily maximum) total residual chlorine in the effluent. Sampling is required on a daily grab basis during the chlorination process. Reporting shall be submitted on the (DMR's) on a monthly basis.

SPECIAL CONDITION 7: During January of each year the Permittee shall submit annual fiscal data regarding sewerage system operations to the IEPA/Bureau of Water/Compliance Assurance Section. The Permittee may use any fiscal year period provided the period ends within twelve (12) months of the submission date.

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

SPECIAL CONDITION 8: The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) Forms using one such form for each outfall each month.

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

The Permittee may choose to submit electronic DMRs (eDMRs) instead of mailing paper DMRs to the IEPA. More information, including registration information for the eDMR program, can be obtained on the IEPA website, http://www.epa.state.il.us/water/edmr/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 not using eDMRs shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

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

Attention: Compliance Assurance Section, Mail Code # 19

SPECIAL CONDITION 9: The provisions of 40 CFR 122.41 (m) and (n) are applicable and are hereby incorporated by reference.

SPECIAL CONDITION 10: Requiring an individual NPDES Permit or an alternative General Permit

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

Special Conditions

1. Information received which indicates the receiving water may be of particular biological significance pursuant to 35 Ill. Admin. Code Section 302.105(d)(6).

2. Whether the receiving waters are identified as impaired pursuant to the Agency's 303(d) listing and the facility discharge is a potential contributing source of any parameter identified as a cause of that impairment.

3. Additional effluent limitations or conditions are required for the permittees discharge.

b. Any owner or operator authorized to discharge under this General Permit may request to be excluded from the coverage of this General Permit by applying for an individual NPDES Permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR 122.21, to the IEPA. If the reasons cited by the owner or operator are adequate to support the request, the request shall be granted by issuance of any individual NPDES Permit or an alternative General Permit.

c. When an individual NPDES Permit is issued to an owner or operator otherwise subject to this Permit, or the owner or operator is approved for coverage under an alternative NPDES General Permit, the authorization to discharge under this General Permit is automatically terminated on the issue date of the individual NPDES Permit or the date of approval for coverage under the alternative General Permit, whichever the case may be. When an individual NPDES Permit is denied to an owner or operator otherwise subject to this Permit, or the owner or operator is denied for coverage under an alternative NPDES General Permit, the authorization to discharge under this General Permit remains in effect, unless otherwise specified by the IEPA.

SPECIAL CONDITION 11:

a) Authorization: Owners or operators must submit either a Notice of Intent (NOI) in accordance with the requirements of this Permit or an application for an individual NPDES Permit to be authorized to discharge under this General Permit. Authorization, if granted, will be by letter and include a copy of this Permit. Upon review of an NOI, the IEPA may deny coverage under this Permit and require submittal of an application for an individual NPDES Permit.

b) Automatic Continuation of Expired General Permit:

Except as provided in subparagraph (c) below, when this General Permit expires, the conditions of this permit shall be automatically administratively continued until the earliest of the following:

1) 150 days after the new General Permit is issued;

2) The Permittee submits a Notice of Termination and that notice is approved by the IEPA.

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

4 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.

5) IEPA issues a formal permit decision not to renew or reissue this General Permit. This General Permit shall be automatically administratively continued after such formal permit decision.

c) Duty to reapply

1) If permittee wishes to continue an activity regulated by this General Permit, the permittee must apply for a new permit before the expiration of the administratively continued period specified in subparagraph (b)(1) above.

2) If the pemittee reapplies in accordance with the provisions of subparagraph (c)(1) above, the conditions of this General Permit shall continue in full force and effect under the provisions of 5 ILCS 100/10-65 until the IEPA makes a final determination on the application or Notice of Intent.

3) Standard Condition 2 of Attachment H is not applicable to this general permit.

d) Contents of Notice of Intent: The Notice of Intent shall be submitted to IEPA on proper application forms and include at a minimum the following information:

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

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

3. An application form for an individual NPDES Permit may be used in place of the NOI.

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e) Change in Contact Person, Ownership or Operators: In the event that the contact person for this facility is changed or in the event of a change in ownership or operator for a facility authorized to discharge under this Permit, an updated NOI shall be filed with the IEPA within thirty (30) days of such change. Upon review of an NOI, the IEPA may deny coverage under this Permit or require any person otherwise authorized to discharge under this Permit to apply for and obtain either an individual NPDES Permit or to obtain authorization to discharge under an alternative General NPDES Permit.

f) Treatment Plant Changes: In the event that a change is made that results in a modification of treatment plant design loadings or flows or the abandoning or undertaking of new unit processes, an application for an individual NPDES permit along with the proposed treatment plant modifications, shall be submitted to the IEPA. The application and the proposed treatment plant modifications shall be submitted to the IEPA within the time frame specified by 35 Ill. Adm. Code Section 309.154. If no permit is required pursuant to 35 Ill. Adm. Code Section 309.154, the application and the proposed treatment plant modifications shall be submitted to the IEPA as soon as is practicable. Upon review of an application, the IEPA may deny coverage under this General Permit and initiate procedures for the issuance of an individual NPDES permit, or may make a determination that coverage under this General NPDES permit is still appropriate. In cases where the design flow increases or an anti-degradation analysis is required pursuant to 35 Ill. Adm. Code Section 302.105, the IEPA will proceed with the issuance of an individual NPDES permit and the authorization to discharge under this General NPDES permit will terminate upon the effective date of the individual NPDES permit.

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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.