



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

217/782-0610

November 9, 2006

City of Evanston
Water & Sewer Department
555 Lincoln Street
Evanston, Illinois 60201

Re: City of Evanston
 City of Evanston Combined Sewer Overflows
 NPDES General Permit No. ILM580002
 Modification of Coverage by General NPDES Permit (Without Public Notice)

Gentlemen:

The Illinois Environmental Protection Agency has examined the request for modification of coverage by the above-referenced NPDES permit as stated in your letter of March 22, 2004. Our final determination is to modify the coverage by the General Permit as follows:

Outfalls A01 and A02 have been determined to not be CSO outfalls and have been removed from coverage by the Permit.

Enclosed is a copy of the Permit.

Should you have questions or comments, please contact Ralph Hahn of my staff.

Sincerely,

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


SAK:RJH: \JDOS\PERMITS\STATE\CON\HAHN\LETTERS\NPDES\EVANSTON.WPD

Enclosure: Permit

cc: Des Plaines Region
 Records Unit
 Compliance Assurance Section

NPDES Permit No. ILM580 002

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: May 31, 2008

Issue Date: April 25, 2003

Effective Date: June 1, 2003

New General (NPDES) Permit
for
Discharges from Combined Sewer Overflows

Coverage under this Permit

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

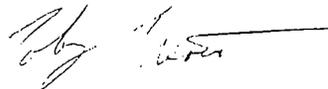
Eligibility

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

Receiving Waters: General Use and Secondary Contact Waters of the State in the Suburban Chicago Area

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

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



Toby Frevert, P.E.
Manager
Division of Water Pollution Control

Special ConditionsSPECIAL CONDITION 1.AUTHORIZATION OF
COMBINED SEWER OVERFLOW DISCHARGES

The IEPA has determined that at least a portion of the collection system consists of combined sewers. References to the collection system and the sewer system refer only to those parts of the system which are owned and operated by the Permittee. This Permit contains provisions implementing the federal CSO Control Policy of 1994 (*Federal Register* 18688) and recognizes TARP, now under construction by MWRDGC, as the long-term control plan for Permittees authorized to discharge under this General Permit. The Permittee may discharge from the overflow(s) listed in the letter authorizing the Permittee to discharge under this General Permit provided the diversion structure is located on a combined sewer and the following terms and conditions are met:

Transport and Treatment Requirements

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

Nine Minimum Controls

6. The Permittee shall comply with the nine minimum controls contained in the National CSO Control Policy published in the *Federal Register* on April 19, 1994. The nine minimum controls are:
 - a. Proper operation and maintenance programs for the sewer system and the CSOs (Compliance with this Item shall be met through the requirements imposed by Paragraph 8 of this Special Condition);
 - b. Maximum use of the collection system for storage (Compliance with this Item shall be met through the requirements imposed by Paragraphs 5 and 8 of this Special Condition);
 - c. Review and modification of pretreatment requirements to assure CSO impacts are minimized (Compliance with this Item is under the control of the treatment authority--the Metropolitan Water Reclamation District of Greater Chicago, MWRDGC);
 - d. Maximization of flow to the POTW for treatment (Compliance with this Item shall be met through the requirements imposed by Paragraphs 5 and 8 of this Special Condition);
 - e. Prohibition of CSO's during dry weather (Compliance with this Item shall be met through the requirements imposed by Paragraph 4 of this Special Condition);
 - f. Control of solids and floatable materials in CSO's (Compliance with this Item shall be met through the requirements imposed by Paragraphs 3 and 8 of this Special Condition);
 - g. Pollution prevention programs which focus on source control activities (Compliance with this Item shall be met through the requirements imposed by Paragraph 6 of this Special Condition, **See Below**);
 - h. Public notification to ensure that citizens receive adequate information regarding CSO occurrences and CSO impacts (Compliance with this Item shall be met through the requirements imposed by Paragraphs 7 and 12 of this Special Condition); and,
 - i. Monitoring to characterize impacts and efficiency of CSO controls (Compliance with this Item shall be met through the requirements imposed by Paragraphs 10 and 11 of this Special Condition).

Unless already completed, the Permittee shall develop a pollution prevention plan and present it to the general public at a public

Special Conditions

information meeting conducted by the Permittee within nine (9) months of the date of the authorization to discharge under this General Permit. Such plan may be developed in cooperation with MWRDGC. The Permittee shall submit documentation that the pollution prevention plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the date of the authorization to discharge under this General Permit and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue, and two (2) copies of the "Pollution Prevention Plan Certification", one (1) with original signatures. Following the public meeting, the Permittee shall implement the pollution prevention plan within one (1) year and shall maintain a current pollution prevention plan, updated to reflect system modifications, on file at the municipal clerk's office or other acceptable location and made available to the public. The pollution prevention plan shall be submitted to the IEPA upon written request. The Permittee shall also submit a copy of the Pollution Prevention Plan and all subsequent updates to MWRDGC.

The Permittee, within six (6) months of the date of the authorization to discharge under this General Permit, shall post notice for each CSO, as indicated in Paragraph 7 of this Special Condition, which discharges to a sensitive area. If Paragraph 7 of this Special Condition requires the submittal of information, then, the Permittee, within six (6) months of the IEPA's response to such submittal shall post notice, for each CSO which discharges to a sensitive area as indicated in the IEPA's response. Notice shall be posted at the point of discharge and/or potentially impacted downstream sensitive areas, as determined by the IEPA. In the event that the Permittee is not in control of the potentially impacted downstream areas and does not have the legal authority to compel the posting of such notices, the Permittee shall address this issue pursuant to the requirements of Special Condition 12 of this Permit. The public notification program shall specifically identify this problem and detail a specific resolution.

Sensitive Area Considerations

7. Sensitive areas are any water likely to be impacted by a CSO discharge and designated as an Outstanding National Resource Water, found to contain either shellfish beds or threatened or endangered aquatic species or their habitat, used for primary contact recreation, or within the protection area for a drinking water intake structure. Primary contact uses are protected for all general use waters whose physical configuration permits such use.

Unless already completed, within six (6) months of the date of the authorization to discharge under this General Permit, the Permittee shall submit documentation indicating which of the CSOs discharging to general use waters do not discharge into sensitive areas. Such documentation shall include information regarding the use or potential use of the receiving water for primary contact activities (swimming, water-skiing, etc.). If the Permittee believes that it is not possible for primary contact recreation to occur in the vicinity of waters likely to be impacted by a CSO discharge authorized through this General Permit, then justification as to why primary contact recreation is not possible shall be submitted. Adequate justification includes, but is not limited to (1) inadequate water depth; (2) presence of physical obstacles sufficient to prevent access or primary contact activities; and, (3) uses of adjacent land sufficient to discourage primary contact activities. The IEPA will make a determination based on this documentation and other information available to the IEPA. Should the IEPA determine that any of the CSOs discharge into sensitive areas, the Permittee will be notified in writing. Within three (3) months of the date of notification, or such other date contained in the notification letter, the Permittee shall submit two (2) copies of either a schedule to relocate, control, or treat discharges from these outfalls. If none of these options are possible, the Permittee shall submit adequate justification at that time as to why these options are not possible. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy.

The IEPA has determined that the CSOs discharging to secondary contact waters do not discharge to sensitive areas. However, if information becomes available that causes the IEPA to reverse this determination or if any of the CSOs that discharge to General Use Waters are determined to discharge to a sensitive area, the IEPA will notify the Permittee in writing. Within three (3) months of the date of notification, or such other date contained in the notification letter, the Permittee shall submit two (2) copies of either a schedule to relocate, control, or treat discharges from these outfalls. If none of these options are possible, the Permittee shall submit adequate justification at that time as to why these options are not possible. Such justification shall be in accordance with Section II.C.3 of the National CSO Control Policy.

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

Operational and Maintenance Plans

8. Unless already completed, a CSO operational and maintenance plan ("CSO O&M plan") shall be developed and presented to the general public at a public information meeting conducted by the Permittee within nine (9) months of the date of the authorization to discharge under this General Permit. The CSO O&M plan shall be consistent with the MWRDGC CSO O&M plan and may be developed in cooperation with MWRDGC. The Permittee shall submit documentation that the CSO O&M plan complies with the requirements of this Permit and that the public information meeting was held. Such documentation shall be submitted to the IEPA within twelve (12) months of the date of the authorization to discharge under this General Permit and shall include a summary of all significant issues raised by the public, the Permittee's response to each issue and shall identify any modifications made to the plan

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as a result of the public information meeting along with a brief description of the CSO O&M plan, and two (2) copies of the "CSO Operational Plan Checklist and Certification", one (1) with original signatures. Following the public meeting, the Permittee shall implement the CSO O&M plan within one (1) year and shall maintain a current CSO O&M plan, updated to reflect system modifications, on file at the municipal clerk's office or other acceptable location and made available to the public. A copy of the CSO O&M plan and all subsequent updates shall be submitted to MWRDGC. The CSO O&M plan shall be submitted to the IEPA upon written request.

The objectives of the CSO O&M plan are to reduce the total loading of pollutants entering the receiving stream and to ensure that the Permittee ultimately achieves compliance with water quality standards. These plans, tailored to the local government's collection and waste treatment systems, shall include mechanisms and specific procedures where applicable to ensure:

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

Sewer Use Ordinances

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

Upon completion of the review of the sewer use ordinance(s), the Permittee shall submit two (2) copies of a completed "Certification of Sewer Use Ordinance Review", one with original signatures, to the IEPA. A copy of the sewer use ordinance and all subsequent updates shall be submitted to MWRDGC. The Permittee shall submit copies of the sewer use ordinance(s) to the IEPA upon written request.

The Permittee shall enforce the applicable sewer use ordinances.

Compliance with Water Quality Standards

10. Pursuant to Section 301 of the federal Clean Water Act and 40 CFR § 122.4, discharges from the CSOs authorized under this General Permit shall not cause or contribute to violations of applicable water quality standards or cause use impairment in the receiving waters. Should information become available which indicates the CSO discharges cause violations of applicable water quality standards or cause use impairment, the Permittee shall develop and implement a plan to assess and abate impacts from CSO discharges. This plan may be developed in conjunction with MWRDGC. Two (2) copies of this plan shall be submitted to the IEPA within six (6) months of notification and shall contain a schedule for its implementation and provisions for re-evaluating compliance with applicable standards and regulations after implementation. A copy of this plan and all subsequent updates shall be submitted to the IEPA upon written request.

Special ConditionsMonitoring, Reporting and Notification Requirements

11. The Permittee shall monitor the frequency of discharge (number of discharges per month) and estimate the duration (in hours) of each discharge from each outfall authorized under this General Permit. Estimates of storm duration and total rainfall shall be provided for each storm event. The frequency and duration monitoring requirement for discharges may be coordinated with the MWRDGC program.

For frequency reporting, all discharges from the same storm, or occurring within 24 hours, shall be reported as one. The date that a discharge commences shall be recorded for each outfall. Reports shall be in the form specified by the IEPA and on forms provided by the IEPA. These forms shall be submitted to the IEPA monthly with the DMRs and covering the same reporting period as the DMRs.

12. A public notification program in accordance with Section II.B.8 of the federal CSO Control Policy of 1994 shall be developed employing a process that actively informs the affected public. This program may be developed in conjunction with MWRDGC. The program shall include at a minimum public notification of CSO occurrences and CSO impacts, shall include mass media and/or internet notification and provisions shall be made to include modifications of the program when necessary and notification to any additional affected public. The Permittee shall also consider signs near any CSO outfall with appropriate language warning the general public. The program shall be presented to the general public at a public information meeting conducted by the Permittee. The Permittee shall conduct the public information meeting within nine (9) months of the date of the authorization to discharge under this General Permit. The Permittee shall submit documentation that the public information meeting was held, shall submit a summary of all significant issues raised by the public and the Permittee's response to each issue and shall identify any modifications to the program as a result of the public information meeting along with a brief description of the final notification program. This information shall be submitted to the IEPA and the public notification program implemented within twelve (12) months of the date of the authorization to discharge under this General Permit. A copy of the public notification program and all subsequent updates shall be submitted to MWRDGC.
13. If any of the CSO discharge points listed in the authorization to discharge under this General Permit are eliminated, or if additional CSO discharge points, not listed in the authorization to discharge under this General Permit, are discovered, the Permittee shall notify the IEPA in writing within one (1) month of the respective outfall elimination or discovery. Such notification shall be in the form of a request for the appropriate modification to discharge under this General Permit.

Summary of Compliance Dates in this CSO Special Condition

14. The following summarizes the dates that submittals contained in this Special Condition are due at the IEPA (unless otherwise stated)
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|--|---|
| Submission of CSO Monitoring Data (Paragraph 11) | 15th of every month |
| Elimination of a CSO or Discovery of Additional CSO locations (Paragraph 13) | 1 month from discovery or elimination |
| Documentation of CSO locations (Paragraph 7) | 6 months from the date of the authorization to discharge under this General Permit |
| Certification of Sewer Use Ordinance Review (Paragraph 9) | 6 months from the date of authorization to discharge under this General Permit |
| Conduct Public Meeting on Pollution Prevention Plan, O&M Plan, and PN Plan (Paragraphs 6, 8, and 12)
No Submittal Required for this Milestone | 9 months from the date of the authorization to discharge under this General Permit |
| Submission of Documentation on Public Meeting for Pollution Prevention Plan, O&M Plan, and PN Plan (Paragraphs 6, 8, and 12) | 12 months from the date of the authorization to discharge under this General Permit |
| CSO Abatement Plan (Paragraph 10) | 6 months from IEPA notification |

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

Illinois Environmental Protection Agency Division of Water Pollution Control 1021 North Grand Avenue East Post Office Box 19276 Springfield, Illinois 62794-9276 Attention: CSO Coordinator, CAS	Illinois Environmental Protection Agency DesPlaines Regional Office Division of Water Pollution Control 9511 West Harrison Street DesPlaines, Illinois 60016	Metropolitan Water Reclamation District of Greater Chicago General Superintendent 100 East Erie Street Chicago, Illinois 60611-3154
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Special ConditionsReopening and Modifying this Permit

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

SPECIAL CONDITION 2. This Permit may be modified to include different final effluent limitations or requirements which are consistent with applicable laws, regulations, or judicial orders. The IEPA will Public Notice the permit modification.

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

SPECIAL CONDITION 4. The effluent, alone or in combination with other sources, shall not cause or contribute to causing a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302.

SPECIAL CONDITION 5. The Permittee shall record monitoring results on Discharge Monitoring Report forms using one such form for each discharge each month. The completed Discharge Monitoring Report form shall be submitted monthly to IEPA, no later than the 15th of the following month to the following address:

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

SPECIAL CONDITION 6. Requiring an individual 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 in a timely manner an individual NPDES permit application required by the IEPA 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.
- b. Any owner or operator authorized by this Permit may request to be excluded from the coverage of this 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. 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.
- 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 applicability of this Permit to the individual NPDES Permittee is automatically terminated on the issuance 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 IEPA.

SPECIAL CONDITION 7.

Authorization: To receive authorization to discharge under this General Permit, applicants must complete and submit NPDES Forms 1 and 2A (EPA Forms 3510-1 and 3510-2A). Upon review of the application, the IEPA may deny coverage under this General Permit and draft an individual NPDES permit.

In order to receive authorization to discharge beyond the expiration date of this Permit, the Permittee shall re-apply by completing and submitting NPDES Forms 1 and 2A as required by the IEPA not later than one hundred and eighty (180) days prior to the expiration date.

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

Standard Conditions

Definitions

Act means the Illinois Environmental Protection Act, Ch. 111 1/2 Ill. Rev. Stat., Sec. 1001-1052 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 requirement.
- (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 the 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. 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 reissuance, 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, 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. This period may be extended by request of the Agency 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 portion 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.
- (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.
- (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) **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.
- (d) **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 138 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.
- (e) **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 times; 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 recurrence 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) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours;
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (f) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (1)(2)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).
- (g) **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) **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, and
- (c) 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.
- (14) 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 acetone 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 anthracene;
- (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 pollutants which were not reported in the NPDES permit application.
- (15) 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 discharger which would be subject to Sections 301 or 308 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.
- (16) 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:
- (1) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
- (2) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
- (3) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (17) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(b)(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 reassessed to conform to that effluent standard or limitation.
- (18) Any authorization to construct issued to the permittee pursuant to 35 U.S. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (19) The permittee shall not make any false statement, representation or certification any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (20) 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 \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 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.
- (21) 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 permit 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.
- (22) 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 shall, 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.
- (23) Collected screenings, slimes, 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.
- (24) In case of conflict between these standard conditions and any other conditions included in this permit, the other conditions shall govern.
- (25) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 U.S. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board.
- (26) 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.