

NPDES Permit No. IL0079677  
Notice No. JAR:11062001.ajo

Public Notice Beginning Date: **August 5, 2011**

Public Notice Ending Date: **September 6, 2011**

National Pollutant Discharge Elimination System (NPDES)  
Permit Program

Draft New NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

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

Name and Address of Discharger:

Midwest Gaming & Entertainment LLC  
900 North Michigan Avenue  
Chicago, Illinois 60611

Name and Address of Facility:

Des Plaines Casino  
3000 South Des Plaines River Road  
Des Plaines, Illinois 60018  
(Cook County)

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue a NPDES permit to discharge into the waters of the state and has prepared a draft permit and associated fact sheet for the above named discharger. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice/Fact Sheet. The last day comments will be received will be on the Public Notice period ending date unless a commentor demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the draft permit to the IEPA at the above address. Commentors shall provide his or her name and address and the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues. Commentors may include a request for public hearing. Persons submitting comments and/or requests for public hearing shall also send a copy of such comments or requests to the permit applicant. The NPDES permit and notice number(s) must appear on each comment page.

The application, engineer's review notes including load limit calculations, Public Notice/Fact Sheet, draft permit, comments received, and other documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. Response to comments will be provided when the final permit is issued. For further information, please call Jaime Rabins at 217/782-0610.

The applicant is engaged in operating a casino (SIC 7999). The casino will be built over a water filled space to comply with state gambling laws. If maintenance must be performed in the space, some or all of the water, which totals 190,000 gallons, will be drained to a storm sewer at an average rate of 0.19 MGD from outfall 001.

Application is made for new discharge which is located in Cook County, Illinois. The following information identifies the discharge point, receiving stream and stream classifications:

Outfall	Receiving Stream	Latitude		Longitude		Stream Classification	Biological Stream Characterization
001	Des Plaines River	41° 59' 45"	North	87° 51' 45"	West	General Use	Not Rated

To assist you further in identifying the location of the discharge please see the attached map.

The stream segment G-28 receiving the discharge from outfall 001 is listed as impaired on the draft 2010 Illinois Integrated Water Quality Report and Section 303(d) List. The impaired designated uses and pollutants causing impairment are tabulated below:

<u>Designated Uses</u>	<u>Pollutants Causing Impairment</u>
Fish Consumption	Mercury and Polychlorinated Biphenyls (PCB's)
Aquatic Life	Alterations in Stream-Side Vegetative Cover (non-pollutant), Chloride, Other Flow Regime Alterations (non-pollutant) and Total Phosphorus
Primary Contact	Fecal Coliform

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

Outfall: 001 Storage Basin Water (DAF = 0.19 MGD)

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		REGULATION	CONCENTRATION LIMITS mg/l		REGULATION
	30 DAY AVERAGE	DAILY MAXIMUM		30 DAY AVERAGE	DAILY MAXIMUM	
Flow (MGD)						
pH			Shall be in the rage of 6.0 to 9.0 s.u.			35 IAC 304.125
Total Suspended Solids				15	30	35 IAC 304.124

The following explain the conditions of the proposed permit:

The special conditions clarify: flow reporting, pH, monitoring location, discharge monitoring reports, water treatment additive usage and re-opening of the permit.

Antidegradation Assessment for Des Plaines Casino  
NPDES Permit No. IL0079677 Cook County

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The subject facility has applied for an NPDES permit for a new wastewater discharge. A river boat casino will be built over a water filled space (basin) holding 190,000 gallons. If maintenance must be performed in this space, the water will be drained to a storm sewer which drains to the Des Plaines River. Discharge is expected to occur only at intervals of once every one to two years. The only unnatural content of the discharged water will be remnants of a biocide used to prevent growth of microorganisms in the water filled space. The casino will not add the biocide in the days before a scheduled maintenance period requiring the draining of the water to allow the biocide to completely decompose.

#### **Identification and Characterization of the Affected Water Body**

The Des Plaines River (segment G-28) has a 7Q10 flow of 49 cfs and is a General Use water. The stream is listed on the draft 2010 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for aquatic life, fish consumption and primary contact uses. The potential causes of aquatic life use impairment are given as alterations in stream-side vegetative cover (non-pollutant), chloride, other flow regime alterations (non-pollutant) and total phosphorus. The causes of fish consumption use impairment are PCBs and mercury and the cause of primary contact use impairment is fecal coliform bacteria. The Des Plaines River is not listed as a biologically significant stream in the 2008 Illinois Department of Natural Resources Publication Integrating Multiple Taxa in a Biological Stream Rating System, nor is it given an integrity rating. The Des Plaines River is not designated as an enhanced water pursuant to the dissolved oxygen water quality standard. The IDNR WIRT system does not list any state threatened or endangered aquatic species as residing in the receiving stream.

#### **Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses**

The only pollutant involved is a biocide periodically added to the basin to prevent slime growths. The product to be used is Watertech 5230, which contains 15% glutaraldehyde as the active ingredient. Similar biocides have been approved by Illinois EPA in the past. Glutaraldehyde is known to readily degrade. The proposed procedure of draining the basin only 48 hours or more after biocide treatment will prevent water with residual toxicity from glutaraldehyde from being discharged.

#### **Fate and Effect of Parameters Proposed for Increased Loading**

Any small residual of glutaraldehyde remaining after natural degradation in the basin will be present in non-toxic concentrations. No adverse impact on the receiving stream is anticipated.

#### **Purpose and Social & Economic Benefits of the Proposed Activity**

The new casino will create jobs, taxes and economic activity for the local community and state.

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

The applicant investigated alternatives to the discharge as proposed in a May 11, 2011 e-mail message from Mike Schuck of The Sigma Group.

One alternative would be to not use a biocide in the basin. UV lights were considered, but these would require maintenance that would be unwieldy in the large, shallow basin covered by a casino. A circulation system was also considered that would allow a filtration system for the water in the basin, but this system may also require a biocide. Use of the biocide was determined to be the most feasible alternative based on experience in other industrial applications and due to the fact that the biocide biodegrades into harmless substances within days after use.

Another alternative explored was discharge of the basin water to a sanitary sewer such that the water would be treated at a sewage treatment plant. This option was rejected because the clean water discharged would not benefit from treatment at a sewage treatment plant, nor would the sewage treatment authority want such water taking up sewer capacity and diluting raw sewage to be treated.

No discharge is not an option because should the basin develop a leak or other maintenance problem, the water must be drained to allow repairs. The casino must be floated to comply with state gambling laws, so the basin must exist.

The assessment of alternatives analysis finds that use of a biodegradable biocide is acceptable and that no reasonable less polluting alternatives exist.

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

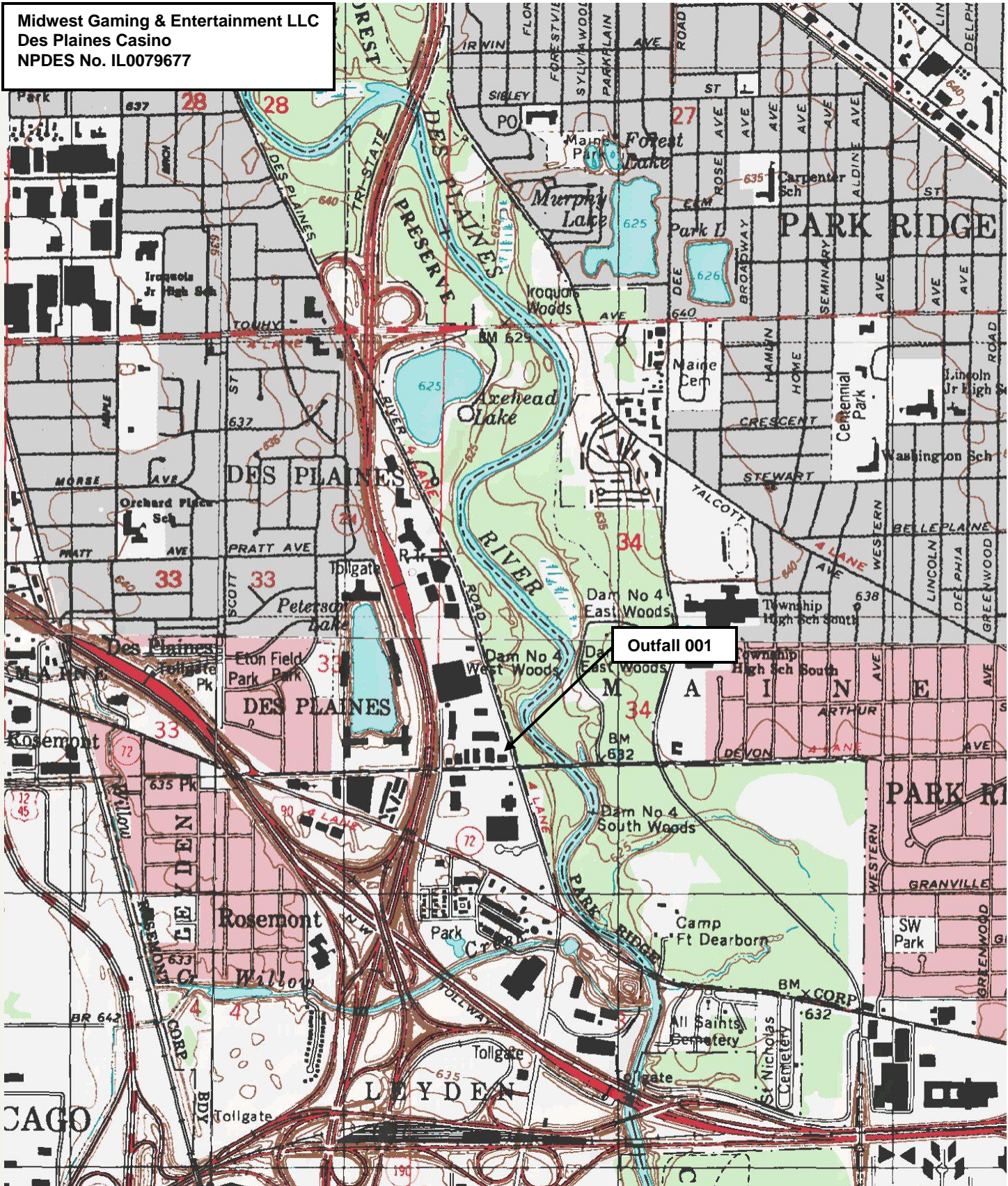
The Illinois Department of Natural Resources was consulted regarding threatened and endangered species issues via the EcoCAT system on May 5, 2011. It was immediately determined that no threatened or endangered species reside in the receiving stream and consultation was terminated.

### **Agency Conclusion**

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time the draft permit was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving stream will be maintained; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity will benefit the community at large by creating jobs, increase tax revenue and economic activity. Comments received during the NPDES permit public notice period will be evaluated before a final decision is made by the Agency.



Midwest Gaming & Entertainment LLC  
Des Plaines Casino  
NPDES No. IL0079677





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Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

New (NPDES) Permit

Expiration Date:

Issue Date:

Effective Date:

Name and Address of Permittee:

Midwest Gaming & Entertainment LLC  
900 North Michigan Avenue  
Chicago, Illinois 60611

Facility Name and Address:

Des Plaines Casino  
900 North Michigan Avenue  
Chicago, Illinois 60611  
(Cook County)

Discharge Number and Name:

001 Storage Basin Water

Receiving Waters:

Des Plaines River

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of Ill. Adm. Code, Subtitle C and/or Subtitle D, Chapter 1, and the Clean Water Act (CWA), the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

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

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

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NPDES Permit No. IL0079677

Effluent Limitations and Monitoring

1. From the effective date of this permit until the expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall:001 Storage Basin Water (DAF = 0.19 MGD)

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
Flow	See Special Condition 1				*	
pH	See Special Condition 2				1/Month	Grab
Total Suspended Solids			15	30	1/Month	Grab

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

Special Conditions

SPECIAL CONDITION 1. Flow shall be measured in units of Million Gallons per Day (MGD) and reported as a monthly average and a daily maximum value on the monthly Discharge Monitoring Report.

SPECIAL CONDITION 2. The pH shall be in the range 6.0 to 9.0. The monthly minimum and monthly maximum values shall be reported on the DMR form.

SPECIAL CONDITION 3. Samples taken in compliance with the effluent monitoring requirements shall be taken prior to mixing with stormwater and prior to entry into the receiving stream.

SPECIAL CONDITION 4. The Permittee shall record the monitoring results on the 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 15<sup>th</sup> 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 5. If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

SPECIAL CONDITION 6. Discharge is not allowed within 48 hours of biocide usage.

SPECIAL CONDITION 7. In the event that the permittee shall require the use of water treatment additives, the permittee must request a change in this permit in accordance with the Standard Conditions -- Attachment H.