

NPDES Permit No. IL0049239
Notice No. JMC:12011801.daa

Public Notice Beginning Date: **March 7, 2012**

Public Notice Ending Date: **April 6, 2012**

National Pollutant Discharge Elimination System (NPDES)
Permit Program

Draft Reissued 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:

10/120 South Riverside Property LLC c/o Behringer Harvard
10 South Riverside Plaza, Suite 1475
Chicago, Illinois 60606

Name and Address of Facility:

120 South Riverside Plaza
120 South Riverside Plaza
Chicago, Illinois 60606
(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 Jamie Cowles at 217/782-0610.

The applicant manages a commercial office building (SIC 7392). Waste water is generated from the condenser(s) used for the buildings cooling system. During cooling/air conditioning season the building discharges an average of 0.000025 MGD of pump priming water from outfall 001, 0.000025 MGD of intake screen backwash from outfall 002, and 2.54 MGD of non-contact cooling water from outfall 003.

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

<u>Outfall</u>	<u>Receiving Stream</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Stream Classification</u>	<u>Integrity Rating</u>
001	South Branch of Chicago River	41° 40' 00" North	87° 40' 00" West	Secondary Contact and Indigenous Aquatic Life	D
002	South Branch of Chicago River	41° 40' 00" North	87° 40' 00" West	Secondary Contact and Indigenous Aquatic Life	D
003	South Branch of Chicago River	41° 40' 00" North	87° 40' 00" West	Secondary Contact and Indigenous Aquatic Life	D

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

The stream segment IL HG-01 receiving the discharge from outfall(s) 001, 002, 003 is not on the 2010 303(d) list of impaired waters and is not a biologically significant stream on the 2008 Illinois Department of Natural Resources Publication – *Integrating Multiple Taxa in a Biological Stream Rating System*.

The following parameters have been identified as the pollutants causing impairment:

<u>Potential Cause</u>	<u>Designated Use</u>
Polychlorinated Biphenyls	Fish Consumption

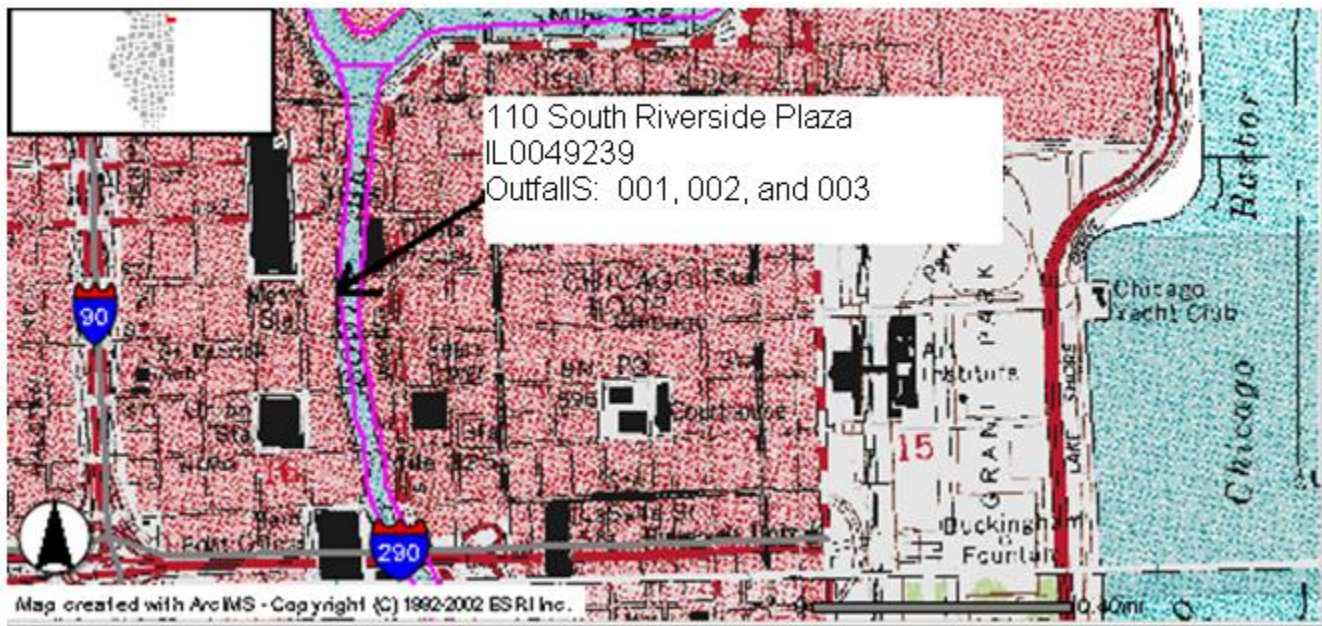
The discharge(s) from the facility shall be monitored and limited at all times as follows:

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		REGULATION	CONCENTRATION LIMITS mg/L		REGULATION
	30 DAY AVERAGE	DAILY MAXIMUM		30 DAY AVERAGE	DAILY MAXIMUM	
Outfall: 001 (Pump Priming Water)						
Flow	See Special Condition 1					35 IAC 309.146
Outfall: 002 (Intake Screen Backwash)						
Flow	See Special Condition 1					35 IAC 309.146
Outfall: 003 (Non-Contact Cooling Water)						
Flow	See Special Condition 1					35 IAC 309.146
Temperature	See Special Condition 7					35 IAC 302.408

The following explain the conditions of the proposed permit:

All monitoring locations shall be at a point representative of the discharge. The flow from the facility shall be reported on the DMR forms as a monthly average and a daily maximum in Million Gallons per Day. The discharge from outfall 003 will be required to meet limits established in 35 IAC 302.408 for thermal discharges. In the event the permittee shall require the use of water treatment additives not previously approved by this Agency, or in the event the permittee increases the feed rate or quantity of the additives used beyond what has previously been approved by this Agency, the permittee shall request a modification in the permit.

A full demonstration pursuant to section 316(b) of the Clean Water Act was not conducted in the past for this facility. Special Condition 8 requires additional information to be submitted to the Agency pursuant to 316(b), so that the Agency can evaluate the potential impacts of the cooling water intake structure operations pursuant to 40 CFR 125.90(b).



NPDES Permit No. IL0049239

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

Reissued (NPDES) Permit

Expiration Date:

Issue Date:

Effective Date:

Name and Address of Permittee:

10/120 South Riverside Property LLC c/o Behringer Harvard
10 South Riverside Plaza, Suite 1475
Chicago, Illinois 60606

Facility Name and Address:

120 South Riverside Plaza
120 South Riverside Plaza
Chicago, Illinois 60606
(Cook County)

Discharge Number and Name:

001 Pump Priming Water
002 Intake Screen Backwash
003 Non-Contact Cooling Water

Receiving Waters:

South Branch of Chicago River
South Branch of Chicago River
South Branch of Chicago 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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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:

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		
Outfall: 001 (Pump Priming Water) DAF = 0.000025 MGD						
Flow	See Special Condition 1				1/Month	Estimate
Outfall: 002 (Intake Screen Backwash) DAF = 0.000025 MGD						
Flow	See Special Condition 1				1/Month	Estimate
Outfall: 003 (Non-Contact Cooling Water) DAF = 2.54 MGD						
Flow	See Special Condition 1				1/Month	
Temperature	See Special Condition 7				1/Month	Single Reading (Grab)

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 on the monthly Discharge Monitoring Report.

SPECIAL CONDITION 2. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

SPECIAL CONDITION 3. 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 4. For the purpose of this permit, this discharge is limited to non-contact cooling water, free from process and other wastewater discharges. 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.

SPECIAL CONDITION 5. 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 15th 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 6: No effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.

SPECIAL CONDITION 7. The receiving waters are designated as Secondary Contact and Indigenous Aquatic Life Waters by Title 35 of Ill. Adm. Code, Chapter 1, Subtitle C, Section 302.408 as amended. This facility is not allowed any mixing with the receiving stream in order to meet applicable water quality thermal limitations. Therefore, discharge of wastewater from this facility must meet the following thermal limitations prior to discharge into the receiving stream.

- A. The discharge shall not exceed 93° F (34° C) more than 5% of the time or 100° F (37.8° C) at anytime.
- B. The monthly maximum value shall be reported on the DMR for

SPECIAL CONDITION 8. In order for the Agency to evaluate the potential impacts of cooling water intake structure operations pursuant to 40 CFR 125.90(b), the permittee shall prepare and submit information to the Agency outlining current intake structure conditions at this facility, including a detailed description of the current intake structure operation and design, description of any operational or structural modifications from original design parameters, source waterbody flow information as necessary.

The information shall also include a summary of historical 316(b) related intake impingement and/or entrainment studies, if any, as well as current impingement mortality and/or entrainment characterization data; and shall be submitted to the Agency within six (6) months of the permit's effective date.

Upon the receipt and review of this information, the permit may be modified to require the submittal of additional information based on a Best Professional Judgment review by the Agency. This permit may also be revised or modified in accordance with any laws, regulations, or judicial orders pursuant to Section 316(b) of the Clean Water Act.