

NPDES Permit No. IL0078964
Notice No. TJF:12102601.tjf

Public Notice Beginning Date: **April 17, 2013**

Public Notice Ending Date: **May 17, 2013**

National Pollutant Discharge Elimination System (NPDES)
Permit Program

Draft Reissued/Modified NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois EPA
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:

Mounds Production Company
700 Industrial Park Road
Mounds, IL 62964

Name and Address of Facility:

Mounds Production Company
LeFevre-Mager Mine #5
Clay Pit Road
Mounds, IL 62964
(Pulaski 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 Thaddeus Faught at 217/782-0610.

The applicant is engaged in excavation of absorbent clay (SIC 1459). Wastewater is generated from stormwater runoff and pit pumpage. Operations result in an average discharge of 0.0288 MGD of stormwater runoff and pit pumpage from outfall 003.

The following modification is proposed: The permitted mine site is being expanded to 230 acres. Outfalls 001 and 002 have been eliminated and replaced by Outfall 003 approximately 300 feet downstream within the mine site discharging to the same receiving water. This permit, IL0078964, is renewing and replacing NPDES permit ILG840007 due to the ineligibility of SIC 1459 coverage under ILG84. The permittee has also been revised to reflect the current operator of the mine site.

Application is made for existing discharge(s) which are located in Pulaski 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>
003	Unnamed tributary of Hodges Creek	37°11'33"	North	89°06'18"	West	General Use	Not Rated

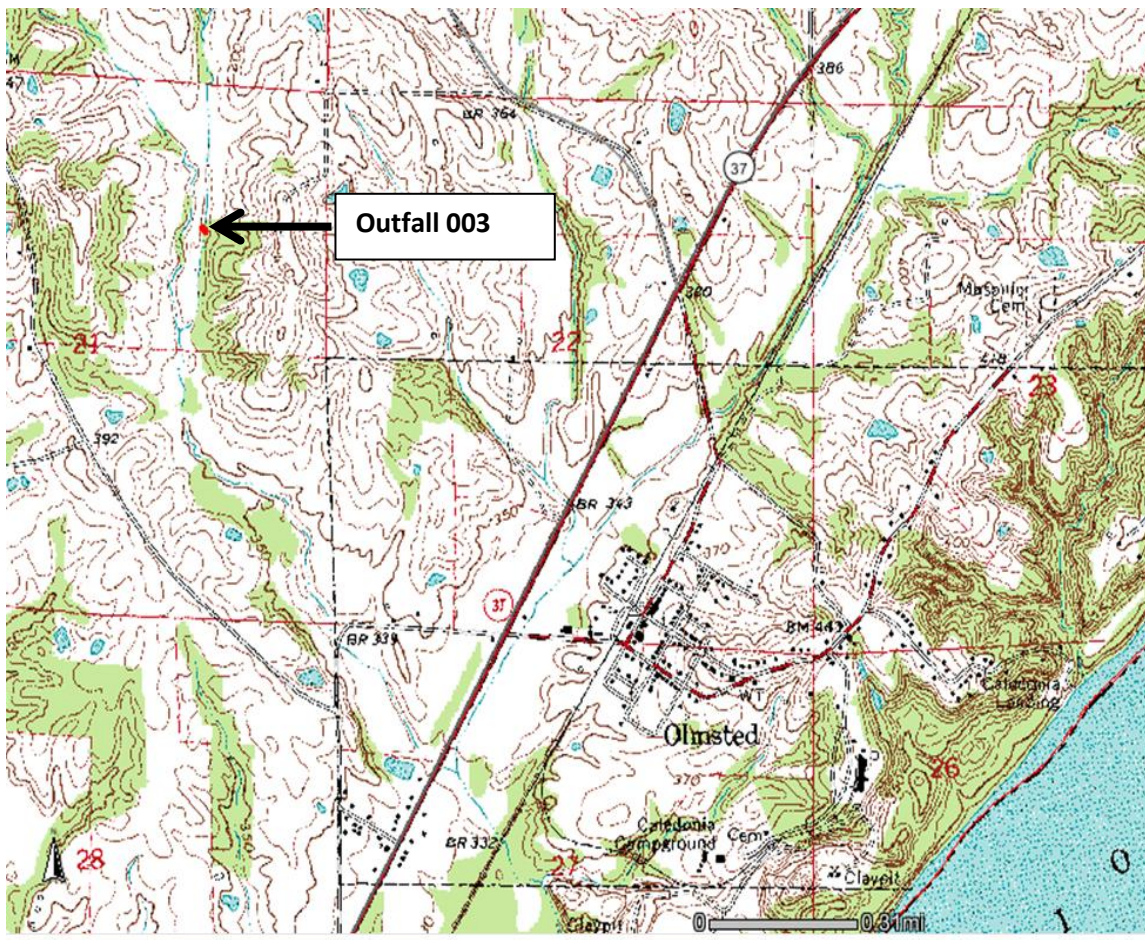
To assist you further in identifying the location of the discharge please see the attached map.

The stream segment receiving the discharge from outfall(s) 003 is not on the 2012 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 discharge(s) from the facility shall be monitored and limited at all times as follows:

Outfall(s): 003 Non-Coal Mine Discharge

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		REGULATION	CONCENTRATION LIMITS mg/l		REGULATION
	30 DAY AVERAGE	DAILY MAXIMUM		30 DAY AVERAGE	DAILY MAXIMUM	
Total Suspended Solids				35	70	35 IAC 406.106
pH	Shall be in the Range of 6.5-9 Standard Units					35 IAC 302.204
Offensive Conditions	No effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids, color, or odor. Turbidity shall be below obviously visible levels.					35 IAC 406.107



Outfall 003 Location
NPDES Permit IL0078964
Mounds Production Company – LeFevre-Mager Mine #5

NPDES Permit No. IL0078964

Illinois Environmental Protection Agency

Division of Water Pollution Control

Permit Section

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued/Modified (NPDES) Permit

Expiration Date:

Issue Date:

Effective Date:

Name and Address of Permittee:

Facility Name and Address:

Mounds Production Company
700 Industrial Park Road
Mounds, IL 62964

Mounds Production Company
Lefevre- Mager Mine #5
Clay Pit Road
Mounds, IL 62964

Discharge Number and Name:

Receiving Waters:

Non-Coal Outfalls

003 - Storm Water Runoff and Pit Pumpage

Unnamed tributary to Hodges Creek

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

SAK: TJF:12102601.tjf

NPDES Permit No. IL0078964

Effluent Limitations and Monitoring

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:

Outfalls: 003

PARAMETER	CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM		
Flow (MGD)			**	
Total Suspended Solids	35	70	***	****
pH	Shall be in the Range of 6.5 to 9 Standard Units. The monthly minimum and maximum shall be reported on the DMR		1 per month	Grab
Offensive Conditions	No effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids, color, or odor. Turbidity shall be below obviously visible levels.		once per month	Visual Inspection

** Effluent sampling for flow shall be continuous if hardware allows otherwise it shall be a single reading when monitoring each parameter. Flows shall be reported as a monthly average on the Discharge Monitoring Reports (DMR).

pH shall be reported as a minimum and maximum.

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

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

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

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SPECIAL CONDITION 1: For the purposes of this permit, this discharge is limited to pit pumpage and stormwater runoff, free from process and other waste discharges, and stormwater subject to Special Condition 16.

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: Discharge Monitoring Reports: The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) Forms using one such form for each outfall each month. If there is no discharge during a reporting period, a Discharge Monitoring Report shall be submitted stating that no discharge occurred during that particular month. The Permittee may choose to submit electronic DMRs (eDMRs) instead of mailing paper DMRs to the IEPA. More information about the eDMR program, including registration, can be obtained on the IEPA website at <http://www.epa.state.il.us/water/edmr/index.html>. The completed DMR forms shall be submitted monthly to the IEPA no later than the 15th day of the following month, unless otherwise specified by the IEPA. Permittees not using eDMRs shall mail the DMRs with original signature to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
Attn: Compliance Assurance Section, Mail Code #19

SPECIAL CONDITION 4: Abandonment, Cessation and Suspension of Mining: The permittee shall notify the Illinois Environmental Protection Agency in writing by certified mail within thirty days of abandonment, cessation, or suspension of active mining for thirty days or more unless caused by a labor dispute. During cessation or suspension of active mining, whether caused by a labor dispute or not, the permittee shall provide whatever interim impoundment, drainage diversion, and wastewater treatment is necessary to avoid violations of the Act or Subtitle D: Mine Related Water Pollution.

SPECIAL CONDITION 5: Abandonment Plan: The abandonment plan submitted for the specific project shall be executed and completed in accordance with Sections 405.109 and 405.110 of Subtitle D: Mine Related Water Pollution.

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

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

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

- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
- (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees;
- (c) The notice includes a statement that the new permittee plans to meet the provisions of the abandonment plan submitted by the existing permittee and approved by the Agency for coverage under this permit. If a new or modified abandonment plan is submitted with the transfer request, coverage may not be automatically transferred under this permit; and
- (d) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.

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

SPECIAL CONDITION 10: Emergency Response and Notification: The permit holder shall notify the Illinois Environmental Protection Agency (217/782-3637) immediately of an emergency at the mine or mine refuse area which causes or threatens to

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cause a sudden discharge of contaminants into the waters of Illinois and shall immediately undertake necessary corrective measures as required by Section 405.111 under Subtitle D: Mine Related Water Pollution of Illinois Pollution Control Board Rules and Regulations.

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

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

SPECIAL CONDITION 13: Discharges Covered: This permit covers only those discharge points identified in the Construction Authorization, non-storm water discharges and storm water discharges from areas subject to Special Condition 16.

SPECIAL CONDITION 14: Well Setbacks: The permittee shall maintain the appropriate setback distances between any excavation and community and/or private water supply wells, as provided in the Illinois Environmental Protection Act. The community and/or private water supply wells for which this condition may apply may be identified with the appropriate setback zones in the attached Construction Authorization.

SPECIAL CONDITION 15: Storm Water Discharges: The Illinois Environmental Protection Agency has determined that the effluent limitations for the non-coal outfall(s) (Outfalls: 003) in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities for purposes of this permit issuance, and no pollution prevention plan will be required for such storm water. This does not preclude the use of pollution prevention techniques as a means or partial means of meeting the effluent limits. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with mining and determine whether any facility modifications have occurred which result in previously treated storm water discharges no longer receiving treatment. If any such discharges are identified, the permittee shall request a modification of coverage under this permit within 30 days after the inspection unless such discharges meet the conditions of Special Condition 16. Records of the annual inspection shall be retained by the permittee for the term of this permit and shall be made available to the Illinois Environmental Protection Agency upon request.

SPECIAL CONDITION 16: Storm Water Runoff and Storm Water Discharges: All storm water runoff from areas affected by mining activities such as, earthen berms, aggregate processing plants, overburden stockpiles, and crushed stone stockpiles, sand and gravel stockpiles and industrial sand product stockpiles, shall be routed to non-coal outfalls except for the following identified in (a) and (b) below:

- a. **Surface Runoff from Earthen Areas:** Surface runoff from earthen berms or other earthen areas using spoil from the mining operation is not required to be routed to the Non-Coal Outfall(s) when the earthen areas meet the following conditions:
 - i) The area is graded to an acceptable slope, covered with sufficient uncontaminated topsoil as needed to support vegetation, seeded at an adequate rate with an appropriate grass mixture to stabilize such areas, properly maintained with vegetation and other practices to minimize the potential for erosion and final stabilization has been completed for the area.
 - ii) For areas in which final stabilization under Special Condition 16 (a) (i) are incomplete, erosion control measures described in the Illinois Urban Manual (IEPA/USDA, NRCS;2012) are implemented.
 - iii) The earthen berms or areas are not contaminated by mine refuse, chemical spillage, other wastes or wastewaters from mining activities at the site.
 - iv) The earthen material does not contain acid producing material.
 - v) The earthen area has no contact with waters of the State.
 - vi) Surface runoff from the earthen areas does not cause water quality violations.
 - vii) The area is identified in the storm water pollution prevention plan required in Special Condition 16 (b) below as meeting Special Condition 16 (a) (i-vi) above.
- b. **Storm Water Discharges and Certain Non-storm Water Discharges.** Storm water runoff discharges and non-storm water discharges are allowed according to the following conditions and this permit provided that the

Special Conditions

discharges do not contain the following: industrial wastewater; mine process wastewater; pit pumpage; pit overflows; mine dewatering wastewaters; cooling waters, heated effluents or surface runoff from disturbed earthen areas that contain mine refuse, chemical spillage, other wastes, or acid producing material.

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

discharges from fire fighting activities; fire hydrant flushings; waters used to control dust on vehicle traffic areas outside the mine area and mined area; potable water sources including uncontaminated waterline flushings; irrigation drainages; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; condensate from refrigerants; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents. These non-storm water discharges must comply with Special Condition 16 (b) (ii) (D) (ii) (3).

- ii) **Storm Water Pollution Prevention Plans**

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

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

The plan shall:

- (i) Be completed prior to the start of the mining activities to be covered under this special condition and updated as appropriate; and
- (ii) Provide for compliance with the terms and schedule of the plan beginning with the initiation of mining activities.

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

- (i) The plan shall be signed in accordance with Standard Condition 11 Attachment H (Signatory Requirements), and be retained on-site at the facility which generates the storm water discharge in accordance with Standard Condition 8 Attachment H (Duty to Provide Information) of this permit.
- (ii) The permittee shall make plans available upon request from this Agency or a local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity at a mining site which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.
- (iii) The Agency may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this special condition. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 30 days from receipt of notification from the Agency, the permittee shall make the required changes to the plan and shall submit to the Agency a written certification that the requested changes have been made. Failure to comply shall terminate authorization under this special condition.
- (iv) All storm water pollution prevention plans required under this permit are considered reports that shall be available to the public at any reasonable time upon request. However, the permittee may claim any portion of a storm water pollution prevention plan as confidential in accordance with 40 CFR Part 2, including any portion describing facility security measures.

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- (C) **Keeping Plans Current.** The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the Waters of the State and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Special Condition 16 (b) (ii) (D) (ii) below, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with mining activities. Amendments to the plan may be reviewed by the Agency in the same manner as Special Condition 16 (b) (ii) (B) (ii) above.
- (D) **Contents of Plan.** The storm water pollution prevention plan shall include the following items:
- (i) Site Description. Each plan shall, provide a description of the following:
1. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading);
 2. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;
 3. An estimate of the runoff coefficient of the site after mining activities are completed and existing data describing the soil or the quality of any discharge from the site;
 4. A site map indicating drainage patterns and approximate slopes anticipated before and after major grading activities, locations where vehicles enter or exit the site and controls to prevent offsite sediment tracking, areas of soil disturbance, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, an outline of storm water drainage areas for each storm water discharge point, paved areas and buildings, and locations where storm water is discharged to a surface water;
 5. Description of the areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates.
 - a. Location of existing storm water structural control measures (dikes, coverings, detention facilities, etc.);
 - b. Surface water locations and/or municipal storm drain locations;
 - c. Areas of existing and potential soil erosion;
 - d. Vehicle service areas;
 - e. Material loading, unloading, and access areas.
 6. A narrative description of the following:
 - a. The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
 - b. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
 - c. Industrial storm water discharge treatment facilities;
 - d. Methods of onsite storage and disposal of significant materials;
 - e. A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities;
 - f. An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings;

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- g. A summary of existing sampling data describing pollutants in storm water discharges;
 - h. The name of the receiving water(s) and the ultimate receiving water(s), and areal extent of wetland acreage at the site.
- (ii) **Controls.** Each plan shall include a description of appropriate controls that will be implemented at the mining site. The plan will clearly describe for each major activity identified in Special Condition 16 (b) (ii) (D) (i) (1) above, appropriate controls and the timing during the mining process that the controls will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). The description of controls shall address as appropriate the following minimum components:
- 1. Erosion and Sediment Controls.
 - a. Stabilization Practices. A description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Except as provided in paragraphs i and ii below, stabilization measures shall be initiated as soon as practicable in portions of the site where mining activities have temporarily or permanently ceased, but in no case more than 7 days after the mining activities in that portion of the site has temporarily or permanently ceased.
 - i. Where the initiation of stabilization measures by the 7th day after mining activities temporarily or permanently cease is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
 - ii. Where mining activities will resume on a portion of the site within 14 days from when activities ceased, (e.g. the total time period that mining activities is temporarily ceased is less than 14 days) then stabilization measures do not have to be initiated on that portion of site by the 7th day after mining activities temporarily ceased.
 - b. Structural Practices. A description of structural practices to the degree attainable, to divert flows from disturbed earthen areas, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.
 - c. Best Management Practices for Impaired Waters. For any site which discharges directly to an impaired water identified in the Agency's 303(d) listing for suspended solids, turbidity, or siltation the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations or the Illinois Environmental Protection Agency's Illinois Urban Manual, the storm water pollution prevention plan shall adhere to a more restrictive design criteria.
 - 2. Storm Water Management. A description of measures that will be installed during mining to control pollutants in storm water discharges that will occur after mining operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate

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operation and maintenance of such structures after the mining activities have been completed and the site has undergone final stabilization. Permittees are responsible for only the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity at a mining site have been eliminated from the site.

- a. Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.
- b. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. maintenance of hydrologic conditions, such as the hydroperiod and hydrodynamics present prior to the initiation of mining activities).
- c. Unless otherwise specified in the Illinois Environmental Protection Agency's Illinois Urban Manual, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event.
- d. Other Controls.
 - i. No solid materials, including building materials, shall be discharged to Waters of the State, except as authorized by a Section 404 permit.
 - ii. The plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.
- e. Pollution Prevention Practices
 - i. Storm Water Pollution Prevention Personnel - Identification by job titles of the individuals who are responsible for developing, implementing, and revising the plan.
 - ii. Preventive Maintenance - Procedures for inspection and maintenance of storm water conveyance system devices such as oil/water separators, catch basins, etc., and inspection and testing of plant equipment and systems that could fail and result in discharges of pollutants to storm water.
 - iii. Good Housekeeping - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned to reduce the potential for pollutants to enter the storm water conveyance system.
 - iv. Spill Prevention and Response - Identification of areas where significant materials can spill into or otherwise enter the storm water conveyance systems and their accompanying drainage points. Specific material handling procedures, storage requirements, spill clean up equipment and procedures should be identified, as appropriate. Internal notification procedures for spills of significant materials should be established.
 - v. Storm Water Management Practices - Storm water management practices are practices other than those which control the source of pollutants. They include measures such as installing oil and grit separators, diverting storm water into retention basins, etc. Based on assessment of the potential of various sources to contribute pollutants, measures to remove pollutants from storm water discharge shall be implemented. In developing the plan, the following management practices shall be considered:

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

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

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

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

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

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

- vi. Employee Training - Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution control plan. Training should address topics such as spill response, good housekeeping and material management practices. The plan shall identify periodic dates for such training.
 - vii. Inspection Procedures - Qualified plant personnel shall be identified to inspect designated equipment and plant areas. A tracking or follow-up procedure shall be used to ensure appropriate response has been taken in response to an inspection. Inspections and maintenance activities shall be documented and recorded.
3. Verification of Non-Storm Water Discharges - The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include a description of any tests for the presence of non-storm water discharges, the methods used, the dates of the testing, and any onsite drainage points that were observed during the testing. Any facility that is unable to provide this certification must describe the procedure of any test conducted for the presence of non-storm water discharges, the test results, potential sources of non-storm water discharges to the storm sewer, and why adequate tests for such storm sewers were not feasible. Except as provided in Special Condition 16 (b) (i), discharges not comprised entirely of storm water are not authorized by this Special Condition.
 4. The permittee shall conduct an annual facility inspection to verify that all elements of the plan, including the site map, potential pollutant sources, and structural and non-structural controls to reduce pollutants in industrial storm water discharges are accurate. Observations that require a response and the appropriate response to the observation shall be retained as part of the plan. Records documenting significant observations made during the site inspection shall be submitted to the Agency in accordance with the reporting requirements of this permit.
 5. This plan should briefly describe the appropriate elements of other program requirements, including Spill Prevention Control and Countermeasures (SPCC) plans required under Section 311 of the CWA and the regulations promulgated thereunder, and Best Management Programs under 40 CFR 125.100.
 6. The plan shall include the signature and title of the person responsible for preparation of the plan and include the date of initial preparation and each amendment thereto.
 7. Facilities which discharge storm water associated with industrial activity at a mining site to municipal separate storm sewers may also be subject to additional requirements imposed by the operator of the municipal system.
 8. Approved State or Local Plans.

Special Conditions

- a. The management practices, controls and other provisions contained in the storm water pollution prevention plan must be at least as protective as the requirements contained in Illinois Environmental Protection Agency's Illinois Urban Manual, 2012. Facilities which discharge storm water associated with industrial activities at a mining site must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials. Requirements specified in sediment and erosion site plans or site permits or storm water management site plans or site permits approved by local officials that are applicable to protecting surface water resources are, upon submittal of an NOI to be authorized to discharge under this permit, incorporated by reference and are enforceable under this permit even if they are not specifically included in a storm water pollution prevention plan required under this permit. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the mining site.
- b. Dischargers seeking alternative permit requirements are not authorized by this permit and shall submit an individual permit application in accordance with 40 CFR 122.26 and Subtitle D; Mine Related Pollution at the following address, along with a description of why requirements in approved local plans or permits should not be applicable as a condition of an NPDES permit:

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

- (iii) **Maintenance.** A description of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures identified in the site plan.
- (iv) **Inspections.** Qualified personnel (provided by the permittee) shall inspect disturbed areas of the mining site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site annually. Qualified personnel means a person knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer or other knowledgeable person who possesses the skills to assess conditions at the mining site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the mining activities.
 1. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.
 2. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with Special Condition 16 (b) (ii) (D) (i) (Site Description) of this permit and pollution prevention measures identified in the plan in accordance with Special Condition 16 (b) (ii) (D) (ii) (Controls) of this permit shall be revised as appropriate as soon as practicable after such inspection. Such modifications shall provide for timely implementation of any changes to the plan within 30 calendar days following the inspection.
 3. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance

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with Special Condition 16 (b) (ii) (D) (iv) 2 above shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the permit coverage expires or is terminated. The report shall be signed in accordance with standard conditions Attachment H (Signatory Requirements) of this permit.

4. The permittee shall complete and submit within 5 days an "Incidence of Noncompliance" (ION) report for any violation of the storm water pollution prevention plan observed during an inspection conducted, including those not required by the Plan. Submission shall be on forms provided by the Agency and include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance.
5. All reports of noncompliance shall be signed by a responsible authority as defined in standard conditions Attachment H (Signatory Requirements).
6. All reports of noncompliance shall be mailed to the Agency at the following address:

Illinois Environmental Protection Agency
Compliance Assurance Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

- (v) **Non-Storm Water Discharges** - Except for flows from fire fighting activities, sources of non-storm water listed in Special Condition 16 (b) (i) that are combined with storm water discharges associated with industrial activity at a mining site must be identified in the plan. The plan shall identify and insure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

SPECIAL CONDITION 17: Oil and Hazardous Substance Liability: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

SPECIAL CONDITION 18: Prohibited Storm Water Discharges: This permit is not applicable to storm water discharges from the following facilities:

- a. Hazardous waste treatment, storage or disposal facilities.
- b. Storm water discharges associated with inactive mining occurring on Federal lands where an operator cannot be identified.
- c. Storm water discharges that the Agency determines are not appropriately covered by this permit.

SPECIAL CONDITION 19: Oil and Hazardous Substance Discharge Prohibition: This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill, and does not supersede any reporting requirements for spills or releases of hazardous substances or oil.

SPECIAL CONDITION 20: Bulk Storage and Hazardous Waste Containment Area: Provisions for handling storm water from bulk storage and hazardous waste containment areas.

- a. This permit does not authorize the discharge of storm water collected in containment areas at bulk storage and hazardous waste facilities where the storm water becomes contaminated by direct contact with a spill or release of stored materials into the containment area. Such storm water should be handled properly by on-site treatment or hauling off-site for treatment and disposal.
- b. Where a spill or release to a dry containment area occurs, the permittee shall institute procedures to clean up the spill in order to prevent contamination of any storm water, which subsequently collects in the containment area. Where these procedures are followed, collected storm water may be discharged; following visual inspection to assure that the storm water contains no unnatural turbidity, color, oil films, foams, settleable solids, or deposits.
- c. Storage piles of salt used for deicing or other commercial or industrial purposes must be enclosed or covered to prevent exposure to precipitation (except for exposure resulting from adding or removing materials from the pile).

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Piles do not need to be enclosed or covered where storm water from the pile is not discharged to waters of the state or the discharges from the piles are authorized under another permit.

SPECIAL CONDITION 21: Reporting: The facility shall submit an annual inspection report to the Illinois Environmental Protection Agency. The report shall include results of the annual facility inspection required by Special Condition 16 (b) (ii) (D) (ii) (4) and the results of the inspections required by (b) (ii) (D) (iv) and the Storm Water Pollution Prevention Plan of this permit. The report shall also include documentation of any event (spill, treatment unit malfunction, etc.) which would require an inspection, results of the inspection, and any subsequent corrective maintenance activity. The report shall be completed and signed by the authorized facility employee(s) who conducted the inspection(s).

- a. The first report shall contain information gathered during the one year time period beginning with the effective date of coverage under this permit and shall be submitted no later than 60 days after this one year period has expired. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.
- b. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the annual report.
- c. The permittee shall retain the annual inspection report on file at least 3 years. This period may be extended by request of the Illinois Environmental Protection Agency at any time.
- d. Annual inspection reports shall be mailed to the following address:

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

SPECIAL CONDITION 22: Water Quality : Discharges covered by this permit, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard.

SPECIAL CONDITION 23: Continuation of the permit

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

- a. Reissuance or replacement of this permit, or
- b. Your submittal of a notice of termination.

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

SPECIAL CONDITION 24: Asphalt Concrete Plant Discharge Limitations:

There shall be no discharge of pollutants from asphalt concrete production to waters of the State.

SPECIAL CONDITION 25: Definitions:

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

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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

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

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

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

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

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

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

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

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

"Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

- a. Located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
- b. Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or
- c. Owned or operated by a municipality other than those described in paragraph (a) or (b) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

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

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

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

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

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- a. Preparation of land for mining activities;
- b. Construction of mine related facilities which could generate refuse, result in a discharge or have the potential to cause water pollution;
- c. Ownership or control of a mine related facility;
- d. Ownership or control of a coal storage yard or transfer facility;
- e. Generation or disposal of mine refuse;
- f. Mining;
- g. Opening a mine;
- h. Production of a mine discharge or non-point source mine discharge;
- i. Surface drainage control; and
- j. Use of acid-producing mine refuse.

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

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

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

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

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

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

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

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

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following categories of facilities are considered to be engaging in "industrial activity at a mining site" for purposes of this definition:

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

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

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

NPDES PERMIT NO. IL0078964
Construction Authorization

Authorization is hereby granted to the above designee to construct the mine and mine refuse area described as follows:

The facility is an existing, approximately 230 acre absorbent clay mine, designated as the Mounds Production Company, LeFevre-Mager Mine #5, located in Sections 15, 16 and 21, T15S, R1E of the 3rd P.M. in Pulaski County, Illinois near Olmsted. Operations include removal and stockpiling of overburden for use in site reclamation and excavation of clay. Mine excavation shall not be conducted within the minimum setback zones (200 feet) of private potable water supply wells pursuant to Section 14.2 of the Illinois Environmental Protection Act. Operations result in the average discharge of 0.0288 MGD of stormwater and pit pumpage from outfall 003 to an unnamed tributary of Hodges Creek.

The abandonment plan received with the application documents dated September 5, 2008 shall be executed and completed in accordance with Rule 405.109 of Subtitle D: Mine Related Water Pollution.

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

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

- a. If any statement or representation is found to be incorrect, this authorization may be revoked and the permittee thereupon waives all rights thereunder.
- b. Plans and specifications of all treatment equipment being included as a part of the storm water management practice shall be included in the SWPPP.
- c. Any modification of or deviation from the plans and specifications in the initial SWPPP requires amendment of the SWPPP.
- d. Construction activities which result from treatment equipment installation, including clearing, grading and excavation activities which result in the disturbance of land area must meet the conditions of this permit.

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

There shall be no deviations from the approved plans and specifications unless revised plans, specifications and application shall first have been submitted to the Illinois Environmental Protection Agency and a supplemental permit issued.

The permit holder shall notify the Illinois Environmental protection Agency (217/782-3637) immediately of any emergency at the mine or mine refuse area which causes or threatens to cause a sudden discharge of contaminants into the waters of Illinois and shall immediately undertake necessary corrective measures as required by Rule 405.111 under Chapter 1, Subtitle D: Mine Related Water Pollution of Illinois Pollution Control Board Rules and Regulations.

Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified in the records of the Illinois Environmental Protection Agency, by the permit number designated in the heading of this section.

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).