

**NPDES Permit No. ILG67**

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
[www.epa.state.il.us](http://www.epa.state.il.us)

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**General NPDES Permit  
For  
Hydrostatic Testing of Pipelines and Tanks**

**Expiration Date:** March 31, 2023

**Issue Date:** April 23, 2018

**Effective Date:** April 23, 2018

In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board, and Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter 1), and the Clean Water Act, and the regulations thereunder, the following discharges are authorized by this permit in accordance with the conditions and attachments herein.

Discharges resulting from hydrostatic testing of:

1. New tanks, pipelines, and appurtenances not previously containing materials, from industrial related activities.
2. Existing tanks, pipelines, and appurtenances used for the transfer/storage of natural gas containing all or part methane, ethane, butane, and propane.
3. Existing cleaned tanks, pipelines, and appurtenances used for the transfer/storage of products including petroleum.

This General Permit does not authorize the discharge of cleaning solutions, or other wastewaters resulting from the cleaning of tanks prior to hydrostatic testing. All additives must be submitted to the agency for approval prior to discharging.

Discharges may be authorized to all waters of the State or to stormwater conveyances tributary to such surface waters, except the South Fork of the South Branch of the Chicago River (Bubbly Creek), Lake Michigan Basin Waters, or Public and Food Processing Water Supply Waters. This permit does not authorize discharge to any waters of the state which are designated as biologically significant streams by the Agency in accordance with 35 Ill. Adm. Code. 302.105.

To receive authorization to discharge under this general permit, a facility operator must submit the proper application forms to the Illinois Environmental Protection Agency. Authorization, if granted, will be by letter and include a copy of this permit.



Darin E. LeCrone, P.E.  
Manager, Industrial Unit, Permit Section  
Division of Water Pollution Control

Effluent Limitations and Monitoring

1. From the effective date of this permit until the expiration date, the discharge(s) shall be monitored and limited at all times as shown below. The specific part(s), as described below, which apply to a specific discharge will be identified in the letter authorizing coverage under this general permit.

**Part A.** The following effluent limitations and monitoring requirements shall apply to all discharges.

PARAMETER	<u>CONCENTRATION LIMITS (mg/L)</u>		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM		
Flow (MGD)	See Special Condition 1.		Daily	Measure
pH	See Special Condition 2.		1/Discharge	Grab
Total Suspended Solids	15	30	1/Discharge	Grab
Oil and Grease	15	30	1/Discharge	Grab
Iron (Total)	2	4	1/Discharge	Grab

In addition to limitations and monitoring requirements above, the following apply to the discharge of the wastestreams indicated in the coverage letter for any discharge.

**Part B.** Discharges from existing Petroleum tanks, pipelines, or appurtenances.

PARAMETER	<u>CONCENTRATION LIMITS (mg/L)</u>		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM		
Benzene		0.05	1/Discharge	Grab
Ethylbenzene	0.014	0.15	1/Discharge	Grab
Toluene	0.6	2	1/Discharge	Grab
Xylenes	0.36	0.92	1/Discharge	Grab
BETX (Total)*		0.75	1/Discharge	Grab
PNA's (Total)**		0.1	1/Discharge	Grab

\* - See Special Condition 16.

\*\* - See Special Condition 19.

**Part C.** Discharges which contain or may contain chlorine.

PARAMETER	<u>CONCENTRATION LIMITS (mg/L)</u>		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM		
Total Residual Chlorine		0.05	1/Discharge	Grab

Special Conditions

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

SPECIAL CONDITION 2. The pH shall be in the range 6.5 to 9.0. The monthly minimum and monthly maximum values shall be reported on the DMR form.

SPECIAL CONDITION 3. The permittee shall provide telephone notification to the appropriate IEPA Regional Office at least 24 hours prior to any hydrostatic pipeline testing which may result in a discharge (See Attachment A).

SPECIAL CONDITION 4. No effluent shall contain settleable solids, floating debris, visible oil, grease, scum, or sludge solids. Color (including color resulting from dyes or tracers in the hydrostatic test water), odor and turbidity must be reduced to below obvious levels.

SPECIAL CONDITION 5. Appropriate measures shall be taken to prevent water quality impacts resulting from soil erosion due to the discharge. The discharge flow rate shall be controlled so as not to cause scouring or other damage to stream beds or banks.

SPECIAL CONDITION 6. 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 7. Authorization:

1. To receive authorization to discharge under this general permit, applicant, must complete and submit application forms 1 and 2D for new discharges, or forms 1 and 2C for existing discharges. After December 21, 2020, permittees shall submit a Notice of Intent (NOI) electronically for permit coverage, unless a waiver has been submitted to the Agency.
2. Authorization to discharge or continue to discharge, if granted, will be by letter and include a copy of the permit.

SPECIAL CONDITION 8. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) electronic 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 is required to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA unless a waiver has been granted by the Agency. More information, including registration information for the NetDMR program, can be obtained on the IEPA website, <http://www.epa.state.il.us/water/net-dmr/index.html>.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 25th day of the following month, unless otherwise specified by the permitting authority.

Permittees that have been granted a waiver 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  
Attention: Compliance Assurance Section, Mail Code # 19  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

SPECIAL CONDITION 9. When test water is discharged to the same waterbody from which it was withdrawn, compliance with the numerical effluent standards is not required when effluent concentrations in excess of the standards result entirely from influent contamination, evaporation, and/or the incidental addition of traces of materials not utilized or produced in the hydrostatic test activity that is the source of the waste.

SPECIAL CONDITION 10. The permittee shall notify the Agency in writing, at the address in special condition 8, when the project has been completed and the hydrostatic test water discharge will no longer occur. The Agency will acknowledge receipt of the notification letter and terminate coverage under the general permit by letter, without public notice or opportunity for hearing.

SPECIAL CONDITION 11. If a Total Maximum Daily Load (TMDL), or alternate water quality study is performed for any waterbody which is impaired by any parameter applicable to a discharge, the permittee shall comply with any schedule provided in an approved TMDL, or alternate water quality study.

SPECIAL CONDITION 12. Solid wastes such as straw used for filtering or erosion control shall be disposed of in accordance with state and federal law.

Special ConditionsSPECIAL CONDITION 13. Requiring an individual permit or an alternate general permit.

- A. The Agency may require any person authorized by this permit to apply for and obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Agency to take action under this paragraph. The Agency may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date if the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The Agency may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Agency under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.
- B. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR 122.21, to the Agency. The request shall be granted by issuing of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.
- C. When an individual NPDES permit is issued to an owner or operator otherwise subject to the permit, or the owner or operator is approved for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the issue date of the individual permit or the date of approval for coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied coverage under an alternative NPDES general permit the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Agency.

SPECIAL CONDITION 14. When the wastewater contains or could contain total residual chlorine (TRC), the permittee will be required to test for TRC as described on page 2 of this permit.

All samples for total residual chlorine (TRC) shall be analyzed by an applicable method contained in 40 CFR 136, equivalent in accuracy to low-level amperometric titration. Any analytical variability of the method used shall be considered when determining the accuracy and precision of the results obtained.

SPECIAL CONDITION 15. Except for the situations described in (A) and (B) below, the permittee shall only discharge untreated hydrostatic test water to the watersheds from which the source water was drawn.

- A. The permittee may discharge hydrostatic test water withdrawn from any waters of the state (except zebra mussel contaminated waterbodies) to any watershed provided the water has been treated to adequately disinfect organisms. Prior to discharge the treated water must meet the limit for total residual chlorine listed on page 2 of this permit. The permittee shall provide written notification to the Illinois EPA in the event that treatment processes other than chlorination are to be utilized for information. Only those treatment programs approved by the Illinois EPA may be implemented. An individual NPDES permit may be required to include additional limits and conditions based on alternative treatment proposed. Issuance of an individual permit will be required public notice and opportunity for hearing.
- B. Source water withdrawn from any waterbody believed to be contaminated with zebra mussels may only be returned to its origin. For information regarding waterbodies contained with zebra mussels, contact IEPA – Standards Unit at 217/782-0610. The permittee must apply for a biological treatment program that must be approved by the IEPA in the event the permittee wishes to discharge zebra mussel contaminated water to a different waterbody. For all treatment programs, including chlorination, written notification to the Illinois EPA shall be submitted and shall include a complete description of the proposed treatment processes as well as information explaining the basis of design. Only those treatment programs approved by the Illinois EPA may be implemented. An individual NPDES permit may be required to include additional limits and conditions. Issuance of an individual permit will require public notice and opportunity for hearing.

SPECIAL CONDITION 16. Total BETX is defined as the sum total of Benzene, Ethyl benzene, Toluene and Xylene.

SPECIAL CONDITION 17. 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 18. The effluent, alone or in combination with other sources, shall not cause a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302.

Special Conditions

SPECIAL CONDITION 19. Priority Pollutant PNA's is defined as the sum total of the following Polynuclear Aromatic Hydrocarbons:

Acenaphthene  
Acenaphthylene  
Anthracene  
Benzo (a) anthracene  
Benzo (e) pyrene  
Benzo (ghi) perylene  
Benzo (k) fluoranthene  
Chrysene

Dibenzo (a, h) anthracene  
Fluoranthene  
Fluorene  
Indeno (1,2,3-cd) pyrene  
Naphthalene  
Phenanthrene  
Pyrene

## Attachment A

Division of Water Pollution Control  
Regions by CountyRockford Region (FOS 1) Manager 815/987-7760

Boone Lee	Bureau Ogle	Carroll Putnam	DeKalb Stephenson	JoDaviess Whiteside	LaSalle Winnebago
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Des Plaines Region (FOS 2) Manager 847/294-4000

Cook Lake	DuPage McHenry	Grundy Will	Kane	Kankakee	Kendall
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Peoria Region (FOS 3) Manager 309/693-5463

Fulton McDonough Warren	Hancock Mercer Woodford	Henderson Peoria	Henry Rock Island	Knox Stark	Marshall Tazewell
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Champaign Region (FOS 4) Manager 217/278-5800

Champaign Douglas Livingston Vermilion	Clark Edgar Macon	Coles Effingham McLean	Crawford Ford Moultrie	Cumberland Iroquois Piatt	DeWitt Jasper Shelby
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Springfield Region (FOS 5) Manager 217/786-6892

Adams Jersey Morgan	Brown Logan Pike	Calhoun Macoupin Sangamon	Cass Mason Schuyler	Christian Menard Scott	Green Montgomery
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Collinsville Region (FOS 6) Manager 618/346-5120

Bond Randolph	Clinton St. Clair	Fayette Washington	Madison	Marion	Monroe
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Marion Region (FOS 7) Manager 618/993-7200

Alexander Hardin Perry Wabash	Clay Jackson Pope Wayne	Edwards Jefferson Pulaski White	Franklin Johnson Richland Williamson	Gallatin Lawrence Saline	Hamilton Massac Union
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**Attachment H  
Standard Conditions**

**Definitions**

**Act** means the Illinois Environmental Protection Act, 415 ILCS 5 as Amended.

**Agency** means the Illinois Environmental Protection Agency.

**Board** means the Illinois Pollution Control Board.

**Clean Water Act** (formerly referred to as the Federal Water Pollution Control Act) means Pub. L 92-500, as amended. 33 U.S.C. 1251 et seq.

**NPDES** (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

**USEPA** means the United States Environmental Protection Agency.

**Daily Discharge** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

**Maximum Daily Discharge Limitation** (daily maximum) means the highest allowable daily discharge.

**Average Monthly Discharge Limitation** (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**Average Weekly Discharge Limitation** (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

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

**Aliquot** means a sample of specified volume used to make up a total composite sample.

**Grab Sample** means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

**24-Hour Composite Sample** means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period.

**8-Hour Composite Sample** means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period.

**Flow Proportional Composite Sample** means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency upon request, copies of records required to be kept by this permit.

- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:
- 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;
  - Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - 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.**
- Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  - 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.
  - Records of monitoring information shall include:
    - The date, exact place, and time of sampling or measurements;
    - The individual(s) who performed the sampling or measurements;
    - The date(s) analyses were performed;
    - The individual(s) who performed the analyses;
    - The analytical techniques or methods used; and
    - The results of such analyses.
  - 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.
- Application.** All permit applications shall be signed as follows:
    - 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;
    - For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
    - For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
  - 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:
    - The authorization is made in writing by a person described in paragraph (a); and
    - 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
    - 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.**
- 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:
    - 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
    - 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).
    - 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.
  - 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.
  - Transfers.** This permit is not transferable to any person except after notice to the Agency.
  - Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.



- (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
  - (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
  - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
  - (2) Any upset which exceeds any effluent limitation in the permit.
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.  
The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
- (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
- (h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Bypass.**
- (a) **Definitions.**
    - (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
    - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  - (b) **Bypass not exceeding limitations.** The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
- (c) **Notice.**
- (1) **Anticipated bypass.** If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
  - (2) **Unanticipated bypass.** The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
- (d) **Prohibition of bypass.**
- (1) **Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:**
    - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (iii) The permittee submitted notices as required under paragraph (13)(c).
  - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) **Definition.** Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
  - (b) **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
  - (c) **Conditions necessary for a demonstration of upset.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
    - (2) The permitted facility was at the time being properly operated; and
    - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
    - (4) The permittee complied with any remedial measures required under paragraph (4).
  - (d) **Burden of proof.** In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

- (15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
- (a) **Transfers by modification.** Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
- (b) **Automatic transfers.** As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:
- (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
  - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
  - (3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
- (1) One hundred micrograms per liter (100 ug/l);
  - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
  - (4) The level established by the Agency in this permit.
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
  - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
  - (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
  - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
  - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
- (23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.
- (28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.