

NPDES Permit No. ILG62

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Expiration Date: September 30, 2025

Issue Date: October 14, 2020
Effective Date: October 14, 2020

**General (NPDES) Permit
For
New and Replacement Surface Discharging Private Sewage Disposal Systems**

Coverage under This Permit

This Permit covers all areas of the State of Illinois discharging directly or indirectly to any General Use, Secondary Contact and Indigenous Aquatic Life Use, Upper Dresden Island Pool Aquatic Life Use, Chicago Area Waterway System Aquatic Life Use A, Chicago Area Waterway System and Brandon Pool Aquatic Life Use B water of the U.S. from any surface discharging private sewage disposal system, provided the untreated domestic sewage waste load is less than 1500 gallons per day.

Discharge Number and Name: 001 STP Outfall **Receiving Waters:** Directly or indirectly to any General Use, Secondary Contact and Indigenous Aquatic Life Use, Upper Dresden Island Pool Aquatic Life Use, Chicago Area Waterway System Aquatic Life Use A, Chicago Area Waterway System and Brandon Pool Aquatic Life Use B water of the U.S.



Amy L. Dragovich, P.E.
Manager, Permit Section
Division of Water Pollution Control

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Effluent Limitations

These effluent limitations cover treated domestic sewage discharges to any waters of the U.S., except lakes, ponds or impoundments.

From the effective date of coverage by this Permit until the expiration date, the effluent of the above discharges shall be limited at all times as follows:

Parameter	CONCENTRATION LIMITS MG/L		Sample Frequency**	Sample Type
	Yearly Average	Daily Maximum		
Flow (MGD)*				
BOD ₅	30	45		Grab
Suspended Solids	30	45		Grab
pH	Shall be in the Range of 6 to 9 Standard Units			Grab
Fecal Coliform	Daily Maximum Shall Not Exceed 400 per 100 mL			Grab
Chlorine Residual***		0.038		Grab
Dissolved Oxygen		5.0 Minimum		Grab

Effluent shall be free of floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than of natural origin.

Effluent Limitations

These effluent limitations cover treated domestic sewage discharges to lakes, ponds or impoundments or within 100 feet from the average water level of lakes, ponds or impoundments.

From the effective date of coverage by this Permit until the expiration date, the effluent of the above discharges shall be limited at all times as follows:

Parameter	CONCENTRATION LIMITS MG/L		Sample Frequency**	Sample Type
	Yearly Average	Daily Maximum		
Flow (MGD)*				
BOD ₅	10	20		Grab
Suspended Solids	12	24		Grab
pH	Shall be in the Range of 6 to 9 Standard Units			Grab
Fecal Coliform	Daily Maximum Shall Not Exceed 400 per 100 mL			Grab
Chlorine Residual***		0.038		Grab

Effluent shall be free of floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than of natural origin.

*Flow is to be reported as the amount that is discharged in a day (24 hrs), expressed as the average daily discharge occurring over a calendar year. Flow may be estimated from direct visual readings, mechanical flow measurement, or water use records and may not exceed 1500 gallons per day or the permitted capacity as authorized by the Illinois Environmental Protection Agency (IEPA).

**See Special Condition 10.

***Sampling for chlorine residual is only required when chlorine is used for disinfection.

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Special Conditions**SPECIAL CONDITION 1: Requiring an individual permit.**

- A. The IEPA may require any person authorized by this Permit to apply for and obtain an individual NPDES permit. Any interested person may petition the IEPA to take action under this Special Condition. When the IEPA notifies a discharger to apply for an individual permit, a deadline, not longer than one year, will be established for submitting the application. The notice shall include a brief statement of the reasons for the decision, an application form and a statement that on the effective date of the individual NPDES permit, coverage under this general permit shall automatically terminate. If an owner or operator fails to submit an individual NPDES permit application by the deadline established by the IEPA under this paragraph, the applicability of this General Permit to the NPDES permittee is automatically terminated.
- B. Any owner or operator authorized by this Permit may request to be excluded from the coverage of this Permit by applying for an individual NPDES permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR § 122.21, to the IEPA. The request shall be granted by issuing an individual permit if the reasons cited by the owner or operator are adequate to support the request.
- C. When an individual NPDES permit is issued to an owner or operator otherwise subject to this Permit, the applicability of this Permit to the individual NPDES permittee is automatically terminated on the issue date of the individual permit.
- D. An individual NPDES permit may be required if conditions at the discharge change, effluent limitations change, the use or conditions of the receiving water changes, or as provided in 40 CFR § 122.28(b)(3).

SPECIAL CONDITION 2 - Authorization

- A. Owners or operators who seek authorization under this permit shall submit a signed Form ILG62 Notice of Intent (NOI) to IEPA and shall include the following:
1. Permit information;
 2. Surface Discharging System permittee information;
 3. Surface Discharging System location information;
 4. Discharge information;
 5. Disinfection, and other chemical treatment information;
 6. Technological and economic feasibility information;
 7. Certification information; and
 8. Supplemental information to be included with the NOI includes a written determination that concludes that an individual or Soil Based Cluster System and all other alternatives to a Surface Discharging System are not technologically or economically feasible, a soil investigation analysis and a site evaluation report.
- B. Owners or operators of existing discharges authorized under this permit shall submit a signed Form ILG62 Simplified NOI to IEPA and shall include the following:
1. Permit information;
 2. Surface Discharging System permittee information;
 3. Surface Discharging System location information; and
 4. Certification information.
- C. For owners or operators authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:
1. 150 days after the new General Permit is issued;
 2. The Permittee submits a Notice of Termination (NOT) and that notice is approved by the IEPA;
 3. The Permittee is authorized for coverage under an individual permit or the renewed or reissued general permit; or

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4. The Permittee's application for an individual NPDES permit for a discharge or Notice of Intent for coverage under the renewed or reissued general permit is denied by the IEPA.

In order to continue an activity regulated by this general permit, the Permittee must apply for a new permit before the expiration of the administratively continued period specified above.

If the Permittee reapplies in accordance with the provisions of this Special Condition, the conditions of this General Permit shall continue in full force and effect until the IEPA makes a final determination on the application or Notice of Intent.

- D. The owner or operator is authorized to discharge under this general permit upon receipt of a coverage letter and copy of the permit from IEPA. Upon review of the NOI Form, the IEPA may deny coverage under this General Permit and require submittal of an application for an individual NPDES permit.
- E. Owners or operators who discharge pollutants to the waters of the U.S. without an NPDES permit, are in violation of the Clean Water Act and the Illinois Environmental Protection Act.
- F. The NOI Form must be filed with IEPA and Illinois Department of Public Health (IDPH) at the following addresses:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attention: Permit Section, Mail Code #15
P.O. Box 19276
Springfield, Illinois 62794-9276

Illinois Department of Public Health
Division of Environmental Health
525 West Jefferson
Springfield, Illinois 62761

The Form ILG62 NOI form is available here: <https://www2.illinois.gov/epa/topics/forms/water-forms/Pages/wastewater-permits.aspx>.

- G. Dischargers who own Surface Discharging Systems which discharge through a regulated municipal separate storm sewer system (MS4) must also submit signed copies of the NOI to the owner of the MS4. A listing of the MS4's is provided here: <https://www2.illinois.gov/epa/Documents/epa-forms/water/storm-water/ms4-status-report.xls>.
- H. When a treatment system covered by this permit is sold to a New Owner or when discharges to waters of the U.S. cease because the system is removed, closed out, or because discharges are routed to a separate wastewater collection and treatment system, the permittee must submit a completed Form ILG62 Notice of Termination (NOT) to the IEPA and Illinois Department of Public Health (IDPH). The new property owner must submit a Form ILG62 Simplified Notice of Intent (NOI). The Form ILG62 Simplified NOI and Form ILG62 NOT are available here: <https://www2.illinois.gov/epa/topics/forms/water-forms/Pages/wastewater-permits.aspx>.
- I. Limitations on Coverage

The following discharges from Surface Discharging Systems are not eligible for coverage under this general permit:

1. Discharges from new surface discharging systems located in lots newly created or if the land is subject to the Illinois Plat Act, platted and approved after August 10, 2014;
2. Discharges to waters listed as impaired under section 303(d) of the Clean Water Act due to pollutants of concern present in these types of discharges, including: phosphorus, bacteria, chlorine, low dissolved oxygen, or suspended solids; and
3. Discharges from new or replacement surface discharging systems when a residential property is within 300 feet or a non residential property is within a 1000 feet of a sanitary sewer unless a physical barrier or local ordinance exists that which prevents connection to the sewer. If connection from the property to the sanitary sewer cannot be made with an individual line (i.e., 4 inch line), then a private sewage disposal system may be installed in accordance with 77 Ill. Adm. Code 905.20(e).

SPECIAL CONDITON 3: The permittee shall comply with all conditions of this General Permit, all applicable IEPA regulations, IDPH sewage code requirements and all other applicable federal, state, or local laws, regulations or ordinances. Any noncompliance constitutes a violation of the Clean Water Act and the Code of Illinois and is grounds for enforcement action, termination of coverage under this General Permit, or for denial of a request for coverage under a reissued general permit.

SPECIAL CONDITION 4: Upon request, the permittee shall furnish to the Illinois Department of Public Health (IDPH) or the local administrative authority any information relative to the construction, operation, or maintenance of this facility, including effluent sample tests results, within the time period specified by the IDPH or the local administrative authority.

SPECIAL CONDITION 5: 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 6: The effluent, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard outlined in 35 Ill. Admin. Code 302 and 303.

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SPECIAL CONDITION 7: If chlorine tablets or equipment are used for disinfection, then only those tablets or equipment approved for use in disinfection of wastewater shall be utilized.

SPECIAL CONDITION 8: This permit does not authorize discharge of any effluent which contains any hazardous pollutant, toxic waste, waste that causes a violation of an applicable water quality standard, any waste which is considered a nuisance or health hazard, stormwater, grease, oil or solvents, car wash facility, hair salon, photographic laboratory, medical facility, facility that generates automotive waste, or any substance other than domestic wastewater.

SPECIAL CONDITION 9: The operation and maintenance manual and all records including installation, inspection and sampling shall be available during an inspection of the facility. The sampling port or free fall discharge shall be readily accessible during an inspection. A Permittee associated with a food service establishment, with a grease trap, shall make the grease trap readily accessible during an inspection.

SPECIAL CONDITION 10:

- A. The permittee shall have the individual discharging treatment system whose discharge is covered by this permit inspected at least every twelve (12) months. The inspection must be conducted by a qualified individual with sufficient training to ensure that permit requirements are met. Qualified individuals include trained and experienced wastewater treatment plant operators, licensed environmental health practitioners, Illinois Department of Public Health licensed Private Sewage Disposal System Installation Contractors, individuals holding the basic or advanced Certified Installer of Onsite Wastewater Treatment System certification, and Illinois licensed professional engineers. The Owner or Operator is responsible for assuring that this provision is fulfilled. During the inspection, a representative sample shall be collected, properly preserved, and analyzed by a certified laboratory for BODs, suspended solids, pH, fecal coliform, chlorine residual, and dissolved oxygen. Any nuisance, health hazard, equipment malfunction or deficiency noted on the inspection report, shall be addressed and corrective action taken within 30 days.
- B. The permittee shall submit copies of the inspection report and results of any effluent monitoring report pursuant to Special Condition 10.A to the Agency. The inspection and monitoring report shall be submitted twelve (12) months from the date of the coverage letter and annually thereafter. 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, <https://www2.illinois.gov/epa/topics/water-quality/surface-water/netdmr/pages/quick-answer-guide.aspx>. Permittees that have been granted a waiver shall mail the Discharge Monitoring Reports with an original signature to the IEPA at the following address. The reports shall be submitted to the following address:

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

Attention: Compliance Assurance Section,
Discharge Monitoring Reports, Mail Code #19

- C. Upon request of either the IDPH or local administrative authority, inspection reports shall be provided to that authority. Otherwise the system owner is responsible to maintain all such records on site or electronically, and have such records available for review by any authorized IEPA, IDPH or local/county health administrator.

SPECIAL CONDITION 11: A surface discharge is prohibited from systems installed in Soil Design Groups II through XI, and Soil Groups 7G, 7J, 7L, 8E, and 8I within Design Group XII, as the groups are defined in 77 Ill. Adm. Code 905 if subsurface disposal is economically achievable.

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).

- (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.