

**General NPDES Permit No. ILR00 0000**

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

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**General NPDES Permit  
For  
Storm Water Discharges from Industrial Activities**

**Expiration Date:** June 30, 2028

**Issue Date:** June 06, 2023

**Effective Date:** July 01, 2023

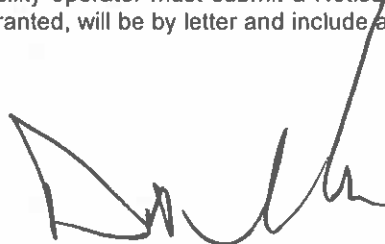
Discharges authorized by this General Permit: In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter 1) and the Clean Water Act, the following discharges may be authorized by this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

Discharges of storm water associated with industrial activities, as defined and limited herein. Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

This general permit regulates only storm water discharges from a facility. Other discharges such as process wastewater or cooling water shall be regulated by other NPDES permits.

**Receiving waters:** Discharges may be authorized to any surface water of the State.

To receive authorization to discharge under this general permit, a facility operator must submit a Notice of Intent form and additional documentation as required in Part D of this permit. Authorization, if granted, will be by letter and include a copy of this permit.



Darin E. LeCrone, P.E.  
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## A. APPLICABILITY OF THIS GENERAL PERMIT

This permit is applicable to storm water discharges associated with any primary industrial activity and any associated industrial activity from areas (except offsite access roads and rail lines not on property owned or controlled by the permittee) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water in the State of Illinois from the facilities listed below.

1. Discharges of storm water from facilities with discharges that are subject to new source performance standards or toxic pollutant effluent standards under 40 CFR Chapter 1, Subchapter N, except:
  - a. Discharges subject to new source performance standards or toxic pollutant effluent standards and described in paragraph Part A.2. below which do not have materials or activities exposed to storm water. Facilities with these discharges shall submit a No Exposure Certification form to the Illinois Environmental Protection Agency (Illinois EPA or Agency).
  - b. Discharges subject to storm water effluent limitations guidelines listed in B.1. of this permit.
2. Discharges of storm water from facilities in the following SIC codes:
 

SIC 20	(Food and kindred products manufacturing or processing)
SIC 21	(Tobacco products)
SIC 22	(Textile mill products)
SIC 23	(Apparel and other finished products made from fabrics and similar materials)
SIC 24	(Lumber and wood products except furniture)
SIC 2434	(Wood kitchen cabinets)
SIC 25	(Furniture and fixtures)
SIC 26	(Paper and allied products)
SIC 265	(Paperboard containers and boxes)
SIC 267	(Converted paper and paperboard products)
SIC 27	(Printing, publishing, and allied industries)

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This permit is also applicable to an additional stormwater discharges that are not otherwise required to obtain an NPDES permit but are comingled or mixed with discharges authorized by this permit

SIC 28	(Chemicals and allied products)
SIC 283	(Drugs)
SIC 285	(Paints, varnishes, lacquers, enamels, and allied products)
SIC 29	(Petroleum refining and related industries), except discharges subject to 40 CFR 419
SIC 30	(Rubber and miscellaneous plastics products)
SIC 31	(Leather and leather products)
SIC 311	(Leather tanning and finishing)
SIC 32	(Stone, clay, glass, and concrete products)
SIC 323	(Glass products, made of purchased glass)
SIC 33	(Primary metal industries)
SIC 34	(Fabricated metal products, except machinery and transportation equipment)
SIC 3441	(Fabricated structural metal)
SIC 35	(Industrial and commercial machinery and computer equipment)
SIC 36	(Electronic and other electrical equipment and components, except computer equipment)
SIC 37	(Transportation equipment)
SIC 373	(Ship and boat building and repairing)
SIC 38	(Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks)
SIC 39	(Miscellaneous manufacturing industries)
SIC 4221-25	(Farm products warehousing and storage, refrigerated warehousing and storage, general warehousing and storage)

3. Facilities classified as SIC 10-14 (Mineral Industry) including active or inactive mining operations and oil and gas exploration, production, processing, treatment operations, or transmission facilities, except discharges subject to 40 CFR 434, 436, or 440 or any discharges subject to general permit number ILG84. This permit does not authorize any discharge associated with the hydraulic fracturing process if additional chemicals are utilized in the process.
4. Landfills, land application sites (excluding land application sites which utilize agricultural land), and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described in 40 CFR 122.26(b) (14)).
5. Facilities involved in the recycling of materials including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards and concrete recycling facilities including but not limited to SIC 5015 (Used motor vehicle parts) and SIC 5093 (Scrap and waste materials)
6. Transportation facilities- Areas of the following facilities involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport deicing operations (unless individual permit required by 40 CFR 449):

SIC 40	(Railroad transportation)
SIC 41	(Local and suburban transit and inter-urban highway passenger transportation)
SIC 42	(Motor freight transportation and warehousing) except SIC 4221-4225 (Farm product warehousing and storage, refrigerated warehousing and storage, general warehousing and storage)
SIC 43	(United States Postal Service)
SIC 44	(Water transportation)
SIC 45	(Transportation by air)
SIC 5171	(Petroleum bulk stations and terminals-wholesale)
7. Treatment Works treating domestic sewage with a design flow of 1.0 mgd or more; including sludge or wastewater treatment devices or systems used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, and land dedicated to sludge disposal located within the confines of the facility. This requirement excludes off-site sludge management lands, farm lands, and gardens.
8. Discharge of Stormwater from non-classified facilities designated by the Agency as requiring a permit. See Sector AD of Attachment 1 and 2.
9. Allowable non-storm water discharges:

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- a. The following are the only non-storm water discharges authorized under this permit, provided that all discharges comply with the discharge limitations set forth in Part F:
- i. Discharges from fire-fighting activities.
  - ii. Fire hydrant flushings.
  - iii. Waters used to wash vehicles without the use of detergents or hazardous cleaning products.
  - iv. Waters (without added chemicals) used to control dust.
  - v. Potable water sources including waterline flushings and fire sprinkler flushing.
  - vi. Irrigation drainage.
  - vii. Landscape watering, provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling.
  - viii. Routine external building wash down, including power washing, which does not use detergents or hazardous cleaning products.
  - ix. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents or hazardous cleaning products are not used.
  - x. Uncontaminated condensate from air conditioners, coolers, other compressors, and from the outside storage of refrigerated gases or liquids.
  - xi. Uncontaminated ground water or spring water.
  - xii. Foundation or footing drains where flows are not contaminated with process materials.
  - xiii. Incidental windblown mist from cooling towers but not intentional discharges from the cooling tower.
  - xiv. Discharges from the spray down of lumber and wood product storage where no chemical additives are used and no chemicals are applied to the wood during storage. Such discharges are applicable only to Sector A facilities, listed in Attachment 1, provided the non-storm water component of the discharge is in compliance with Part F.2 of this permit.
- b. Except as provided in Part A.9a above, all discharges covered by this permit shall be composed entirely of storm water. Discharges of material other than storm water must be in compliance with an NPDES permit (other than this permit) issued for the discharge.

### **B. TYPES OF DISCHARGES NOT COVERED BY THIS PERMIT**

This permit is not applicable to storm water discharges from the facilities listed below. Storm water discharges from these facilities must be authorized by an individual NPDES permit or alternative general NPDES permit.

1. Discharges subject to storm water effluent limitations guidelines in the following categories;

Cement Manufacturing (40 CFR 411)  
Feedlots (40 CFR 412)  
Fertilizer Manufacturing (40 CFR 418)  
Petroleum Refining (40 CFR 419)  
Phosphate Manufacturing (40 CFR 422)  
Steam Electric (40 CFR 423)  
Coal Mining (40 CFR 434)  
Mineral Mining and Processing (40 CFR 436)  
Ore Mining and Dressing (40 CFR 440)  
Asphalt Emulsion (40 CFR 443).  
Airport De-icing (40 CFR 449)

- 2. Hazardous waste treatment, storage, or disposal facilities.
- 3. Steam electric power generating facilities, including coal handling sites.
- 4. Construction site activity including clearing, grading, and excavation activities.
- 5. Storm water discharges associated with industrial activity from facilities with an existing NPDES individual or general permit for the storm water discharges.
- 6. Storm water discharges associated with industrial activity which are identified by the Agency as possibly causing or contributing to a violation of water quality standards.
- 7. Storm water discharges associated with inactive mining or inactive oil and gas operations occurring on Federal

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lands where an operator cannot be identified.

8. Storm water discharges to any receiving water identified under 35 Ill. Adm. Code 302.105(d) (6).
9. Storm water discharges that the Agency determines are not appropriately covered by this general permit.
10. Storm water or other discharges of hazardous substances or oil resulting from an on-site spill.
11. Discharges 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.

### C. SPECIAL CONDITIONS

1. Discharging pollutants for which a water body is impaired with an approved TMDL:

- a. The Permittee must determine whether the facility discharges storm water, either directly or indirectly, to the immediate stream segment which is an impaired water body, i.e., a water body included on the most recent U.S. EPA-approved Clean Water Act Section 303(d) list of impaired water bodies. This determination must be made within 6 months of the effective date of this permit, and must be documented in the facility's SWPPP or storm water records. Information on impaired waters is contained in the Agency website below:

<https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/303d-list.aspx>

- b. If the Permittee determines that it discharges storm water to the immediate stream segment which is an impaired water body, the Permittee must identify if there is a U.S. EPA-approved TMDL that establishes waste load allocations for discharges of pollutant(s) of concern to the impaired water body. This determination must be made within 6 months of the effective date of this permit, and must be documented in the facility's SWPPP or storm water records. Information on TMDLs is contained in the Agency website below:

<https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/default.aspx>

- c. If the Permittee determines that there is a U.S. EPA-approved Total Maximum Daily Load (TMDL) for a water body to which the facility discharges storm water, the permittee must determine if there is a Waste Load Allocation (WLA) applicable to the facility's storm water discharges in the approved TMDL.

- d. If the Permittee determines that it is subject to an applicable (WLA), the following requirements apply:

- i. The Permittee must calculate/quantify the facility's estimated current loading(s) of the pollutant(s) of concern to the impaired water body. This may be done using monitoring data and/or through modeling.
- ii. The Permittee must determine if based on the estimated current loading(s) it is meeting the applicable WLA with current storm water controls and practices. If loading reductions are needed in order to achieve the applicable WLA, the permittee must update its SWPPP to incorporate Best Management Practices (BMPs) or other storm water control measures that will be implemented to reduce loadings of the pollutant(s) of concern and achieve the applicable WLA.

The SWPPP must specifically identify the additional or enhanced BMPs or control measures necessary to reduce loadings of the pollutant(s) of concern, and must also document/summarize modeling and/or other calculations used to estimate that the practices and control measures will reduce loadings to achieve the applicable WLA.

- iii. The SWPPP must define an implementation schedule for implementing the control measures identified necessary to meet the WLA. The schedule for implementing the planned BMPs and/or control measures above must be set out so that the management practices and control measures are in place and operational as quickly as possible. Interim milestones should be established to facilitate assessment of progress in implementing the control measures and gauging progress toward meeting the applicable WLA.
- iv. The Permittee must incorporate into the SWPPP a monitoring/assessment component to evaluate if loading reductions are being achieved as planned in the SWPPP.

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- v. The SWPPP may incorporate an adaptive management component, under which the SWPPP can be updated or improved as circumstances allow.
2. Discharges to impaired waters without an approved TMDL:

The Permittee shall monitor all pollutants for which the waterbody is impaired and are associated with the industrial site activity for which a standard analytical method exists (see 40 CFR Part 136) once per year at each outfall (except substantially identical outfalls) discharging stormwater to impaired waters without an approved TMDL
3. Additional Monitoring required by Illinois EPA:

The Agency may require additional monitoring. Any such notice will briefly state the reasons for monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.
4. The permittee must post a sign of permit coverage (except in the instance where other laws or local ordinances prohibit such signage) at a safe, publicly accessible location in close proximity to the facility. This notice must include basic information about the facility (e.g., the NPDES ID number), information that informs the public on how to request the facility's Stormwater Pollution Prevention Plan (SWPPP), and how to contact the facility and IEPA if stormwater pollution is observed in the stormwater discharge.

### D. APPLICATION REQUIREMENTS

1. Any discharger of storm water associated with industrial activities seeking coverage under this general permit shall provide the Agency with the following information:
  - a.
    - i. A completed electronic submission of the Agency Notice of Intent form, see Part D.6; or
    - ii. A completed electronic submission of the U.S. EPA Form 1, including form 2F and quantitative sampling data when required by Part D.2. See Part D.6.
  - b. An electronic copy of the Storm Water Pollution Prevention Plan (SWPPP or plan) that has been prepared for the industrial site in accordance with Part E of this permit. The electronic copy shall be submitted to the Agency at the following email address: [epa.indilr00swppp@illinois.gov](mailto:epa.indilr00swppp@illinois.gov).
  - c. For a proposed industrial site, or a proposed modification of an industrial site, an electronic copy of the consultation letters from the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) concerning historic preservation and endangered species compliance. See Part D.6.
2. Quantitative sampling data as required by U.S. EPA Form 2F for storm water discharges from the following existing or new facilities is required to be submitted:
  - a. Facilities subject to reporting requirements under Section 313 of EPCRA for chemicals classified as "Section 313 water priority chemicals": Storm water discharges that come into contact with any equipment, tank, container, or other vessel or area used for storage of a Section 313 water priority chemical, or located at a truck or rail car unloading area where a Section 313 water priority chemical is handled.
  - b. Facilities classified as SIC 33 (Primary Metal Industries).
  - c. Active or inactive landfills, land application sites, or open dumps without a stabilized final cover which have received any industrial wastes.
  - d. Wood treatment facilities: Storm water discharges from areas that are used for wood treatment, wood surface application, or storage of treated or surface protected wood.
  - e. Coal pile runoff at industrial facilities other than coal mines or steam electric power generating facilities.
  - f. Battery reclaiming facilities: Storm water discharges from areas used for storage of lead acid batteries, reclamation products or waste products, and areas used for lead acid battery reclamation.
  - g. Airports not subject to the requirements of 40 CFR 449 (less than 1,000 aircraft departures per year) storm water discharges from aircraft or airport deicing areas.

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- h. Meat packing plants, poultry packing plants, and facilities that manufacture animal and marine fats and oils.
  - i. Facilities classified as SIC 28 (Chemicals and Allied Products) and SIC 30 (Rubber and Miscellaneous Plastics Products): Storm water discharges that come into contact with solid chemical storage piles.
  - j. Automobile junkyards: Storm water discharges exposed to over 250 auto/truck bodies with drivelines, over 250 drivelines, or any combination thereof (in whole or in parts); over 500 auto/truck units (bodies with or without drivelines in whole or in parts); or over 100 units per year are dismantled and drainage or storage of automotive fluids occurs in areas exposed to storm water.
  - k. Lime manufacturing facilities: Storm water discharges that have come into contact with lime storage piles.
  - l. Cement manufacturing facilities and cement kilns: Storm water discharges other than those subject to 40 CFR 411.
  - m. Ready-mixed concrete facilities: Sampling data is not required for new ready-mixed concrete facilities or for relocated ready-mixed concrete facilities. Schedule 2-F is not required for existing or previously permitted facilities.
  - n. Ship building and repairing facilities.
  - o. Other industrial activities when requested by the Agency.
3. When a facility has two or more outfalls that, based on consideration of features and activities within the area drained by the outfall, the Permittee reasonably believes discharge substantially identical effluents, the Permittee may sample the effluent of one such outfall and report that quantitative data also applied to the substantially identical outfalls. If the applicant is requesting approval to sample a representative outfall, identification of all storm water outfalls considered to be substantially identical along with the outfall being used to represent such outfalls and appropriate justification must be provided with the application.
4. Existing facilities application/Notice of Intent requirements:
- a. For existing facilities with an individual NPDES permit covering storm water associated with industrial activity, or those facilities that have previously submitted an application for an individual permit and not yet received a permit, the Permittee/Applicant may elect to seek coverage under this general permit in place of obtaining an individual permit. To be considered for coverage the Permittee/Applicant is required to submit the information, in Part D.1.
  - b. For existing facilities that have submitted a NOI for coverage of any discharge of storm water associated with industrial activities under this general permit a new or revised NOI will not be required unless the industrial activity at the site has substantially changed.
5. For new facilities, the NOI and required information shall be submitted 180 days prior to the date on which the discharge is to commence unless permission for a later date has been granted by the Agency. Mobile facilities (such as concrete or asphalt batch plants) shall apply at least 30 days prior to discharge.
6. The required information from Part D.1.a.i and ii and D.1.c, shall be submitted to one of the following addresses:
- a. Electronic submission shall be submitted to:  
[epa.indilr00swppp@illinois.gov](mailto:epa.indilr00swppp@illinois.gov)
  - b. If electronic submittal is unavailable the required information should be submitted to the following address:  
  
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
7. Authorization: Owners or operators must submit either an NOI in accordance with the requirements of this permit or an application for an individual NPDES Permit to be authorized to discharge under this General Permit. Authorization, if granted, will be by letter from the Agency and include a copy of this Permit. Upon review of an

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NOI, the Illinois EPA may deny coverage under this Permit and require submittal of an application for an individual NPDES Permit.

- a. Automatic Continuation of Expired General Permit: Except as provided in D.7.b below, when this General Permit expires the conditions of this permit shall be administratively continued until the earliest of the following:
    - i. 150 days after the new General Permit is issued;
    - ii. The Permittee submits a Notice of Termination (NOT) and that notice is approved by Illinois EPA;
    - iii. The Permittee is authorized for coverage under an individual permit or the renewed or reissued General Permit;
    - iv. The Permittee's application for an individual permit for a discharge or NOI for coverage under the renewed or reissued General Permit, is denied by the Illinois EPA;
    - v. Illinois EPA issues a formal permit decision not to renew or reissue this General Permit. If not renewed this expired General Permit shall be automatically administratively continued after such formal permit decision.
  - b. Duty to Reapply:
    - i. If the Permittee wishes to continue a discharge activity regulated by this General Permit, the Permittee must apply for new permit coverage before the expiration of the administratively continued period specified in D.7.a above.
    - ii. If the Permittee reapplies in accordance with the provisions of D.7.a above, the conditions of this General Permit shall continue in full force and effect under the provisions of 5 ILCS 100/10-65 until the Illinois EPA makes a final determination on the application or NOI.
    - iii. If the Agency makes a formal decision not to renew this General Permit, the Permittee will have 150 days to supplement any previously submitted application or NOI after the date of the formal decision by Illinois EPA.
    - iv. Standard Condition 2 of Attachment H is not applicable to this General Permit.
8. Facilities which discharge storm water associated with industrial activity to a municipal separate storm sewer system (MS4) shall notify the MS4 owner at the time of application to the Agency, and shall provide the MS4 owner with a copy of their application if requested.

### E. STORM WATER POLLUTION PREVENTION PLAN (SWPPP or Plan)

1. A SWPPP shall be developed by the Permittee and submitted to the Agency for each facility covered by this permit. The Plan shall identify potential sources of pollution which may be expected to affect the quality of storm water discharges associated with the industrial activity at the facility. The Plan shall describe the selection, design, and installation of control measures which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility to comply with the requirements of this permit. An electronic copy of the Plan shall be submitted to the Agency at the following email address: [epa.indlr00swppp@illinois.gov](mailto:epa.indlr00swppp@illinois.gov). The Permittee shall submit any modified plans to the Agency, when such modification includes substantive changes to the Plan, or modification is made to the Plan to ensure compliance with this permit. The SWPPP shall be implemented by the Permittee on an on-going basis.
  - a. Waters not classified as impaired pursuant to Section 303(d) of the Clean Water Act:

The SWPPP shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event unless federal regulations allow for a less restrictive rainfall event.
  - b. Waters classified as impaired pursuant to Section 303(d) of the Clean Water Act:

For any site which has a current NPDES permit and discharges directly or indirectly to an impaired water identified in the Agency's 303(d) listing, and if any parameter in the subject discharge has been identified as the cause of impairment, the SWPPP shall be designed for a storm event equal to or less than a 25-year 24-



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hour rainfall event. If required by federal regulations, the SWPPP shall adhere to a more restrictive design criteria.

- c. If the Permittee discharges to an impaired water with an established U.S. EPA approved or established TMDL and the SWPPP has been modified in accordance with Part E.1.b, above, Illinois EPA will review the SWPPP and inform the Permittee in writing if additional pollutant control measures for rainfall events are necessary for the discharge to be consistent with the assumptions of any available waste load allocations in the TMDL or if coverage under an individual permit is necessary.
2. Plans for new facilities shall be completed prior to submitting an NOI to be covered under this permit. An electronic copy of the SWPPP shall be submitted to the Agency at the following email address: [epa.indilr00swppp@illinois.gov](mailto:epa.indilr00swppp@illinois.gov). Plans shall provide for compliance with the effluent limitations in Part F of this permit prior to operation of any industrial activity to be covered under this permit. [Note: If the plan has already been required to be developed under a previous permit it shall be updated and maintained in accordance with all requirements of this Special Condition within 180 days of the effective date of this permit.]. The owner or operator of an existing facility with storm water discharges covered by this permit shall submit a copy of the Plan to the Agency and shall make a copy of the Plan available to the Agency during any inspection of the site.

Facilities which discharge to an MS4 shall also make a copy available to the operator of the municipal system at any reasonable time upon request.

3. The Permittee may be notified in writing by the Agency at any time that the Plan does not meet the requirements of this permit. After such written notification, the Permittee shall modify the Plan and shall submit a revised plan to the Agency with the requested changes that have been made. Unless otherwise provided, the Permittee shall have 30 days after such notification to make the changes.
4. The Permittee shall modify the SWPPP based on the corrective actions and deadlines required in Part H.2 and that the Permittee documented in Part H.2, such that the triggering conditions for corrective action in Part H.1 do not reoccur. The Permittee shall also modify the SWPPP whenever there is a change in construction, operation, or maintenance which may affect the discharge of significant concentrations or quantities of pollutants to the waters of the United States. SWPPP modifications must be signed in accordance with Attachment H.11.
5. The Plan shall provide a description of potential sources which may be expected to add significant quantities of pollutants to storm water discharges, or which may result in non-storm water discharges from the facility. The Plan shall include, at a minimum, the following items:
  - a. A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate. Any map or portion of map may be withheld for security reasons.
  - b. A site map showing:
    - i. The storm water conveyance and discharge structures;
    - ii. An outline of the storm water drainage areas for each storm water discharge point, location, and identification of any MS4 to which the industrial site discharges storm water;
    - iii. Paved areas and buildings;
    - iv. Areas used for outdoor manufacturing, storage trash dumpsters and compactors or disposal of significant materials, including activities that generate significant quantities of dust or particulates;
    - v. Location of existing or planned storm water structural control measures/practices (dikes, coverings, detention facilities, etc.);
    - vi. Surface water locations and/or municipal storm drain locations;
    - vii. Areas of existing and potential soil erosion;
    - viii. Vehicle service areas;
    - ix. Material loading, unloading, transfer, and access areas;

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- x. Direction of storm water flow (use arrows);
- xi. Locations of storm water monitoring points;
- xii. Location of any potable water supply wells;
- xiii. Fueling stations;
- xiv. Immediate access roads and rail lines;
- xv. Vehicle or product machinery related to industrial activity;
- xvi. Locations and sources of run-on to the site from adjacent properties that contains significant quantities of pollutants; and
- xvii. Location of any material storage areas (i.e. deicing material, fertilizers, soil stockpiles, etc.).

Areas under Items iv. and ix. above may be withheld from the site map for security reasons.

- c. A narrative description of the following potential pollutant sources:
    - i. The nature of the industrial activities conducted at the site and a list of the activities exposed to storm water;
    - ii. A list of pollutant(s) or pollutant constituents associated with each identified activity above, which could be exposed to storm water or snowmelt and could be discharged from the facility. The Permittee must document all significant material that have been handled, treated, stored or disposed of, and that have been exposed to Storm Water in the three years prior to the date the Permittee prepares or amends its SWPPP. Materials, equipment, and vehicle management practices employed to minimize contact of significant materials-with storm water discharges (include on site map);
    - iii. Existing or future structural and non-structural control measures/practices to reduce pollutants in storm water discharges;
    - iv. Industrial storm water discharge treatment facilities (include on site map) and;
    - v. Methods of onsite storage and disposal of significant materials.
  - d. Provide a list of any pollutant that is listed as a cause of impairment in the most recent 303(d) report and may be associated with the industrial site activity and may be discharged in storm water from the industrial site.
  - e. 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.
  - f. A summary of existing sampling data describing pollutants in storm water discharges.
- 6. The Plan shall document the location and describe the storm water management controls which are or will be implemented by the facility to meet the requirements of this permit. The appropriate controls shall reflect identified existing and potential sources of pollutants at the facility. The Permittee shall properly maintain storm water BMPs and other control measures to ensure effectiveness and continuity of operation.
  - 7. Storm Water Pollution Prevention Personnel; Identification by name, job titles, direct telephone numbers and email addresses (if available) of the individuals who are responsible for developing, implementing, and revising the Plan. All storm water pollution prevention personnel must have ready access to the most updated copy of the SWPPP and all associated documents and information as required by this permit.
  - 8. Non-Storm Water Discharges; The Permittee 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 or outfalls that were observed during the testing and action(s) taken to eliminate the discharge or documentation that a separate NPDES Permit was obtained. Except as provided in Part A.8 of this permit,

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discharges not comprised entirely of storm water are not authorized by this Permit or the permit shield provision in CWA Section 402(k) and must be covered by another NPDES Permit.

### 9. The following must be documented in the SWPPP:

- a. Good Housekeeping (F.2.c) – A requirement that waste materials be regularly picked up and disposed of, along with routine inspections for leaks and conditions of drums, tanks and containers;
- b. Maintenance (F.2.b) – Procedures and frequencies 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. The SWPPP shall include the schedule or frequency for maintaining all control measures;
- c. Spill Prevention and Response (Part F.2.d) – Procedures for responding to spills and leaks, including internal and third-party notification procedures. For preventing spills, include in the SWPPP the control measures for material handling and storage, and procedures for preventing spills that can contaminate storm water. Also, specify Spill clean-up equipment and procedures should be identified, as appropriate;
- d. Erosion and Sediment Control (Part F.2.f) – If the Permittee uses polymers and/or other chemical treatments as part of a control measure, the Permittee must identify the polymer and/or chemicals used and the purpose, and
- e. Employee Training (Part F.2.g) – The elements of the employee training plan shall include all, but not be limited to, the requirements set forth in Part F.2.g and also include the following:
  - i. The content of the training;
  - ii. The frequency/schedule of the training for employees who have duties in areas of industrial activity subject to this permit; and
  - iii. A log of the date on which specific employees receive training.

### 10. Inspections.

- a. The Permittee must document in the SWPPP its procedures for performing, as appropriate, the types of inspections specified in this permit, including:
  - i. Routine facility inspections (See Part G.1), and
  - ii. Quarterly visual assessment of storm water discharges (See Part J.1).
- b. If the Permittee is invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, the Permittee must include in the SWPPP the information to support this claim as required by Parts G.5.

### 11. Monitoring.

- a. The Permittee must document in the SWPPP the procedures for conducting two types of analytical monitoring specified by the permit, where applicable to the facility:
  - i. Benchmark monitoring (See Part J.2)
  - ii. Site-specific monitoring
- b. For each type of monitoring, the SWPPP must document:
  - i. Locations where samples are collected, including any determination that two or more outfalls are identical;
  - ii. Parameters for sampling and the frequency of sampling for each parameter;
  - iii. Schedules for monitoring at the facility;

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- iv. Any numeric control values (benchmarks, TMDL-related requirements) applicable to discharges from each outfall; and
  - v. Procedures (e.g., responsible staff, logistics, laboratory to be used) for gathering data.
- c. If the Permittee is invoking the exception for inactive and unstaffed sites, the Permittee must include a certification in the SWPPP to support this claim as required by Part G.5.
- d. The Permittee must document the following in the SWPPP if the Permittee plans to use the substantially identical outfall exception for the quarterly visual assessment requirements in Part J.1.e or benchmark monitoring requirements in J.2.f.:
- i. Locations of each of the substantially identical outfalls;
  - ii. Description of the general industrial activities conducted in the drainage area of each outfall;
  - iii. Description of the control measures implemented in the drainage area of each outfall;
  - iv. Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to storm water discharges;
  - v. An estimate of the runoff coefficient of the drainage areas (low= under 40%, medium= 40% to 65%, high= above 65%); and
  - vi. Why the outfalls are expected to discharge substantially identical effluents.
12. This Plan shall 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 40CFR125.100. Other program requirements such as SPCC may be referenced in the Plan.
13. The Plan is considered a report that shall be available to the public at any reasonable time upon request.
14. 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.
15. Facilities which discharge storm water associated with industrial activity to an MS4 may also be subject to additional requirements imposed by the operator of the municipal separate storm sewer system.
16. Additional Documentation Requirements.

The Permittee is required to keep the following inspection, monitoring, and certification records with the SWPPP that keep the records complete and up-to-date, and demonstrate full compliance with the conditions of this permit:

- a. A copy of the NOI submitted to the Agency along with any correspondence exchanged between the Permittee and the Agency specific to coverage under this permit;
- b. A copy of this permit;
- c. Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacements, and for repairs, date(s) the control measures returned to full function, and the justification of any extended maintenance/repair schedules (See Part F.2.b);
- d. All inspection reports, including Routine Facility Inspection Reports (Part G.1) and Quarterly Visual Assessment Reports (J.1) and benchmark monitoring results;
- e. Description of any deviation from the schedule for visual assessments and/or monitoring, and the reasons for the deviations;
- f. Description of any corrective action triggering event/condition listed in Part H.1 and documented in Part H.2.;
- g. Documentation of any benchmark exceedance and the type of response employed, including:
  - i. The corrective action taken;

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- ii. A finding that the exceedance was due to natural background pollutant levels; or
  - iii. A finding that no further pollutant reductions were technologically available and economically practicable in light of best industry practice consistent with Part J.2.;
  - h. Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if the facility discharges directly to impaired waters, and such pollutants were not detected in the discharge or were solely attributable to natural background sources (See Part J.2);
  - i. Documentation to support the claim that the facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine inspections (See Part G.5), quarterly visual assessments (see Part J.1) and/or benchmark monitoring (see Part J.2); and
  - j. Electronic copies of all documents, including the SWPPP, are acceptable.
17. Modifications to the following requirements in the plan shall be submitted to the Agency pursuant to Part K.1.: E.I.c., E.6., E.7., E.16.f., E.16.g., E.16.i.

### F. Control Measures and Discharge Limitations

In the technology-based limits included below, the term "minimize" means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable.

#### 1. Storm Water Controls

The Permittee must select, design, install, and implement control measures (including best management practices) to meet the discharge limitations in Part F.2. and meet the water quality-based effluent limitations in Part F.3. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that the Permittee may deviate from such manufacturer's specifications where it provides justification for such deviation and include documentation of its rationale in the part of its SWPPP that describes its control measures, consistent with Part E.6. If the Permittee finds that its control measures are not achieving their intended effect of minimizing pollutant discharges, it must modify these control measures in accordance with the corrective action requirements set forth in Part H. Regulated storm water discharges from the Permittee's facility include storm water run-on that commingles with storm water discharges associated with industrial activity at its facility. Operators may consider implementing enhanced stormwater control measures for facilities that could be impacted by major storm events such as a storm surge and flooding events.

#### 2. Discharge Limitations

- a. Minimize Exposure – The Permittee must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings. In order to minimize exposure, where feasible, the Permittee must include the following BMPs where applicable:
  - i. Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
  - ii. Containment - Storage within berms or other secondary containment devices to prevent leaks and spills from entering storm water runoff. To the maximum extent practicable, storm water discharged from any area where pollutants from material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water should not enter vegetated areas or surface waters or infiltrate into the soil unless adequate treatment is provided;
  - iii. Clean up spills and leaks promptly using dry methods (e.g., absorbents) or other cleanup methods to prevent the discharge of pollutants;
  - iv. Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;
  - v. Use spill/overflow protection equipment;

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- vi. Perform all vehicle and/or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray;
  - vii. Drain fluids from equipment and vehicles that will be decommissioned or will remain unused for extended periods of time;
  - viii. Ensure that all washwater, with the exception of discharges from pavement wash water and routine building washdown, drains to a sanitary sewer, sump, or other proper collection system (i.e., not the storm water drainage system).
  - ix. Oil & Grease Separation-Oil/water separators, booms, skimmers, or other methods to minimize oil contaminated storm water discharges; and
  - x. Minimize dust and offsite tracking of raw, final, and waste materials. Trash disposal areas where dumpsters and rolloff boxes are located shall have the lids which shall remain closed when not in use. For dumpsters and roll off boxes that do not have lids BMPs shall be utilized to prevent any contaminate storm water runoff.
- b. Preventive Maintenance – The Permittee must have procedures and frequencies 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.
- c. Good Housekeeping and Pollution Prevention Practices - Good housekeeping requires the maintenance of clean, orderly facility areas that discharge storm water. Material handling areas shall be inspected and cleaned as necessary to reduce the potential for pollutants to enter the storm water conveyance system. The Permittee shall implement pollution prevention practices in areas that include, but are not limited to, trash containers, storage areas, loading docks, vehicle fueling, and maintenance. Exposed areas that may contribute pollutants to storm water shall be minimized to reduce or eliminate contaminated storm water runoff.
- d. 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. The Permittee must minimize the potential for leaks, spills, and other releases that may be exposed to storm water and develop plans for effective response to such spills if or when they occur. The Permittee must conduct spill prevention and response measures, including but not limited to, the following:
- i. Plainly label containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides") that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
  - ii. Implement procedures for material storage and handling, such as the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;
  - iii. Develop spill response training procedures for preventing, containing, and cleaning up leaks, spills, and other releases. Spills shall be cleaned and any contaminated water or solids shall be disposed of in accordance with applicable regulations. As appropriate, execute such procedures as soon as possible;
  - iv. Keep spill kits on-site, in easily accessible locations,
  - v. Notify appropriate facility personnel, and for significant spills, emergency response agencies and regulatory agencies, when a leak, spill, or other release occurs;
  - vi. Document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred in the exposed areas, or that drained to a storm water conveyance, during the previous 5 years; and
  - vii. Visually inspect retained storm water (e.g. storm water in a secondary containment structure) prior to discharge, to assure the storm water contains no unnatural turbidity, color, oil films, foams, settleable solids, or deposits before discharging any collected storm water.
- e. 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,

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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. The following management practices shall be considered and implemented as applicable:

- i. Debris & Sediment Control - Screens, booms, sediment ponds, or other methods to reduce debris and sediment in storm water discharges;
  - ii. Covered Storage or Manufacturing Areas - Covered fueling operations, materials, manufacturing, and storage areas to prevent contact with storm water. This includes any pesticide, herbicide, fertilizer, or any other chemical storage area;
  - iii. Mercury Switch Removal and Recycling - Mercury containing convenience lighting switches and anti-lock brake assemblies shall be removed from vehicles and recycled in an approved manner which prevents mercury from entering the storm water discharges; and
  - iv. Storm Water Reduction - To minimize storm water runoff, install vegetation on roofs of buildings within and adjacent to the exposure area to detain and evapotranspire runoff where the precipitation falling on the roof is not exposed to contaminants. Capture storm water for use as appropriate based on quality where feasible and applicable.
- f. Sediment and Erosion Prevention - where feasible and applicable, the Permittee must minimize erosion by stabilizing exposed soils at the facility and placing flow velocity dissipation devices at discharge locations. The Permittee must also use structural and non-structural control measures to prevent the discharge of sediment. If the Permittee uses polymers and/or other chemical treatments as part of its controls, it must identify the polymers and/or chemicals used and the purpose. Information on BMPs for erosion and sediment control is available at the following websites:

### USEPA National Menu of Best Management Practices (BMPs) for Storm Water

<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu>

### Illinois Urban Manual:

<http://www.aiswcd.org/illinois-urban-manual/>

- g. Employee Training - The Permittee must train all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all pollution prevention personnel. Employees shall be trained at a minimum of once per calendar year. The Permittee shall ensure the following personnel are trained on the requirements of this permit:
- i. Personnel who are responsible for the design, installation, maintenance, and/or repair of controls (including pollution prevention measures);
  - ii. Personnel responsible for the storage and handling of chemicals and materials that could become contaminants in storm water discharges;
  - iii. Personnel who are responsible for conducting and documenting monitoring and inspections as required in Parts G and J; and
  - iv. Personnel who are responsible for performing and documenting corrective actions as required in Part H.
- h. De-icing Material Storage - Storage piles of deicing material used onsite or for 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). The Permittee must document and implement appropriate pollution prevention measures that minimize exposure to storm water when adding to or removing material from the pile. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to Waters of the United States or the discharges from the piles are authorized under another permit. The Permittee must document the location of any storage piles of deicing material to be used for deicing or for other commercial or industrial use in the SWPPP site map (E.5.b.xvii).
- i. Plastic Materials Requirements: Facilities that handle pre-production plastic pellets are required to implement

best management practices to eliminate discharges of plastic in storm water. Examples of plastic material required to be addressed as storm water pollutants include plastic resin pellets, powders, flakes, additives, regrind, scrap, waste and recycling.

3. Water Quality-Based Effluent Limitations.

- a. Water Quality Standards - 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 pursuant 35 Ill. Adm. Code 304.105;
- b. The Permittee must implement all controls necessary to comply with a waste load allocation in an EPA established or approved TMDL as required in Part C;
- c. Except for discharges authorized in Part A.8 of this permit, the Permittee shall effectively prohibit non-storm water discharges into the storm sewer system; and
- d. The Permittee shall not allow any offensive discharges pursuant to 35 Ill. Admin. Code Section 304.106.

**G. INSPECTIONS**

1. The Permittee shall conduct facility inspections covering all the areas subject to the requirements of this permit and identified in the SWPPP within 72 hours of the beginning of a storm event.

Inspections must be conducted at least quarterly or in some instances more frequently as appropriate. At least one of the Permittee's routine inspections must be conducted during a period when a storm water discharge is occurring. If no storm event occurs during the quarter or during the period specified if more frequent inspection are appropriate, a dry weather inspection is allowed.

Inspections must be performed by qualified personnel (as defined in Part M.12) with at least one member of the storm water pollution prevention personnel participating. The Permittee may prioritize facility outfalls to allow for adequate quarterly inspections during flooding conditions. Inspectors must consider the results of any visual and analytical monitoring for the past year when planning and conducting inspections as well as where:

During the inspection the Permittee must consider the following:

- a. Industrial materials, residue or trash may have or could come into contact with storm water.
- b. Leaks or spills from industrial equipment, drums, tanks and other containers.
- c. Offsite tracking of industrial or waste materials, or sediment may occur, such as where vehicles enter or exit the site.
- d. Tracking or blowing of raw, final or waste materials may occur from areas of no exposure to exposed areas.
- e. Control measures which may need replacement, maintenance or repair.

During an inspection occurring during a storm water discharge, control measures implemented to comply with benchmark monitoring requirements must be observed to ensure they are functioning correctly. Discharge points, as defined in Part M.3, must also be observed during this inspection. If such discharge locations are inaccessible, nearby downstream locations must be inspected.

2. The Permittee must document the findings of the facility inspections and maintain this report with its SWPPP. The Permittee must summarize all findings in the annual report per Part K. Document all findings, including but not limited to, the following information:
  - a. The inspection date and time;
  - b. The name(s) and signature(s) of the inspector(s);
  - c. Weather information including flooding events;
  - d. All observations relating to the implementation of control measures at the facility, including:



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- i. A description of any discharges occurring at the time of the inspection;
  - ii. Any previously unidentified discharges and/or pollutants from the site;
  - iii. Any evidence of, or the potential for, pollutants entering the drainage system; Observations regarding the physical condition of and around all outfalls including any flow dissipation devices, and evidence of pollutants in discharges and/or the receiving water;
  - iv. Any control measures needing maintenance, repairs, or replacement;
  - e. Any additional control measures needed to comply with the permit requirements; and
  - f. Any incidents of noncompliance observed.
  - g. Any outfall not inspected due to flooding conditions,
3. Any corrective action required as a result of a routine facility inspection must be performed consistent with Part H of this permit.
  4. If the Permittee performed a visual observation required in Section J.1 during the facility inspection, the Permittee may include the results of the assessment with the report required in Part G.2, provided all components of both types of inspections are included in the report.
  5. Exceptions to Routine Facility Inspections for Inactive and Unstaffed Sites.

The Permittee may exercise a waiver of the facility inspection requirement at a facility that is inactive and unstaffed, provided there are no industrial materials or activities exposed to storm water. If the Permittee exercises this waiver, the Permittee must maintain a certification with the SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water.

### H. CORRECTIVE ACTIONS

#### 1. Conditions Requiring SWPPP Review and Revision.

The Permittee must review the SWPPP when any of the following conditions occur:

- a. An unauthorized release or discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another NPDES permit) occurs at the facility;
- b. Control measures are not stringent enough for the discharge to meet applicable water quality standards or the conditions of this permit;
- c. A required control measure was never installed, was installed incorrectly, or not in accordance with this permit or is not being properly operated or maintained;
- d. Visual observations indicate signs of storm water pollution (e.g., unnatural color, odor, turbidity, floatable material, settled solids, suspended solids, foam, and oil sheen);
- e. The average of four quarterly sampling results exceeds any applicable benchmark monitoring concentration. If less than four samples have been taken, but the results are such that an exceedance of the four quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than four times the benchmark monitoring concentration) this is considered a benchmark exceedance, triggering this review;
- f. Construction or a change in design, operation, or maintenance at the facility that modifies the type or concentration of pollutants discharged in storm water from the facility, or increases the quantity of pollutants discharged;

#### 2. Corrective Actions and Deadlines.

- a. Immediate Actions. If any condition in Part H.1 occurs, the Permittee must immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants until a permanent solution is installed

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and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

- b. Subsequent Actions. If the Permittee determines that additional changes are necessary beyond those implemented pursuant to this permit, it must install a new or modified control and make it operational, or complete the repair, before the next storm event if possible, and within 14 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 14 calendar days, the Permittee must document why it is infeasible to complete the installation or repair within the 14 day timeframe. The Permittee must also identify the schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery.

Where the Permittee's corrective actions result in changes to any of the controls or procedures documented in its SWPPP, the Permittee must modify its SWPPP accordingly within 14 calendar days of completing corrective action work.

- c. Corrective Action Documentation. The Permittee must document the existence of any of the conditions listed in Part H.1 within 24 hours of becoming aware of such condition. The Permittee is not required to submit its corrective action documentation to Illinois EPA. Include the following information in the documentation:
- i. Identification and description of the condition triggering the need for corrective action review. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to waters of the State, through storm water or otherwise;
  - ii. Date the condition was identified;
  - iii. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases ; and
  - iv. The Permittee must also document the corrective actions taken that occurred as a result of the conditions listed in Section H.1, within 14 days from the time of discovery of any of those conditions. Provide the dates when each corrective action was initiated and completed (or is expected to be completed). If applicable, document why it is infeasible to complete necessary installations or repairs within the 14-day timeframe and document the Permittee's schedule for installing the controls and making them operational as soon as practicable after the 14-day timeframe.
- d. Substantially Identical Outfalls. If the event triggering corrective action is similar to an outfall that represents other substantially identical outfalls, the Permittee's review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event. The SWPPP must be modified to include any additional control measures required pursuant to this paragraph.

### I. CONSTRUCTION AUTHORIZATION

1. Authorization is hereby granted to construct treatment works and related equipment that may be required by the SWPPP developed pursuant to this permit.
2. This Authorization is issued subject to the following condition(s):
  - a. The issuance of this authorization:
    - i. does not release the Permittee from any liability for damage to persons or property caused by or resulting from the installation, maintenance, or operation of the proposed facilities;
    - ii. does not take into consideration the structural stability of any units or part of this project; and
    - iii. does not release the Permittee from compliance with other applicable statutes of the State of Illinois or other applicable local law, regulations, or ordinances;
  - b. If any statement or representation is found to be incorrect, this authorization may be revoked and the Permittee thereupon waives all rights thereunder;

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3. Plans and specifications of all treatment equipment being included as a part of the Storm Water Management Practice shall be included in the SWPPP;
4. Any modification of or deviation from the plans and specifications originally submitted with the initial SWPPP requires amendment of the SWPPP; and
5. Construction activities which result from treatment equipment installation, including clearing, grading, and excavation activities which result in the disturbance of one acre or more of land area, are not covered by this authorization. The Permittee shall contact the Agency regarding any additional required permit(s).

### J. MONITORING

1. Quarterly Visual Observation of Discharges – The requirements and procedures for quarterly visual observations are applicable to all facilities covered under this permit, regardless of the Permittee's sector of industrial activity.
  - a. The Permittee must perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation must be made during daylight hours. If no storm event resulted in runoff during daylight hours on normal work days from the facility during a monitoring quarter, no visual observation is required for that quarter, provided the permittee documents that no observable runoff occurred. Normal work days do not include weekends or Federal holidays. The Permittee must sign and certify the documentation.
  - b. Visual observation must be made on samples collected within 1 hour of an actual discharge from a storm event equal to or greater than 0.25 inch in 24 hours. If it is not possible to take a sample within the first hour of the discharge, the sample must be collected as soon as practicable after the first hour and the Permittee must explain why it was not possible to take samples within the first hour. In the case of snowmelt, the samples must be taken from an actual discharge from the site. For storm events, samples must be collected from a storm event discharge at least 72 hours from the previous discharge. The 72 hour interval does not apply if the Permittee documents that a less than 72 hour event is representative for local storm events during the sampling period. The observation must document: unnatural color, odor, clarity, floatable solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution if present in the discharge. If visual observations indicate any unnatural color, odor, turbidity, floatable material, oil sheen or other indicators of storm water pollution, the Permittee shall obtain a sample and test for the parameter or the list of pollutants as provided pursuant to Part E.5.C.ii and/or E.5.d. and initiate corrective action in Part H.
  - c. The Permittee must maintain visual observation reports onsite with the SWPPP. Each report must include the observation date and time, inspection personnel, outfall location, nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of unnatural color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
  - d. The Permittee may exercise a waiver of the visual observation requirement at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. If the Permittee exercises this waiver, the Permittee must maintain a certification with the SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water.
  - e. Representative Outfalls. If the Permittee's facility has two or more outfalls that are believed to discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, the Permittee may conduct visual observation of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s).
  - f. Visual observation documentation shall be made available to the Agency and general public upon written request.
2. Benchmark Monitoring. This permit specifies pollutant benchmark concentrations that are applicable to certain sectors/subsectors as specified in Attachment 1. Benchmark monitoring data are primarily for the Permittee's use to determine the overall effectiveness of specific control measures and to assist Permittees in knowing when additional corrective action(s) may be necessary to comply with the discharge limitations in Part F.
  - a. The benchmark concentrations are not discharge limitations. However, corrective action is required as the

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result of a benchmark exceedance pursuant to Part H.

- b. At the Permittee's discretion, more than four samples may be taken during separate runoff events and used to determine the average benchmark parameter concentration for facility discharges.
- c. **Applicability of Benchmark Monitoring.** The Permittee must monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to the discharge. Industry-specific benchmark concentrations are listed in the sector-specific sections of Attachment 1. If a facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, the Permittee is required to submit representative hardness values of the receiving water. The hardness value shall be submitted with the initial benchmark report.
- d. Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which sampling is required.
- e. **Benchmark Monitoring Schedule.** Benchmark monitoring must be conducted quarterly for first four full quarters of permit coverage commencing no later than 180 days after the effective date of this permit.
  - i. **Data not exceeding benchmarks:** After collection of four quarterly samples, if the average of the four monitoring values for any parameter does not exceed the benchmark, monitoring requirements for that parameter for the permit term have been fulfilled;
  - ii. **Data exceeding benchmarks:** After the collection of four quarterly samples, if the average of the four monitoring values for any parameter exceeds the benchmark, the Permittee must, in accordance with Part H, review the selection, design, installation and implementation of the control measures to determine if modifications are necessary to meet the discharge limitations in this permit, and either:
    - A. Make the necessary modifications and continue quarterly monitoring until the Permittee has completed four additional quarters of monitoring for which the average does not exceed the benchmark; or
    - B. Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology discharge limitations or are necessary to meet the water-quality-based discharge limitations in Parts F.2 and F.3 of this permit, in which case the Permittee must continue monitoring once per year. The Permittee must also document the rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with the SWPPP.
    - C. In accordance with Part H, the Permittee must review the control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full four quarters of monitoring data, if an exceedance of the four quarter average is mathematically certain. If after modifying its control measures and conducting four additional quarters of monitoring, the average still exceeds the benchmark (or if an exceedance of the benchmark by the four quarter average is mathematically certain prior to conducting the full four additional quarters of monitoring), the Permittee must again review its control measures and take one of the two actions above.
  - iii. **Natural background pollutant levels.** Following the first four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data, see above), if the average concentration of a pollutant exceeds a benchmark value, and the Permittee determines that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, the Permittee is not required to perform corrective action or additional benchmark monitoring provided that:
    - A. The average concentration of the benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;
    - B. The Permittee document and maintain with the SWPPP, the supporting rationale for concluding that the benchmark exceedances are in fact attributable solely to natural background pollutant levels. The Permittee must include in the rationale any data previously collected by the Permittee or other sources (i.e., literature studies) that describe the level of natural background pollutants in the storm water discharge; and

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- C. Notify the Agency on the Permittee's final quarterly benchmark monitoring report that the benchmark exceedances are attributable solely to natural background pollutant levels.
- D. Permittees may discontinue monitoring natural background pollutants that occur solely from run-on sources provided the Permittee analyzes the pollutant in the run-on source during the benchmark monitoring period.

After collection of four quarterly samples, the monitoring requirements for that parameter have been fulfilled.

f. Exception for Inactive and Unstaffed Sites. The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, provided there are no industrial materials or activities exposed to storm water. To qualify for any monitoring exception, the Permittee must meet the following requirements:

- i. Maintain a statement with the Permittee's SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Attachment H 11.
- ii. If a Permittee is not qualified for this exception at the time of permit coverage but during the permit term the Permittee becomes qualified because the facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then the Permittee must notify Illinois EPA of this change in the next benchmark monitoring report. A Permittee may discontinue benchmark monitoring once Illinois EPA has been notified, and prepared and signed a certification statement concerning the facility's qualification for this monitoring exception.

g. Representative Outfalls – If the Permittee's facility has two or more outfalls that are believed to discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, the Permittee may conduct benchmark monitoring of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s).

### K. REPORTING

1. The Permittee shall submit an electronic copy of the annual inspection report to the Agency. The report shall include results of the quarterly benchmark monitoring as required by Part J.2. and the quarterly facility inspections which are required by Part G of this permit. The report shall include, at a minimum, a review and update of the SWPPP. The Permittee shall submit Modifications of the requirements of the plan to the Agency pursuant to Part G.17 with the Annual Report. Permittees have 180 days to update their SWPPP to comply with the new requirements and then submit with the following annual report. 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). The annual inspection report is considered a public document that shall be available to the public at any reasonable time upon request.
2. For new Permittees, the first Annual Report shall contain information gathered during the one year time period beginning with the initial 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.
3. Existing Permittees renewing coverage under this permit shall continue to submit the Annual Report no later than 60 days after the original date of effective coverage under a general storm water permit.
4. If the facility performs inspections more frequently than required by this permit, the results shall be included as additional information in the Annual Report.
5. The Permittee shall retain the annual inspection report on file for at least 3 years. This period may be extended by request of the Illinois EPA at any time.
6. Annual inspection reports shall be submitted to one of the following addresses:
  - a. Electronic Annual Reports should be submitted to:

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[epa.indannualinsp@illinois.gov](mailto:epa.indannualinsp@illinois.gov)

- b. If electronic submittal is unavailable, reports should be mailed to:

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Compliance Assurance Section #19  
1021 North Grand Avenue East  
Annual Inspection Report  
P.O. Box 19276  
Springfield, Illinois 62794-9276

7. Any Permittee shall notify the owner of any regulated MS4 which receives storm water discharged from the facility that the industrial activity has received coverage of a general ILR00 permit. The Permittee shall submit any SWPPP or any annual inspection to the MS4 upon request by the MS4 owner.

### L. TERMINATION OF COVERAGE UNDER THIS PERMIT

Where all storm water discharges associated with industrial activity that have been authorized by this permit are eliminated, the operator of the facility may submit a termination request to the Agency at the address indicated in Part D.6 of this permit. The termination request shall include the name, address, telephone number, location of the facility, permit number, and a description of actions taken to eliminate the storm water discharge or other justification for the request. Coverage under this permit is not terminated until the Agency responds in writing on the termination request. All monitoring, inspections, and reporting, as described in this permit is required until coverage is terminated by the Agency.

1. The Agency may require any person authorized by this permit to apply for and/or 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 or alternative general 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 of 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 or alternative general application required by the Agency under this paragraph then the applicability of this permit to the individual NPDES permitted is automatically terminated at the end of the day specified for application submittal. The Agency may require an individual NPDES or alternative general permit based on:
  - a. information received which indicates the receiving water may be of particular biological significance pursuant to 35 Ill. Adm. Code 302.105(d)(6);
  - b. whether the receiving waters are identified as impaired pursuant to the Agency's 303(d) listing and the site storm water is a potential contributing source of any parameter identified as a cause of that impairment; or
  - c. size of industrial site, proximity of site to the receiving stream, inadequate discharge control, discharge characteristics, or applicable water quality standards, etc.
  - d. The Agency may also require monitoring of any storm water discharge from any site to determine whether an individual or alternative general permit is required.
2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual or alternative general permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR 122.28, to the Agency. The request shall be granted by issuance date of an individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.
3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this 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 issuance 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

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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 general permit to the individual NPDES Permittee is automatically terminated on the date of such denial, unless otherwise specified by the Agency.

4. The Permittee must submit a Notice of Termination (NOT) within 30 days after one or more of the following conditions have been met:
  - a. A change in ownership or operational control at the facility;
  - b. The Permittee has ceased operations at the facility, there are no discharges or no longer will be any discharges of storm water associated with industrial activity from the facility, and necessary sediment and erosion controls have been implemented; or
  - c. Coverage has been obtained under an individual or alternative general permit for all discharges required to be covered under an NPDES permit.
5. NOT submittals can be made to one of the following addresses:
  - a. Electronic NOTs should be submitted to:  
[epa.indannualinsp@illinois.gov](mailto:epa.indannualinsp@illinois.gov)
  - b. If electronic submittal is unavailable the NOT should be submitted to the follow address:  
  
Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Compliance Assurance Section #19  
1021 North Grand Avenue East  
Annual Inspection Report  
P.O. Box 19276  
Springfield, Illinois 62794-9276
6. Standard Condition 15 of Attachment H is not applicable to this General Permit.

### M. DEFINITIONS

1. Coal pile runoff means the rainfall runoff from or through any coal storage pile.
2. Control Measures means any storm water control or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the state.
3. Discharge point or Outfall means the location where collected and concentrated storm water flows are discharged from the facility.
4. Green Infrastructure means wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse. Green infrastructure approaches currently in use include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, porous and permeable pavements, porous piping systems, dry wells, vegetated median strips, reforestation/revegetation, rain barrels and cisterns and protection and enhancement of riparian buffers and floodplains.
5. Industrial activities means any of the 10 categories of industrial activities included in the definition of "storm water discharges associated with industrial activity" as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).
6. Land application site means an area where wastes are applied onto or incorporated into the soil surface for treatment or disposal.
7. Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site, surface impoundment, injection well or waste pile.
8. MS4 or MS4 Owner means the owner or operator of a conveyance or system of conveyances for the movement of storm water as defined at 40 CFR § 122.26(b)(8).

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9. Municipal Separate Storm Sewer is defined at 40 CFR 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.
10. Natural Background Pollutants include those substances that are naturally occurring in soils or ground water. Natural background pollutants do not include legacy pollutants from previous activity of the facility's site, or pollutants in run-on from adjacent sources which are not naturally occurring, such as other industrial sites or roadways.
11. Pollution Prevention means any practice which reduces the amount of any hazardous substance, pollutant or contaminant entering any waste stream or otherwise entering the environment prior to recycling, treatment or disposal and reduces the hazards to public health and the environment associated with the release of such substances, pollutants or contaminants.
12. Qualified Personnel means those persons who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the Permittee's facility, and who can also evaluate the effectiveness of control measures.
13. Run-on means sources of storm water that drain from land located upslope or upstream from the regulated facility in question.
14. Section 313 water priority chemical means a chemical or chemical categories which: 1) Are listed at 40 CFR 372.65 pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986); 2) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) Are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.
15. 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; any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
16. 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 110.6 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

Note that additional definitions are included in the permit Standard Conditions, 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 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 interval 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 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 for treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the 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, 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 position responsible for the overall operation of the facility, from which the discharge originates, such as 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 its 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 pollutant discharged. This notification applies to pollutant 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 site 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 15 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 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 claim 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 measure 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 the 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 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. A person who willfully or negligently violates permit condition 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 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.