

COMPLIANCE EVALUATION INSPECTION REPORT  
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 5

**Purpose:** NPDES Compliance Evaluation Inspection

**Facility:**

Calumet Energy LLC  
11653 South Torrence Avenue  
Chicago, Illinois 60617

**NPDES Permit:** IL0075108

**Date of Inspection:** May 25, 2022

**EPA Inspectors:**

Val Dooling, Environmental Engineer, (312) 886-7167  
Ray Cullen, Enforcement Engineer, (312) 885-0538

**Facility Representatives:**

Andrew Thompson; Environmental and Operator [Andrew.Thompson@vistracorp.com]  
Sam Davies; Environmental Coordinator [Samantha.Davies@vistracorp.com]

**Report Prepared By:**

Val Dooling, Environmental Engineer

**EPA Inspector Signature and Date:**

VALERIE  
DOOLING

Digitally signed by  
VALERIE DOOLING  
Date: 2022.07.25  
10:05:52 -05'00'

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**Approver Name and Title:**

Ryan J. Bahr, Section 2 Supervisor,  
Water Enforcement and Compliance Assurance Branch

**Approver Signature and Date:**

Bahr, Ryan

Digitally signed by Bahr,  
Ryan  
Date: 2022.07.25  
12:09:32 -05'00'

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## **I. INTRODUCTION**

The purpose of this report is to describe, evaluate and document Calumet Energy LLC's compliance with the Clean Water Act (CWA) and its National Pollutant Discharge Elimination System (NPDES) permit at its Chicago, Illinois facility.

## **II. BACKGROUND**

Calumet Energy LLC is a simple cycle, natural gas peaker plant ("facility"). The facility was commissioned new in 2001 and was purchased by its parent corporation, Vistra Corp in 2018. It is a 24-hour facility, but is only staffed from 6am-3pm by four technicians and one manager. As a simple-cycle facility, it does not generate energy through steam and is therefore not subject to 40 Code of Federal Regulations (CFR) 423, Steam Electric Power Generating Point Source Category.

In a typical year, the facility is operational for only 50-80 hours; however, the previous year, 2021, was an abnormally busy year and it ran for approximately 300 hours. At the time of the inspection, the last time the facility had run was in November 2021. A regional transmission organization monitors the grid and will inform the facility when it needs to run. At that time, approval must also be granted from the local gas company to access the natural gas from their pipes. It is able to start up in seven minutes. All fuel used comes from pipes and no fuel is stored on site.

## **III. OPENING CONFERENCE**

On May 25, 2022, Ray Cullen and I (EPA) arrived at Calumet Energy's office at 8:45am. EPA showed credentials to Andrew Thompson. EPA explained that it would take photographs as part of the inspection and requested whether any information was Confidential Business Information (CBI). Mr Thompson stated that nothing discussed in the inspection was CBI. After a brief discussion concerning the reason for the inspection, EPA began to ask Mr. Thompson some questions about the facility.

## **IV. FACILITY DISCUSSION**

Mr Thompson stated that there are two outfalls which discharge to a retention pond. The pond then discharges to a ditch wetland area; however, he has only observed the pond discharge one or two times in the last eight years. In the summer months, the pond is covered by algae and typically will dry up. Mr. Thompson did ask EPA as to whether it would be preferable to monitor the pond discharge instead of the current outfall locations which drain to the pond, as the pond is the source of the actual discharge off facility's property. As Mr. Thompson was explaining the outfall system, Sam Davies joined in the inspection by phone and was present for the remaining inspection, excluding the facility walk-through.

According to the Calumet Energy NPDES Permit, Outfall 001 is comprised of "Evaporative Cooler Blowdown, Stack, Diffuser and Floor Drains, Bleed Water, and Transformer Pit". Mr. Thompson stated that the evaporative cooldown is non-contact water which does not have any

chemical additives. This only discharges water when the facility is operating. The stack discharge is rainwater which has been collected in drains. Discharges from diffuser and floor drains are drains located in the turbine and generator enclosure. Floor drains are plugged in case of glycol spills and if water is released to the floor drain, it must be pumped out to the oil water separator. Bleed water is discharged when cleaning turbines and may contain a non-chlorinated cleaning product. The transformer pit drains are plugged in case of an oil spill. After a rain event, staff will visually observe whether an oily sheen appears in the pit, prior to draining. If an oily sheen does appear, then staff will use a vacuum truck to remove the oil. Evaporative cooler blowdown and diffuser and floor drains area all treated by an oil water separator prior to discharging. Discharges are collected in a 1500-gallon tank then are automatically released at Outfall 001.

According to the Calumet Energy NPDES Permit, Outfall 002 is comprised of non-contact cooling water, and water from mechanical seal leak off and diesel fire pump building drain. According to Mr. Thompson, the mechanical seal requires a constant flow of water through bearings to maintain seal and there is a constant drip which discharges into Outfall 002 . The diesel fire suppression pump uses water to cool the heat exchanger. It is a backup pump in the event of a power failure and the primary system is not operable. Each week the pumps will be run for 30 minutes.

The discharge at Outfall 002 is controlled by Special Condition 3.C, which states that discharge shall not cause the maximum temperature rise above natural temperatures to exceed 2.8 °C. Outfall 002 is released to a ditch which flows into the retention pond. During the reporting period ending on January 12, 2022, during winter, there was a temperature exceedance. Mr. Thompson explained this occurred since the ditch water has a low flow and the discharge of cooling water caused a temperature exceedance. The facility installed a system to ensure that during winter months the discharge is cooled to outdoor temperatures prior to discharging to the ditch, to eliminate a repeat of the temperature effluent exceedance.

The intake water used is chlorinated city water, and carbon tanks are installed prior to remove any residual chlorine. None of the discharges from either Outfall 001 or 002 are from a wet scrubber, and, in fact, the facility does not have any scrubber system. No chlorinated solvents or degreasers are used at the facility. No hazardous waste is generated. No process water is sent to the city sewer system. No chemicals are used in wastewater treatment.

The facility uses a preventative maintenance system to track work orders and schedule maintenance activities. Stormwater inspections, as required by the permit, are assigned through the preventative maintenance system, as are yearly oil water separator filter changes. According to Special Condition 10 of the NPDES Permit, the facility must conduct a visual annual inspection to determine if any facility modification have occurred which change the stormwater pretreatment. According to Mr. Thompson, such modifications have not occurred.

The facility uses TekLab to collect its flow, pH and temperature samples on the first Friday of each month. During the reporting period ending July 31, 2021, there was a chlorine exceedance listed on the Discharge Monitoring Report (DMR) at Outfall 001. According to Mr. Thompson, the prior day the 1500-gallon tank was manually discharged to the pond and not enough water was present to collect an adequate sample. The lab collected a smaller sample then used a calculation to adjust the result which increased the chlorine 10x and resulted in the effluent exceedance. A note was submitted with the DMR form to the Illinois Environment Protection Agency stating the cause of

the exceedance. According to Mr. Thompson, the reason that the tank was manually discharged was due to a small problem with the automatic pump, which was since repaired.

## **V. SITE VISIT**

At 9:46 am, EPA and Mr. Thompson began to walk the facility premises starting at Outfall 002 and its wastestreams then moving to Outfall 001 wastestreams and finally ending at Outfall 001 and the retention pond.

At Outfall 002 (Photo 1), EPA observed a discharge flowing into the drainage ditch which flows towards the retention pond. Mr. Thompson showed EPA the new addition which is used in the winter to cool the discharge to ambient temperatures. Inside the diesel pump building, Mr. Thompson showed EPA the two wastewater streams (Photo 3), the diesel pump and the mechanical seal, which make up the discharge to Outfall 002. After the wastestreams connect, the wastestream is processed through a carbon filter prior and then dechlorinated (Photo 4).

EPA and Mr. Thompson viewed the four floor drains in each turbine and generator and observed that they were currently plugged (Photo 6). The facility has two identical turbines and generators. EPA noted the access hatch to the oil water separator (Photo 7), and Mr. Thompson stated that there are two pumps, one active and one backup, from the oil water separator which feed Outfall 001.

EPA observed a ditch designed to remove stormwater from between the turbines (Photo 9). Mr. Thompson explained that this ditch runs along the outside of the property and transfers the stormwater to a wetland area offsite.

At the transformer pit, EPA noted there was sitting water (Photo 11-12). Mr. Thompson stated that this was rainwater and the pit is plugged until a visual observation can be done to ensure that an oily sheen is not present on the water. After the visual inspection, the drains will be opened and the water will flow to Outfall 001.

EPA and Mr. Thompson walked to Outfall 001. There is an underground 1500 gallon storage tank with an automatic pump which was not flowing at the time of inspection. Mr. Thompson manually turned on the pump, so EPA could view the discharge into the retention pond (Photo 13-14). EPA then walked around the pond (Photo 15) and observed the pathway that the pond discharges to off property (Photo 17). The pond was not discharging at the time of inspection. Mr. Thompson explained that the pond discharged to a wetlands area just offsite, prior to the railroad tracks. EPA observed algae on the pond and Mr. Thompson explained that at the time of the inspection the pond is approximately 18 inches deep; however, in the summer the pond mostly dries up. The facility tour ended at 10:40 am.

## **VI. CLOSING CONFERENCE**

EPA requested the following documents: laboratory analysis and chain of custody for the last three years; documentation of annual stormwater visual inspections for the last three years; maintenance on the oil water separator; NPDES permit application and Safety Data Sheets (SDS)

for any chemicals used onsite. Sam Davies agreed to email documents within a week. During the inspection, EPA did not note any preliminary areas of concern. EPA concluded the inspection and thanked the representatives of Calumet Energy LLC, then EPA left the facility at 10:47 am.

## **VII. POST INSPECTION**

On June 2, 2022, Sam Davies emailed the agreed upon documents.

**Appendix A: Inspection Photo Log**

**Calumet Energy LLC  
EPA Inspection May 25, 2022  
All photos taken by Ray Cullen, Enforcement Engineer, U.S. EPA  
Camera: RICOH WG-3**



1: CALU0267

Description: Outfall 002 flowing into ditch.

Camera Direction: Southeast

Date/Time: May 25, 2022 – 9:51am



2: CALU0268

Description: Outfall 002 entering ditch, showing downstream through culvert under roadway which leads to retention pond.

Camera Direction: West

Date/Time: May 25, 2022 – 9:52am



3: CALU0269

Description: Diesel flow in larger pipe and mechanical seal drip combining prior to Outfall 002.

Camera Direction: North

Date/Time: May 25, 2022 – 9:57am



4: CALU0270

Description: Carbon tank for dechlorination prior to Outfall 002.

Camera Direction: Northwest

Date/Time: May 25, 2022 – 9:59am

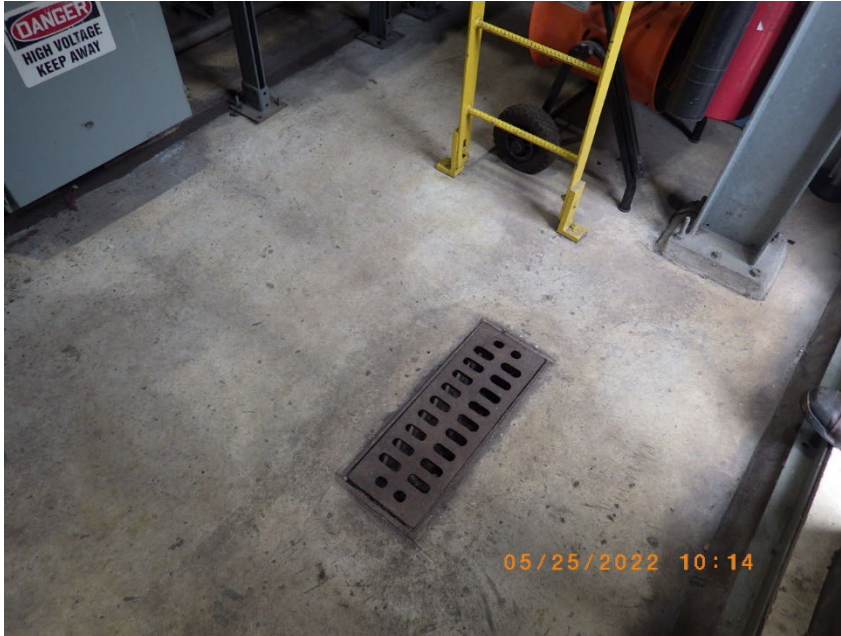


5: CALU0271

Description: Closed valve exhaust pipe leading from turbine.

Camera Direction: East

Date/Time: May 25, 2022 – 10:10am



6: CALU0272

Description: One of four floor drains in turbine building.

Camera Direction: Northeast

Date/Time: May 25, 2022 – 10:14am



7: CALU0273

Description: Oil water separator which feeds Outfall 001.

Camera Direction: Southwest

Date/Time: May 25, 2022 – 10:16am



8: CALU0274

Description: Empty tote outside of turbine building.

Camera Direction: South

Date/Time: May 25, 2022 – 10:17am



9: CALU0275

Description: Stormwater ditch between turbine buildings.

Camera Direction: South

Date/Time: May 25, 2022 – 10:20am



10: CALU0276

Description: Stormwater ditch between turbines.

Camera Direction: North

Date/Time: May 25, 2022 – 10:20am



11: CALU0277

Description: Transformer pit with standing rainwater.

Camera Direction: West

Date/Time: May 25, 2022 – 10:21am



12: CALU0278

Description: Same as photo 11.

Camera Direction: West

Date/Time: May 25, 2022 – 10:22am



13: CALU0279

Description: Outfall 001, with pump manually turned on. Retention pond in the background.

Camera Direction: West

Date/Time: May 25, 2022 – 10:27am



14: CALU0280

Description: Outfall 001, no flow.

Camera Direction: West

Date/Time: May 25, 2022 – 10:30am



15: CALU0281

Description: Retention pond at Outfall 001.

Camera Direction: West

Date/Time: May 25, 2022 – 10:32am



16: CALU0282

Description: Algae at retention pond at merger point of Outfall 002 ditch.

Camera Direction: North

Date/Time: May 25, 2022 – 10:35am



17: CALU0283

Description: Culvert at retention pond where water is discharged off property.

Camera Direction: East

Date/Time: May 25, 2022 – 10:37am

## Appendix B: Aerial Image



Note: Aerial image from Google Earth obtained July 20, 2022. Image does not represent conditions observed and is only to be used as a reference.

**Appendix C: NPDES Permit IL0075108**



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397  
JB PRITZKER, GOVERNOR JOHN J. KIM, DIRECTOR

217/782-0610

February 14, 2020

IPA Operations Inc.  
11653 S. Torrence Avenue  
Chicago, IL 60617

Re: IPA Operations Inc. – Calumet Energy LLC  
NPDES Permit No. IL0075108  
Bureau ID: W0316000096  
Final Permit

Gentlemen:

Attached is the final NPDES Permit for your discharge. The Permit as issued covers discharge limitations, monitoring, and reporting requirements. Failure to meet any portion of the Permit could result in civil and/or criminal penalties. The Illinois Environmental Protection Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge

Pursuant to the Final NPDES Electronic Reporting Rule, all permittees must report DMRs electronically unless a waiver has been granted by the Agency. The Agency utilizes NetDMR, a web based application, which allows the submittal of electronic Discharge Monitoring Reports instead of paper Discharge Monitoring Reports (DMRs). More information regarding NetDMR can be found on the Agency website, <https://www2.illinois.gov/eps/topics/water-quality/surface-water/netdmr/Pages/quick-answer-guide.aspx>. If your facility has received a waiver from the NetDMR program, a supply of preprinted paper DMR Forms will be sent to your facility during the interim period prior to your registration in the NetDMR program. Additional information and instructions will accompany the preprinted DMRs. Please see the attachment regarding the electronic reporting rule.

The attached Permit is effective as of the date indicated on the first page of the Permit. Until the effective date of any re-issued Permit, the limitations and conditions of the previously-issued Permit remain in full effect. You have the right to appeal any condition of the Permit to the Illinois Pollution Control Board within a 35 day period following the issuance date.

Should you have questions concerning the Permit, please contact Keegan MacDonna at 217/782-0610.

Sincerely,

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

DEL:KPM:19110702.docx

Attachment: Final Permit

cc: Records  
Compliance Assurance Section  
Des Plaines Region  
Billing  
CMAP

ILPA - DIVISION OF RECORDS MANAGEMENT  
BY: LLASABE

OCT 23 2020  
REVIEWER: JmR

4302 N. Main St., Rockford, IL 61103 (815)987-7760  
595 S. Stone, Elgin, IL 60123 (847)608-3131  
2125 S. First St., Champaign, IL 61820 (217)278-5800  
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000  
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462  
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200  
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

PLEASE PRINT ON RECYCLED PAPER

NPDES Permit No. IL0075108

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Reissued (NPDES) Permit

Expiration Date: February 28, 2025

Issue Date: February 14, 2020  
Effective Date: March 1, 2020

Name and Address of Permittee:

IPA Operations Inc.  
11653 S. Torrence Avenue  
Chicago, IL 60617

Facility Name and Address:

Calumet Energy LLC  
11653 S. Torrence Avenue  
Chicago, IL 60617  
(Cook County)

Discharge Number and Name:

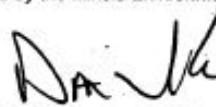
- 001 Evaporative Cooler Blowdown, Stack, Diffuser and Floor Drains, Bleed Water, and Transformer Pit
- 002 Non-Contact Cooling Water, Mechanical Seal Leak off and Diesel Fire Pump Building Drain

Receiving Waters:

Storm Sewer Tributary to the Calumet River  
Storm Sewer Tributary to the Calumet River

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of Ill. Adm. Code, Subtitle C and/or Subtitle D, Chapter 1, and the Clean Water Act (CWA), the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.



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

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NPDES Permit No. IL0075108

Effluent Limitations and Monitoring

1. From the effective date of this permit until the expiration date, the effluent of the following discharge shall be monitored and limited at all times as follows:

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		CONCENTRATION LIMITS mg/l		SAMPLE FREQUENCY	SAMPLE TYPE
	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM		
<u>Outfall 001</u> – Evaporative Cooler Blowdown, Stack, Diffuser, Floor Drains, Bleed Water, and Transformer Pit (DAF = 0.0007 MGD)						
<u>Outfall 002</u> – Non-Contact Cooling Water, Mechanical Seal Leak Off (DAF = 0.0006 MGD)						
Flow (MGD)	See Special Condition 1.				1/Month	Measure
pH	See Special Condition 2.				1/Month	Grab
Temperature	See Special Condition 3.				1/Month	Single Reading
Total Suspended Solids			15	30	1/Month	Grab
Oil and Grease			15	30	1/Month	Grab
Total Residual Chlorine	See Special Condition 4.			0.05	1/Month	Grab

Special Conditions

Page 3

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

**SPECIAL CONDITION 2.** The pH shall be in the range 6.0 to 9.0. The monthly minimum and monthly maximum values shall be reported on the DMR form.

**SPECIAL CONDITION 3.** This facility is not allowed any mixing with the receiving stream in order to meet applicable water quality thermal limitations. Therefore, discharge of wastewater from this facility must meet the following thermal limitations prior to discharge into the receiving stream.

A. The discharge must not exceed the maximum limits in the following table during more than one percent of the hours in the 12 month period ending with any month. Moreover, at no time shall the water temperature of the discharge exceed the maximum limits in the following table by more than 1.7°C (3°F).

	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>
°F	60	60	60	90	90	90	90	90	90	90	90	60
°C	16	16	16	32	32	32	32	32	32	32	32	16

B. In addition, the discharge shall not cause abnormal temperature changes that may adversely affect aquatic life unless caused by natural conditions.

C. The discharge shall not cause the maximum temperature rise above natural temperatures to exceed 2.8°C (5°F).

D. The monthly maximum value shall be reported on the DMR form;

**SPECIAL CONDITION 4.** All samples for total residual chlorine (TRC) shall be analyzed by an applicable method contained in 40 CFR 136, equivalent in accuracy to low-level amperometric titration. Any analytical variability of the method used shall be considered when determining the accuracy and precision of the results obtained.

**SPECIAL CONDITION 5.** Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge, but prior to entry into the receiving stream.

**SPECIAL CONDITION 6.** The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) electronic forms using one such form for each outfall each month.

In the event that an outfall does not discharge during a monthly reporting period, the DMR Form shall be submitted with no discharge indicated.

The Permittee is required to submit electronic DMRs (NetDMRs) instead of mailing paper DMRs to the IEPA unless a waiver has been granted by the Agency. More information, including registration information for the NetDMR program, can be obtained on the IEPA website, <https://www2.illinois.gov/epa/topics/water-quality/surface-water/netdmr/Pages/quick-answer-guide.aspx>.

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

Permittees that have been granted a waiver shall mail Discharge Monitoring Reports with an original signature to the IEPA at the following address:

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

**SPECIAL CONDITION 7.** If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

NPDES Permit No. IL0075108

Special Conditions

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**SPECIAL CONDITION 8.** In the event that the permittee must request a change in the use of water treatment additives, the permittee must request a change in this permit in accordance with Standard Conditions -- Attachment H.

**SPECIAL CONDITION 9.** The effluent, alone or in combination with other sources, shall not cause a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302.

**SPECIAL CONDITION 10.** The Agency has determined that the effluent limitations in this permit constitute BAT/BCT for storm water which is treated in the existing treatment facilities for purposes of this permit reissuance, and no pollution prevention plan will be required for such storm water. In addition to the chemical specific monitoring required elsewhere in this permit, the permittee shall conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity, and determine whether any facility modifications have occurred which result in previously-treated storm water discharges no longer receiving treatment. If any such discharges are identified the permittee shall request a modification of this permit within 30 days after the inspection. Records of the annual inspection shall be retained by the permittee for the term of this permit and be made available to the Agency on request.

**Attachment H**  
**Standard Conditions**

**Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- must be kept under the conditions of this permit;
  - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) **Monitoring and records.**
- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  - (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
  - (c) Records of monitoring information shall include:
    - (1) The date, exact place, and time of sampling or measurements;
    - (2) The individual(s) who performed the sampling or measurements;
    - (3) The date(s) analyses were performed;
    - (4) The individual(s) who performed the analyses;
    - (5) The analytical techniques or methods used; and
    - (6) The results of such analyses.
  - (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
- (a) **Application.** All permit applications shall be signed as follows:
    - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
    - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
    - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
  - (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - (1) The authorization is made in writing by a person described in paragraph (a); and
    - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
    - (3) The written authorization is submitted to the Agency.
  - (c) **Changes of Authorization.** If an authorization under (b)

is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.

- (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(12) **Reporting requirements.**

- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when:
  - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
  - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
  - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
- (d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
  - (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
  - (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
  - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.

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- (f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
  - (2) Any upset which exceeds any effluent limitation in the permit.
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.  
The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
- (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
- (h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Bypass.**
- (a) **Definitions.**
    - (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
    - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  - (b) **Bypass not exceeding limitations.** The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
  - (c) **Notice.**
    - (1) **Anticipated bypass.** If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
    - (2) **Unanticipated bypass.** The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
  - (d) **Prohibition of bypass.**
    - (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
      - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
      - (iii) The permittee submitted notices as required under paragraph (13)(c).
    - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) **Definition.** Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
  - (b) **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
  - (c) **Conditions necessary for a demonstration of upset.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
    - (2) The permitted facility was at the time being properly operated; and
    - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
    - (4) The permittee complied with any remedial measures required under paragraph (4).
  - (d) **Burden of proof.** In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
- (15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
- (a) **Transfers by modification.** Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

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