

NPDES Permit No. IL0037621  
Notice No. SMT:12010401.bah

Public Notice Beginning Date: **February 18, 2015**

Public Notice Ending Date: **March 20, 2015**

National Pollutant Discharge Elimination System (NPDES)  
Permit Program

Draft Modified NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency  
Bureau of Water  
Division of Water Pollution Control  
Permit Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-06100

Name and Address of Discharger:

SL Civic Wacker LLC  
20 North Wacker Drive, Suite 1425  
Chicago, Illinois 60606

Name and Address of Facility:

Civic Opera Building  
20 North Wacker Drive, Suite 1425  
Chicago, Illinois 60606  
(Cook County)

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue a NPDES permit to discharge into the waters of the state and has prepared a draft permit and associated fact sheet for the above named discharger. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice/Fact Sheet. The last day comments will be received will be on the Public Notice period ending date unless a commentor demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the draft permit to the IEPA at the above address. Commentors shall provide his or her name and address and the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues. Commentors may include a request for public hearing. Persons submitting comments and/or requests for public hearing shall also send a copy of such comments or requests to the permit applicant. The NPDES permit and notice number(s) must appear on each comment page.

The application, engineer's review notes including load limit calculations, Public Notice/Fact Sheet, draft permit, comments received, and other documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. Response to comments will be provided when the final permit is issued. For further information, please call Shu-Mei Tsai at 217/782-0610.

The applicant is engaged in the operation of a commercial office building (SIC 6531). Plant operation results in an average discharge of average discharge of 2.0 MGD of non-contact cooling water from outfall 001.

The following modifications are proposed:

River water is circulated through a condenser for cooling and returns to the receiving stream without altering the pH. Therefore, the pH limit has been removed from Outfall 001. Special Condition 6 was modified to require compliance with the new Cooling Water Intake Existing Facilities Rule.

Application is made for the existing discharge(s) which is located in Cook County, Illinois. The following information identifies the discharge point, receiving stream and stream classifications:

<u>Outfall</u>	<u>Receiving Stream</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Stream Classification</u>	<u>Integrity Rating</u>
001	Chicago River South Branch	41° 52' 56" North	87° 38' 13" West	Secondary Contact	Not Listed

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

The stream segment receiving the discharge from outfall(s) 001 is on the 2010 303(d) list of impaired waters and is not a biologically significant stream on the 2008 Illinois Department of Natural Resources Publication – *Integrating Multiple Taxa in a Biological Stream Rating System*..

The following parameters have been identified as the pollutants causing impairment:

<u>Designated Use</u>	<u>Potential Cause</u>
Polychlorinated Biphenyls	Fish Consumption

The discharge(s) from the facility shall be monitored and limited at all times as follows:

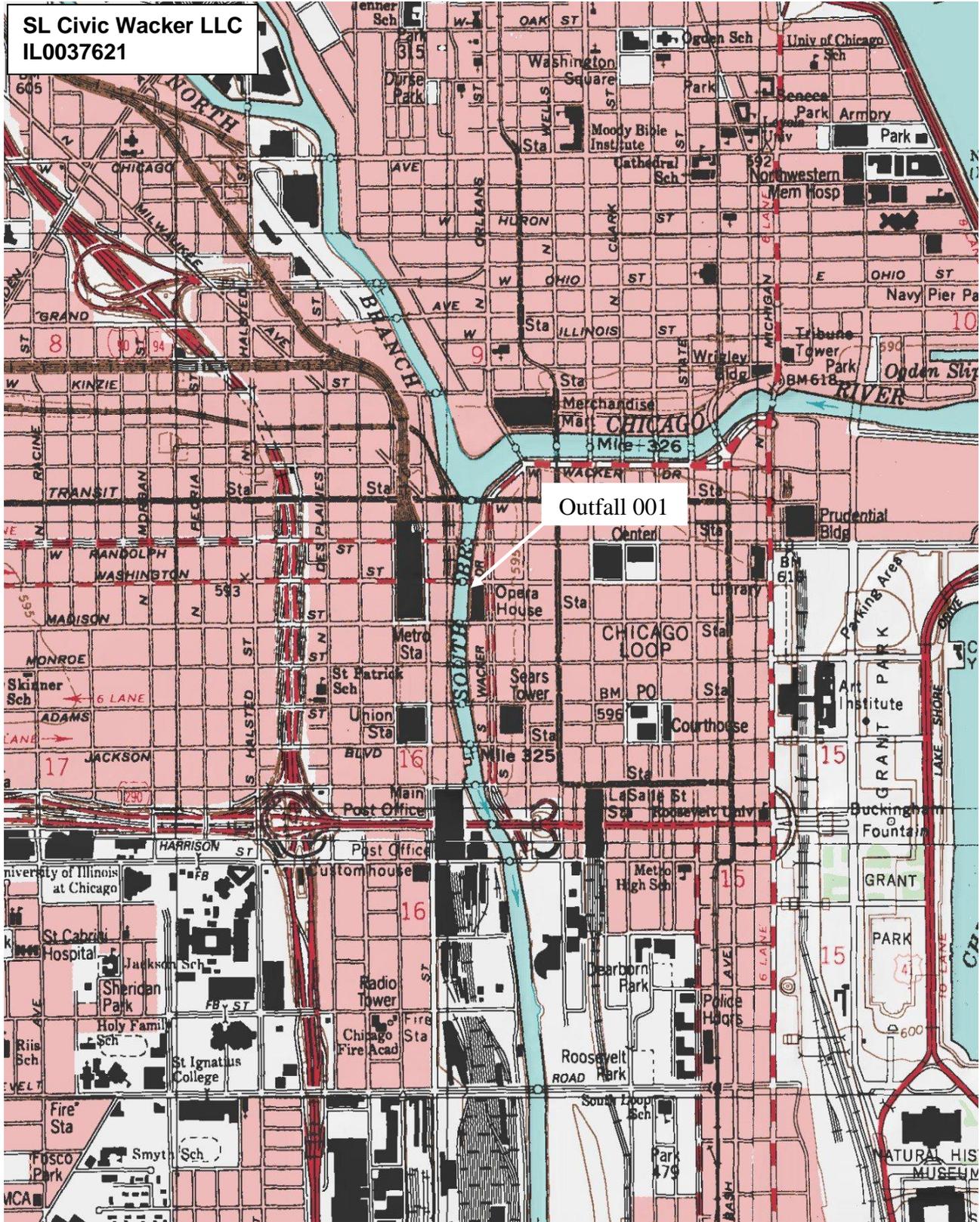
Outfall: 001 Non-Contact Cooling Water (DAF = 2.0 MGD)

PARAMETER	LOAD LIMITS lbs/day DAF (DMF)		REGULATION	CONCENTRATION LIMITS mg/L		
	30 DAY AVERAGE	DAILY MAXIMUM		30 DAY AVERAGE	DAILY MAXIMUM	REGULATION
Flow				Measure		35 IAC 309.146
Temperature						35 IAC 302.408

The load limits appearing in the permit will be the more stringent of the State and Federal Guidelines.

The following explain the conditions of the proposed permit:

Special Conditions basically include the descriptions of flow reporting requirements, the temperature standard of the Secondary Contact, the monthly DMR submission, and 316(b) condition language.



SL Civic Wacker LLC  
IL0037621

Outfall 001



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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

Modified (NPDES) Permit

Expiration Date: June 30, 2017

Issue Date: July 7, 2012

Effective Date: July 7, 2012

1<sup>st</sup> Modification Date: April 4, 2013

2<sup>nd</sup> Modification Date:

Name and Address of Permittee:

SL Civic Wacker LLC  
20 North Wacker Drive, Suite 1425  
Chicago, Illinois 60606

Facility Name and Address:

SL Opera Building  
20 North Wacker Drive, Suite 1425  
Chicago, Illinois 60606  
(Cook County)

Discharge Number and Name:

001 Non-Contact Cooling Water

Receiving Waters:

Chicago River – South Branch

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

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

Alan Keller, P.E.  
Manager, Permit Section  
Division of Water Pollution Control

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Effluent Limitations and Monitoring

- From the modification date of this permit until the expiration date, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:

Outfall(s): 001 Non-Contact Cooling Water (DAF = 2.0 MGD)

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		
Flow	See Special Condition 1				Measure When Monitoring	
Temperature	See Special Condition 2				Once per Month	Grab

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Special Conditions

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 on the monthly Discharge Monitoring Report.

SPECIAL CONDITION 2. The receiving waters are designated as Secondary Contact and Indigenous Aquatic Life Waters by Title 35 of Ill. Adm. Code, Chapter 1, Subtitle C, Section 302.408 as amended. 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 shall not exceed 93° F (34° C) more than 5% of the time or 100° F (37.8° C) at anytime.
- B. The monthly maximum value shall be reported on the DMR form.

SPECIAL CONDITION 3. If an applicable effluent standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the NPDES Permit, the Agency shall revise or modify the permit in accordance with the more stringent standard or prohibition and shall so notify the permittee.

SPECIAL CONDITION 4. For the purpose of this permit, this discharge is limited to non-contact cooling water, free from process and other wastewater discharges. In the event that the permittee shall require the use of water treatment additives, the permittee must request a change in this permit in accordance with the Standard Conditions – Attachment H.

SPECIAL CONDITION 5. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) 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 may choose to submit electronic DMRs (NetDMR) instead of mailing paper DMRs to the IEPA. More information, including registration information for the NetDMR program, can be obtained on the IEPA website, <http://www.epa.state.il.us/water/net-dmr/index.html>.

The completed Discharge Monitoring Report forms shall be submitted to IEPA no later than the 15<sup>th</sup> day of the following month, unless otherwise specified by the permitting authority.

Permittees not using NetDMR 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  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Attention: Compliance Assurance Section, Mail Code # 19

SPECIAL CONDITION 6. Cooling Water Intake Structure. Based on available information, the Agency has determined that the operation of the cooling water intake structure meets the equivalent of Best Technology Available (BTA) in accordance with the Best Professional Judgment provisions of 40 CFR 125.3 and 40 CFR 125.90(b), based on information available at the time of permit reissuance.

However, the Permittee shall comply with the requirements of the Cooling Water Intake Structure Existing Facilities Rule as found at 40 CFR 122 and 125. Any application materials and submissions required for compliance with the Existing Facilities Rule, shall be submitted to the Agency with the application for renewal of this permit, unless a waiver or extension of the submittal date has been granted in accordance with the rule.

If for any reason, the Cooling Water Intake Structure Existing Facilities Rule is stayed or remanded by the courts, the Permittee shall comply with the requirements below. The information required below is necessary to further evaluate cooling water intake structure operations based on the most up to date information, in accordance with the Best Professional Judgment provisions of 40 CFR 125.3 and 40 CFR 125.90(b), in existence prior to the effective date of the new Existing Facilities Rule:

- A. The permittee shall submit the following information/studies with the application for reissuance of this permit:

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## 1. Source Water Physical Data to include:

- a. A narrative description and scaled drawings showing the physical configuration of all source water bodies used by the facility including aerial dimensions, depths, salinity and temperature regimes;
- b. Identification and characterization of the source waterbody's hydrological and geomorphological features, as well as the methods used to conduct any physical studies to determine the intake's area of influence and the results of such studies; and
- c. Location maps.

## 2. Source Waterbody Flow Information

The permittee shall provide the annual mean flow of the waterbody, any supporting documentation and engineering calculations to support the analysis of whether the design intake flow is greater than five percent of the mean annual flow of the river or stream for purposes of determining applicable performance standards. Representative historical data (from a period of time up to 10 years) shall be used, if available.

## 3. Impingement Mortality and Entrainment Characterization Study

The permittee shall submit an Impingement Mortality and Entrainment Characterization Study whose purpose is to provide information to support the development of a calculation baseline for evaluating impingement mortality and entrainment and to characterize current impingement mortality and entrainment. The Study shall include the following in sufficient detail to support establishment of baseline conditions:

- a. Taxonomic identification of all life stages of fish and shellfish and any species protected under Federal, State, or Tribal law (including threatened or endangered species) that are in the vicinity of the cooling water intake structure(s) and are susceptible to impingement and entrainment;
- b. A characterization of all life stages of fish and shellfish, and any species protected under Federal, or State law, including a description of the abundance and temporal and spatial characteristics in the vicinity of the cooling water intake structure(s). These may include historical data that are representative of the current operation of the facility and of biological conditions at the site; and
- c. Documentation of the current impingement mortality and entrainment of all life stages of fish, shellfish, and any species protected under Federal, State, or Tribal Law (including threatened or endangered species) and an estimate of impingement mortality and entrainment to be used as the calculation baseline. The documentation may include historical data that are representative of the current operation of the facility and of biological conditions at the site. Impingement mortality and entrainment samples to support the calculations required must be collected during periods of representative operational flows for the cooling water intake structure and the flows associated with the samples must be documented.

## B. The permittee shall comply with the following requirements:

1. At all times properly operate and maintain the intake equipment as demonstrated in the application material supporting the BTA determination.
2. Inform IEPA of any proposed changes to the cooling water intake structure or proposed changes to operations at the facility that affect impingement mortality and/or entrainment.
3. Debris collected on intake screens is prohibited from being discharged back to the canal. Debris does not include living fish or other living aquatic organisms.
4. Compliance Alternatives. The permittee must evaluate each of the following alternatives for establishing best available technology for minimizing adverse environmental impacts at the facility due to operation of the intake structure:
  - a. Evaluate operational procedures and/or propose facility modifications to reduce the intake through-screen velocity to less than 0.5 ft/sec. The operational evaluation may consider modified circulating water pump operation; reduced flow associated with capacity utilization, recalculation or determination of actual total water withdrawal capacity. The evaluation report and any implementation plan for the operational changes and/ or facility modification shall be submitted to the Agency with the renewal application for this permit.

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- b. Complete a fish impingement and entrainment mortality minimization alternatives evaluation. The evaluation may include an assessment of modification of the traveling screens, consideration of a separate fish and debris return system and include time frames and cost analysis to implement these measures. The evaluation report and implementation plan for any operational changes and/ or facility modifications shall be submitted to the Agency with the renewal application for this permit.
- C. All required reports shall be submitted to the Industrial Unit, Permit Section and Compliance Assurance Section at the address in special condition 11.

This special condition does not relieve the permittee of the responsibility of complying with any other laws, regulations, or judicial orders issued pursuant to Section 316(b) of the Clean Water Act.