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June 14, 2018

BY CERTIFIED MAIL

Trump International Hotel & Tower 401 N. Wabash Ave. Chicago, Illinois 60611

National Registered Agents Inc. 208 S. LaSalle St., Suite 814 Chicago, IL 60604

RE: Notice of Intent to Sue Regarding Continuing Violations of the Clean Water Act

Dear Sir or Madam,

We write on behalf of the Sierra Club and Friends of the Chicago River, whose members recreate in the Chicago River and reside near the facility known as Trump International Hotel & Tower ("Trump International"), 401 N. Wabash Avenue, Chicago, Illinois 60611 ("Facility"). This letter constitutes notice of the intent of Sierra Club and Friends of the Chicago River to sue Trump International for violations of the federal Clean Water Act ("CWA") resulting from Trump International operating in violation of the CWA, federal and state regulations promulgated thereunder, and the facility's National Pollutant Discharge Elimination System ("NPDES") permit. These violations include Trump International's ongoing illegal operation of a cooling water intake structure that siphons water from the Chicago River and likely traps and kills fish and other wildlife in this increasingly ecologically and recreationally vibrant waterway.

Members of the Sierra Club and Friends of the Chicago River fish and otherwise recreate on this stretch of the Chicago River and are adversely affected by the failure of Trump International to study and to minimize the impingement and entrainment of aquatic life caused by water intakes from the Facility. See, e.g., Alex Ruppenthal, *Young Angler Catches Rare American Eel at Chicago River Fishing Event*, WTTW (Oct. 17, 2017), https://chicagotonight.wttw.com/2017/10/17/young-angler-catches-rare-american-eel-chicago-river-fishing-event.

Trump International obtained its most recent NPDES permit, No. IL0079812 ("Permit"), from the Illinois Environmental Protection Agency ("IEPA") on March 15, 2013. Ex. A. The Permit establishes effluent limits and conditions on wastewater discharges from the Facility. Special Condition 8 of that permit states:

In order for the Agency to evaluate the potential impacts of cooling water intake structure operations pursuant to 40 C.F.R. § 125.90(b), the permittee shall prepare and submit information to the Agency outlining current intake structure conditions at this facility, including a detailed description of the current intake structure operation and design, description of any operational or structural modifications from original design parameters, source waterbody flow information, or other information as necessary.

This information shall also include a summary of historical 316(b) related intake impingement and/or entrainment studies, if any, as well as current impingement mortality and/or entrainment characterization data; and shall be submitted to the Agency within six (6) months of the permit's effective date.

Standard Condition 27 of the Permit states that "[t]he permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C" Section 306.201 of that subtitle requires new water intake structures to "be so designed as to minimize harm to fish and to other aquatic organisms." 35 Ill. Adm. Code § 306.201.

Violations of conditions in a NPDES permit constitute a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a). *See also Nat. Res. Def. Council v. Metro. Water Reclamation Dist.*, 175 F. Supp. 3d 1041, 1052–53 (N.D. Ill. 2016).

Based on publicly available documents obtained through the NPDES permitting process and the Illinois Freedom of Information Act ("FOIA"), it appears that Trump International has not performed studies required by Special Condition 8 or undertaken the work necessary to minimize damage to aquatic life from its intake structure and, therefore, has violated and will continue to violate NPDES permit No. IL0079812, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), 40 C.F.R. § 122.21(r), 40 C.F.R. §§ 125.80–.89, and 35 Ill. Adm. Code § 306.201 (2018). The nature and extent of the violations as currently known to Sierra Club and Friends of the Chicago River are as follows.

I. The Federal Regulations regarding intake structures, history of the Facility and Trump International's violations of the Clean Water Act.

Federal regulations, in 40 C.F.R. §§ 125.80–.89, establish requirements under Section 316(b) of the Clean Water Act for dischargers having cooling water intake structures that are "new facilities." Under the law, a "new facility" is any "building, structure, facility or installation" constructed after January 17, 2002; an existing facility is one that is not a new facility. 40 C.F.R. § 125.83.

Documents obtained by Sierra Club and Friends of the Chicago River through the FOIA disclose the following:

- 1. The Chicago Sun Times building that previously existed at the Facility's location had an on-site intake structure that has been retained for use by the Facility. However, a second, separate intake was constructed by Trump International for the Facility, which numerous documents state is a new intake line. Ex. B, p. 2; Ex. C, Attach. A; Ex. D, p. 5. As explained by one of Trump International's consultants, "One intake was constructed during the hotel project (the new intake), and one intake was existing from the Chicago Sun Times Building." Ex. C, Attach. A.
- 2. Construction began on the facility in March of 2005. Accordingly, the second intake was built after March 2005. *See* Ex. E, p. 6 (Richard High, Trump's Triumphant Tower, Apr. 9, 2010, https://www.khl.com/trumps-triumphant-tower/55450.article).
- 3. Trump International presumably began using the new intake no later than May 2008. Ex. I, p. 2. The documents released by IEPA contain no indication that Trump International has ever attempted to comply with the regulations governing water intakes at new facilities and described herein. It appears, then, that for approximately a decade Trump International has been failing to comply with 40 C.F.R. § 122.21(r) and 40 C.F.R. § 125.84, which set out permit application and operation requirements related to cooling water intakes at new facilities, through its operation of an intake structure that was not properly permitted.
- 4. After the completion of construction, Trump International discharged heated effluent without a required NPDES permit. In September 2011, IEPA charged Trump International with discharging pollutants and construction of a discharging facility without a permit. Trump International eventually received a \$46,000 fine in 2013. Exs. F, G.
- 5. In September 2012, Trump International received a permit to discharge an average of 13,644 gallons per day of water. Ex. H, p. 2.

6. In October 2012, a consultant employed by Trump International informed IEPA that Trump International had been misreading its meter and had been using one thousand times more water than it had been previously reporting. The actual intake, according to the letter, is a monthly average of 19.7 MGD. Ex. I.

7. In March 2013, IEPA issued Trump International the Permit, modifying the permit issued in September 2012 to reflect an average discharge flow of 19.7 million gallons per day. Special Condition 8 of the Permit required Trump International to send information within six months (i.e. September 2013) to allow IEPA to make a Best Professional Judgment on entrainment Best Practicable Technology.

In January 2018, IEPA gave notice of a new draft permit for the Facility. Ex. B, pp. 1-4. In the Fact Sheet for the draft 2018 permit, IEPA stated:

The following Special Condition language was in the previous permit for 316(b). "In order for the Agency to evaluate the potential impacts of cooling water intake structure operations pursuant to 40 C.F.R. § 125.90(b), the permittee shall prepare and submit information to the Agency outlining current intake structure conditions at this facility, including a detailed description of the current intake structure operation and design, description of any operational or structural modifications from original design parameters, source waterbody flow information, or other information as necessary.

The information shall also include a summary of historical 316(b) related intake impingement and / or entrainment studies, if any, as well as current impingement mortality and / or entrainment characterization data; and shall be submitted to the Agency within six (6) months of the permit's effective date.

Upon the receipt and review of this information, the permit may be modified to require the submittal of additional information based on a Best Professional Judgment review by the Agency. This permit may also be revised or modified in accordance with any laws, regulations, or judicial orders pursuant to Section 316(b) of the Clean Water Act."

The facility did not submit this information [referring to Cooling Water Intake Structure (CWIS) Description and Operation Discussion provided by the facility] to the Agency as required by the special condition. The information that is discussed above was provided by the facility and submitted after the renewal application was received by the Agency.

While Trump International did submit some of the data that it was required to submit in 2013, albeit four years late, in 2017, Ex. C, Attachs. A, B, it does not appear from the documents

made available to Sierra Club and Friends of the Chicago River that Trump International has supplied current impingement mortality and entrainment characterization data or fully supplied other data that it was required to submit by Special Condition 8, and it has not submitted the data that it must submit as a new facility under 40 C.F.R. §122.21(r)(1)(i) and 40 C.F.R. §§ 125.80–.89. Further, it does not appear that Trump International has taken any steps to minimize the impact of its intake on fish and other wildlife, although it is taking in more than a thousand times more water than Trump International originally reported to IEPA.

The federal regulation cited by IEPA in the 2018 public notice as potentially authorizing an extension to Trump International until 2021 to comply with the substantive requirements of 40 C.F.R. § 122.21(r), 40 C.F.R. § 125.95(a)(2), applies only to "existing facilities" and is therefore inapplicable to the new facility built by Trump International after 2002. The Facility is "new" for purposes of the CWA, making 40 C.F.R. § 125.95(a)(2) inapplicable. "New facilities" must supply information and studies complying with 40 C.F.R. §122.21(r) 180 days *before commencement* of water withdrawals, 40 C.F.R. §122.21(c)(1), and must comply with the requirements of 40 C.F.R. §§ 125.80–.89 subpart I before discharging. IEPA has no authority to grant Trump International additional time to comply with requirements with which it should have complied before it began to discharge in 2008, and with which it was further required to comply under Special Condition 8 of its 2013 permit.

Trump International's longstanding and ongoing non-compliance have demonstrated that it will continue to violate the law unless enjoined and given a penalty likely to compel respect for the law.

II. Trump International's Violations

Trump International, by continuing water intake without performing the studies and taking the actions necessary to minimize the impact of its operations on aquatic life, has violated and is continuing to violate Section 316(b) of the CWA, 40 C.F.R. §122.21(r), 40 C.F.R. §§ 125.80–89, 35 Ill. Adm. Code § 306.201, and Special Condition 8 and Standard Condition 27 of the Permit on every day in which it takes water in through the new intake.

This notice letter is based on publicly available information. Additional information, including information in the Facility's possession, may reveal additional violations. This letter covers all such violations occurring within five years immediately preceding the date of this notice letter.

This letter provides notice of the intent of Sierra Club and Friends of the Chicago River to file a federal enforcement action under the authority of the Clean Water Act's citizen-suit provision, 33 U.S.C. § 1365(a), to secure appropriate relief for these violations. The Sierra Club and Friends

of the Chicago River seek to improve water quality in the Chicago River and restore and maintain the biological integrity of the Chicago River by securing long-term compliance with applicable law.

Should you or your attorney wish to discuss this matter, please feel free to contact us.

Sincerely,

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cc:

Scott Pruitt, Administrator U.S. Environmental Protection Agency Mail Code 1101A 1200 Pennsylvania Ave. N.W. Washington, D.C. 20460

Cathy Stepp,
Regional Administrator
U.S. Environmental Protection Agency,
Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Alec Messina, Director Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, IL 62794-9276

Lisa Madigan, Illinois Attorney General 100 West Randolph Street Chicago, IL 60601

EXHIBIT A

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, | DIRECTOR

217/782-0610

March 15, 2013

Trump International Hotel & Tower 401 N. Wabash Ave. Chicago, IL 60611

Re:

Trump International Hotel & Tower

NPDES Permit No. IL0079812

Modified Permit

Gentlemen:

The Illinois Environmental Protection Agency has reviewed the request for modification of the above-referenced NPDES Permit and issued a public notice based on that request. The final decision of the Agency is to modify the Permit as follows:

The modification was to increase the flow discharging from the facility. The new average flow is 19.7 MGD.

The Agency received your letter dated February 28, 2013 regarding the draft NPDES permit, based on the information provided the Agency has the following responses.

1. The Chicago River mainstem has been classified historically as a General Use water. Under Section 303(c) of the Clean Water Act [33 U.S.C. §1313], the United States Environmental Protection Agency ("USEPA") must approve any changes to water quality standards. On September 26, 2011 Illinois EPA submitted to USEPA for approval the water quality standard changes adopted by the Pollution Control Board ("Board") in the rulemaking docket "In the Matter of Water Quality Standards and Effluent Limitations for the Chicago Area Waterways System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code Parts 301, 302, 303, and 304" R08-09(A). Subdocket A of R08-09 was created by the Board to address the recreational use designations for the Chicago Area Waterway System and Lower Des Plaines River, but also included some amendments to Section 303.204 and a new Section 301.247.

The Agency received responses from USEPA on November 3, 2011 and May 16, 2012, which partially approved and partially disapproved this submittal. USEPA approved the Agency's designation of the Chicago River in the newly created category of "Primary Contact Recreation Use" in 35 Ill. Adm. Code 303.220 however; USEPA disapproved language changes in Sections 301.247 and 303.204 to the extent they had the effect of removing General Use protections for non-recreational use designations or replacing General Use water quality standards with Secondary Contact and Indigenous Aquatic Life Use Water quality standards.

USEPA has made clear this result has been disapproved and therefore may not be implemented by Illinois EPA. The following excerpt is from USEPA's letter of May 16, 2012:

"The EPA disapproves Illinois' removal of the General Use designation for the Chicago River to the extent that it removed the aspects of the General Use designation that "protect the State's water for-aquatic life..., wildlife, agricultural use, ... and most industrial uses and ensure the aesthetic quality of the State's aquatic environment." The EPA also disapproves Illinois' removal of the



General Use criteria set forth at 35 Ill. Admin. Code 302, Subpart B that previously applied to the Chicago River. The EPA is disapproving Illinois' revisions in accordance with 40 CFR 131.5(a)(1), (2), (4) and (5) because no adequate rationale has been provided as required by 40 CFR 131.6(a), (b), (c) and (f), 131.10(g) and 131.11(a)."

For these reasons, Illinois EPA has correctly identified the Chicago River as a General Use water for non-recreational use purposes as addressed in this NPDES permit. When the Board completes adoption of new temperature water quality standards in R08-09(D), the permittee and the Agency can evaluate whether a permit modification is necessary to address revised temperature limits at that time.

2. As explained in the response above, the Agency has correctly identified the Chicago River as "General Use" water for non-recreational uses and the Agency has also correctly applied the thermal water quality standards applicable to this discharge.

Enclosed is a copy of the modified Permit. You have the right to appeal this modification to the Illinois Pollution Control Board within a 35 day period following the modification date shown on the first page of the permit.

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

Sincerely

Alan Keller, P.E.

Manager, Permit Section

Division of Water Pollution Control

SAK:LRL:12032104.bah

Attachment: Final Permit

cc: Records Unit

Compliance Assurance Section

Des Plaines Region

Billing CMAP

E. Cooney Associates, Inc. Novack and Macey LLC

Illinois Environmental Protection Agency

Division of Water Pollution Control

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

EPA-ONISION OF RECORDS MANAGEMENT.
RELEASABLE
APR 0 3 2013
REVIEWER JRAG NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Modified (NPDES) Permit

Expiration Date: August 31, 2017

Issue Date: September 7, 2012 Effective Date: September 7, 2012 Modification Date: March 15, 2013

Name and Address of Permittee:

Trump International Hotel & Tower 401 N. Wabash Ave. Chicago, IL 60611

Facility Name and Address:

Trump International Hotel & Tower 401 N. Wabash Ave. Chicago, Illinois 60611 (Cook County)

Discharge Number and Name:

001 Non-Contact Cooling Water, Unused River Water, and

Strainer Backwash

Receiving Waters:

Chicago River

002 Stormwater Runoff

Chicago 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.

Alan Keller, P.E.

Manager, Permit Section

Division of Water Pollution Control

SAK: LRL:12032104.bah

Modification Date: March 15, 2013

NPDES Permit No. IL0079812

Effluent Limitations and Monitoring

1. 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:

LOAD LIMITS lbs/day CONCENTRATION DAF (DMF) LIMITS mg/L SAMPLE 30 DAY DAILY 30 DAY DAILY SAMPLE TYPE **MAXIMUM AVERAGE MAXIMUM FREQUENCY AVERAGE**

Outfall 001 - Non-Contact Cooling Water, Unused River Water, and Strainer Backwash

(Average Flow = 19.7 MGD)

PARAMETER

Flow (MGD) See Special Condition 1. 1/Month Measure

Temperature See Special Condition 2. 1/Month Grab

<u>Outfall 002</u> – Stormwater Runoff (Intermittent Discharge)

Special Conditions

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

<u>SPECIAL CONDITION 2</u>. 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 the 1.7° C (3° F).

	<u>Jan.</u>	Feb.	Mar.	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	Sept.	<u>Oct.</u>	<u>Nov.</u>	Dec.
°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.

<u>SPECIAL CONDITION 3</u>. 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 (eDMRs) instead of mailing paper DMRs to the IEPA. More information, including registration information for the eDMR program, can be obtained on the IEPA website, http://www.epa.state.il.us/water/edmr/index.html.

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

Permittees not using eDMRs 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 4. 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.

<u>SPECIAL CONDITION 5</u>. For the purpose of this permit, the discharge from outfall 001 is limited to non-contact cooling water, unused river water, and strainer backwash, 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.

<u>SPECIAL CONDITION 6</u>. 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.

<u>SPECIAL CONDITION 7</u>. For the purpose of this permit, the discharge from outfall 002 is limited to stormwater runoff, free from process and other wastewater discharges.

Modification Date: March 15, 2013

NPDES Permit No. IL0079812

Special Conditions

SPECIAL CONDITION 8. In order for the Agency to evaluate the potential impacts of cooling water intake structure operations pursuant to 40 CFR 125.90(b), the permittee shall prepare and submit information to the Agency outlining current intake structure conditions at this facility, including a detailed description of the current intake structure operation and design, description of any operational or structural modifications from original design parameters, source waterbody flow information as necessary.

The information shall also include a summary of historical 316(b) related intake impingement and/or entrainment studies, if any, as well as current impingement mortality and/or entrainment characterization data; and shall be submitted to the Agency within six (6) months of the permit's effective date.

Upon the receipt and review of this information, the permit may be modified to require the submittal of additional information based on a Best Professional Judgment review by the Agency. This permit may also be revised or modified in accordance with any laws, regulations, or judicial orders pursuant to Section 316(b) of the Clean Water Act.

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.

Allquot 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.

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

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

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

- (9) Inspection and entry. The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:
 - (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) Monitoring and records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
- (c) Records of monitoring information shall include:
 - 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:
 - Fiera 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:
 - 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.
 - 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.
- Twenty-four hour reporting. The permittee shall report **(f)** 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 and its cause; the period noncompliance 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 caseby-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.
 - 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:
 - 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:
 - 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 2methyl-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 III. 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 III. 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.

EXHIBIT B

NPDES Permit No. IL0079812 Notice No. LRL:17102101.docx

Public Notice Beginning Date: January 11, 2018

Public Notice Ending Date: February 13, 2018

National Pollutant Discharge Elimination System (NPDES)
Permit Program

Draft Reissued 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 217/782-0610

RELEASABLE

MAR **0 1** 2018

REVIEWER: JKS

Name and Address of Permittee:

Trump International Hotel & Tower 401 N. Wabash Ave. Chicago, IL 60611

Name and Address of Facility:

Trump International Hotel & Tower 401 N. Wabash Ave. Chicago, Illinois 60611 (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 Permittee. 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 Leslie Lowry at 217/782-0610.

The applicant is engaged in operating a hotel and condos (SIC 7011). Plant operation results in an average discharge of 19.7 MGD of non-contact water, unused river water, and strainer backwash from outfall 001 and an intermittent discharge of stormwater runoff from outfall 002.

Public Notice/Fact Sheet -- Page 2 -- NPDES Permit No. IL0079812

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

Outfall	Receiving Stream	<u>Latitude</u>	<u>Longitude</u>	Stream <u>Classification</u>	Integrity <u>Rating</u>
001	Chicago River	41° 53' 19" North	87° 37' 33" West	General Use	E
002	Chicago River	41° 53' 19" North	87° 37' 33" West	General Use	E

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

The stream segment, IL_HCB-01, receiving the discharge from outfalls 001 and 002 is on the 2016 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:

Designated Use Potential Cause

Aquatic Life, Fish Consumption, and Primary Contact Recreation

Changes in Stream Depth and Velocity Patterns, Loss of Instream Cover, Other Flow Regime Alternations, Dissolved Oxygen, Phosphorus (Total), pH, Mercury, PCBs, and Fecal Coliform

The discharges from the facility shall be monitored and limited at all times as follows:

 LOAD LIMITS lbs/day
 CONCENTRATION

 DAF (DMF)
 LIMITS mg/L

 30 DAY
 DAILY

 30 DAY
 DAILY

PARAMETER AVERAGE MAXIMUM REGULATION AVERAGE MAXIMUM REGULATION

Outfall 001:

Flow (MGD)

Temperature

The following explain the conditions of the proposed permit:

The Special Conditions clarify flow, temperature, monitoring location, 316(b), and discharge monitoring report submission.

316(b):

Cooling Water Intake Structure (CWIS) Description and Operation Discussion provided by the facility:

The facility has two 36" intake lines which draw non-contact cooling water from the Chicago River. The new intake is located approximately 180' east of the North Wabash Avenue bridge (the bridge). The existing intake is located approximately 300' east of the bridge. The new intake was constructed during the hotel construction project and the existing intake was from the original Chicago Sun Times building. Openings in the 502' long sheet pile bulkhead were make to accommodate the intake lines. The openings are located several feet below normal water surface elevation. The river is about 19 – 20' deep at this location.

Each of the openings in the bulkhead was to be 4'6" square, leading to reinforced concrete chambers 4'6" wide and 6'6" high. The chambers were run perpendicular to the bulkhead, extending back and connecting into the new building cooling water system. Each of the 4 openings were framed with 12" steel beams, welded onto the inside of the existing steel sheet piling. The framing was encased in concrete. A removable steel intake grate was provided, inside the framing, to minimize fish and river debris from entering the chamber and cooling water system.

No portion of the new intake/outflow framing, or its structural components, was designed to extend beyond the face of the existing steel sheet pile bulkhead, i.e. the new construction was to be flush with the face of the existing sheeting.

The entire cooling water system is looped in that the river water is continually drawn and discharged so that the total river flow will not be affected. The cooling water system and cooling water intake structed are intended for year-round, 24 hours/day operation.

Inside the facility, the river water collects in two 6' wide x 19'7" deep river water intake wells. There is a travelling screen located within each respective intake well. The travelling screen consist of 304 stainless steel rotating wire screen cloth (#12 W&M gauge) with 3/8"

Public Notice/Fact Sheet -- Page 3 -- NPDES Permit No. IL0079812

square openings. There is a 2 1/2" u-shaped spray wash header per travelling screen with brass spray nozzles. The multi-state pumps distribute water through the spray wash header to the spray nozzles to knock off debris into debris collection baskets that sit on top of each respective intake well. On the upstream side of the travelling screens, there are two 7,500 gpm vertical turbine pumps with VFDs that run continuously. These pumps modulate to maintain a river water discharge flow greater than the return flow from the chiller flow with an adjustable offset. The river water from the vertical turbine pumps is pumped through 2 dedicated duplex basket strainer with 304 stainless steel baskets with 0.125" perforations. The duplex basket strainers have removable lids to remove and clean the baskets. Once the river water passes through the basket strainers, it is pulled through any of the three 5,00 gpm base mounted river water pumps. Each of these respective pumps also has an inline strainer at the inlet side of the pumps. These pumps pump the river water directly through the 4,800 total tons worth of cooling via 4 chillers where it pumps up the rejected heat from the chillers and dumps back into the river via a 24" piping header.

Agency Discussion:

The following Special Condition language was in the previous permit for 316(b). "In order for the Agency to evaluate the potential impacts of cooling water intake structure operations pursuant to 40 CFR 125.90(b), the permittee shall prepare and submit information to the Agency outlining current intake structure conditions at this facility, including a detailed description of the current intake structure operation and design, description of any operational or structural modifications from original design parameters, source waterbody flow information, or other information as necessary.

The information shall also include a summary of historical 316(b) related intake impingement and / or entrainment studies, if any, as well as current impingement mortality and / or entrainment characterization data; and shall be submitted to the Agency within six (6) months of the permit's effective date.

Upon the receipt and review of this information, the permit may be modified to require the submittal of additional information based on a Best Professional Judgement review by the Agency. This permit may also be revised or modified in accordance with any laws, regulations, or judicial orders pursuant to Section 316(b) of the Clean Water Act."

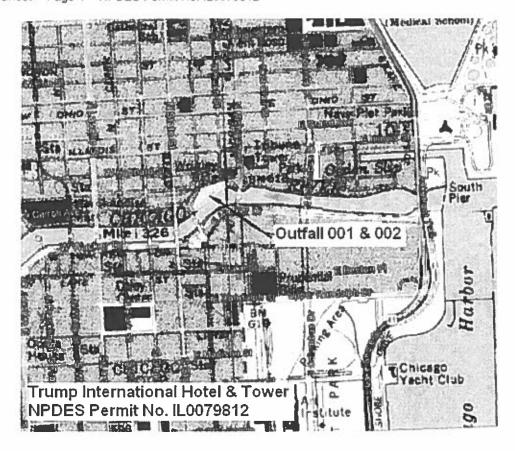
The facility did not submit this information to the Agency as required by the special condition. The information that is discussed above was provided by the facility and submitted after the renewal application was received by the Agency.

40 CFR 122.21(r)(1)(ii) states that all existing facilities must submit for review the information required under paragraphs (r)(2) – (8). At this time the facility has not submitted any of this information.

To comply with the impingement standard, facilities are required to comply with one of the seven alternatives as outlined in 40 CFR 125.04(c). At this time, the facility has not selected its intended method of compliance with impingement mortality standard.

For entrainment, the facility has not previously conducted studies on entrainment. The facility withdraws less than 125 MGD therefore they are not required to submit the information required by (r)(9) – (13). 40 CFR 125.94(d) states that the Agency must make a BTA determination for existing facilities on a site specific basis. At this time, the facility has not provided its demonstration of compliance with BTA for entrainment.

40 CFR 125.95(a)(2) provides that an alternative schedule may be established for the submittal of certain application requirements (as necessary), for permits which expire on or before July 14, 2018 and this permit expired on August 31, 2016. Pursuant to that section, the Agency hereby establishes an alternative schedule for the submittal of (r)(2) - (8) and a detailed demonstration of compliance with BTA for entrainment. This information should be submitted within 36 months of the effective date of this permit in accordance with Special Condition 9.



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:

Issue Date: Effective Date:

Name and Address of Permittee:

Facility Name and Address:

Trump International Hotel & Tower 401 N. Wabash Ave. Chicago, IL 60611

Trump International Hotel & Tower 401 N. Wabash Ave.

Chicago, Illinois 60611 (Cook County)

Discharge Number and Name:

Receiving Waters:

001 Non-Contact Cooling Water, Unused River Water, and

Strainer Backwash

Chicago River

002 Stormwater Runoff

Chicago 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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Effluent Limitations and Monitoring

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

> LOAD LIMITS lbs/day DAF (DMF)

CONCENTRATION

30 DAY

LIMITS mg/L

30 DAY

PARAMETER

DAILY MAXIMUM DAILY SAMPLE **SAMPLE**

AVERAGE

AVERAGE

MAXIMUM

FREQUENCY

TYPE

Outfall 001 - Non-Contact Cooling Water, Unused River Water, and Strainer Backwash

(Average Flow = 19.7 MGD)

Flow (MGD)

See Special Condition 1.

1/Month

Measure

Temperature

See Special Condition 2.

1/Month

Grab

Outfall 002 - Stormwater Runoff (Intermittent Discharge)

Special Conditions

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

<u>SPECIAL CONDITION 2</u>. 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 the 1.7° C (3° F).

	Jan.	Feb.	Mar.	<u>April</u>	May	<u>June</u>	<u>July</u>	<u>Aug.</u>	Sept.	Oct.	Nov.	Dec.
°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.

<u>SPECIAL CONDITION 3</u>. The Permittee shall record monitoring results on Discharge Monitoring Report (DMR) electronic forms using one such form for each outfall each month.

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

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

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

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

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

<u>SPECIAL CONDITION 4.</u> 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.

<u>SPECIAL CONDITION 5</u>. For the purpose of this permit, the discharge from outfall 001 is limited to non-contact cooling water, unused river water, and strainer backwash, 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.

<u>SPECIAL CONDITION 6.</u> 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 Conditions

<u>SPECIAL CONDITION 7</u>. For the purpose of this permit, the discharge from outfall 002 is limited to stormwater runoff, free from process and other wastewater discharges.

SPECIAL CONDITION 8. The effluent, alone or in combination with other sources, shall not cause a violation of any applicable water quality standard outlined in 35 III. Adm. Code 302.

SPECIAL CONDITION 9. Based on limited information available at the time of permit reissuance, 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 125.90(b) and 125.98(b)(5). In order for the Agency to make a BTA determination for impingement mortality and entrainment the facility must submit the required information under 40 CFR 122.21(r)(2) – (8) and a detailed demonstration of compliance with BTA for entrainment. Pursuant to 40 CFR 125.95(a)(2), the Agency hereby establishes an alternative schedule for the submittal of the necessary information. The information shall be submitted to the Agency within 36 months of the effective date of this permit.

Nothing in this permit authorizes take for the purposes of a facility's compliance with the Endangered Species Act.

STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Subject: Trump International Hotel & Tower Page 1 of 1

Data: IL0079812

Reviewed By: Leslie R. Lowry Date: 1-9-18

15-Day Notice Review Notes:

The Agency did not receive any comments during the 15-Day Notice Period.

Action: Issue Draft Permit/Fact Sheet for 30-day Public Notice.

IEPA-DIVISION OF RECORDS MANAGEMENT RELEASABLE

MAR 0 1 2018

REVIEWER: JKS

EXHIBIT C



Via Email & U.S. Mail

November 30, 2017

Ms. Leslie Lowry Illinois Environmental Protection Agency Division of Water Pollution Control Permit Section P.O. Box 19276 1021 North Grand Avenue East Springfield, Illinois 62794-9276



Re: Trump International Hotel & Tower Chicago, 401 North Wabash Avenue

Dear Leslie:

This letter is submitted on behalf of Trump International Hotel & Tower to address Special Condition 8 of our NPDES Permit, which requires submittal of certain information outlining current intake structure conditions at the facility. Attachment A of this letter was prepared by reviewing the design criteria for the intake structures and cooling systems employed by the Hotel & Tower. Attachment B is a sequence of operation description that was prepared in December 2011 by Johnson Controls, the company that set up the control system associated with the river intake and condenser water systems at the Hotel & Tower. The information and data provided in the attachments are believed to be current and accurate; however; we plan to verify the design during our evaluation of the Section 316(b) requirements. We are requesting the alternative schedule (time extension) to determine the best options for complying with impingement and entrainment requirements, as applicable, for the Hotel & Tower facility.

Please let me know if you have any comments or questions.

Very truly yours

Edward J. Cooney, Ph.I.

Enclosures

Pc: K. Horonzy EPA-DIVISION OF RECORDS MANAGEMENT RELEASABLE

MAR 0 1 2018

REVIEWER: JKS

Offices in Illinois and Michigan Phone: 630.319.9316

ed@ecooney.com www.ecooney.com

Attachment A

DEC 07 2017 BOWWPC/PERMIT SECTION

ATTACHMENT A

November 30, 2017

The 92 story Trump International Hotel & Tower Chicago (the Site) is located at 401 North Wabash Avenue. The Site contains spaces for residents, offices, stores and parking. The entire building is air conditioned, using river water for heat rejection.

The Hotel property is located along the North Bank of the Chicago River between North Wabash Avenue and Rush Street in Chicago, Illinois. The site was previously occupied by the six (6) story high Chicago Sun-Times building, which extended down, with basement levels, below the adjacent north bank of the Chicago River.

According to Site intake design criteria (Reference: OLKO Engineering, Feb. 25, 2005), the facility has two 36" intake lines which draw non-contact cooling water from the Chicago River. The new intake is located approximately 180 ft. east of the N. Wabash Avenue Bridge (the Bridge). The existing intake is located approximately 300 ft. east of the Bridge. One intake was constructed during the hotel project (the new intake), and one intake was existing, from the Chicago Sun Times building. Openings in the 502-ft long sheet pile bulkhead were made to accommodate the intake lines. The openings are located several feet below the normal water surface elevation. The River is about 19 to 20 feet deep at this location.

Each of the openings in the bulkhead was to be 4'-6" square, leading to reinforced concrete chambers 4'-6" wide and 6'-6" high. The chambers were run perpendicular to the bulkhead, extending back and connecting into the new building cooling water system. Each of the 4 openings were framed with 12-inch steel beams, welded onto the inside of the existing steel sheet piling. The framing was encased in concrete. A removable steel intake grate was provided, inside the framing, to minimize fish and river debris from entering the chamber and cooling water system.

No portion of the new intake/outflow framing, or its structural components, was designed to extend beyond the face of the existing steel sheet pile bulkhead, i.e., the new construction was to be flush with the face of the existing sheeting. To the best of our knowledge, no changes to the intake design and operation have been made.

The entire cooling water system is "looped", in that the river water is continually drawn and discharged, so that the total river flow will not be affected. The cooling water system and cooling water intake structure are intended for year-round, 24 hours/day operation.

Once inside the facility, the river water collects in two 6'-0" wide x 19'-7" deep river water intake wells. There is a travelling screen located within each respective intake well. The travelling screens consist of 304 stainless steel rotating wire screen cloth (#12 W&M gauge) with 3/8" square openings. There is a 2-1/2" u-shaped spray wash header per travelling screen with brass spray nozzles. The multi-stage pumps distribute water through the spray wash header to the spray nozzles to knock off the debris into debris

collection baskets that sit on top of each respective intake well. On the upstream side of the travelling screens, there are (2) 7,500 GPM vertical turbine pumps with VFDs that run continuously. These pumps modulate to maintain a river water discharge flow greater than the return flow from the chiller flow with an adjustable offset. The river water from the vertical turbine pumps is pumped through (2) dedicated duplex basket strainers with 304 stainless steel baskets with .125" perforations. The duplex basket strainers have removable lids in order to remove and clean the baskets. Once the river water passes through the basket strainers, it is pulled through any of the (3) 5,000 GPM base mounted river water pumps. Each of these respective pumps also has an inline strainer at the inlet side of the pumps. These pumps pump the river water directly through the 4,800 total tons worth of cooling via (4) chillers where it picks up the rejected heat from the chillers and dumps back into the river via a 24" piping header.

Johnson Controls was retained to setup the control system associated with the River intake and condenser water systems. A copy of the sequence of operation (Reference: Johnson Controls, Dec. 16, 2011) is attached (see Attachment B).

DEC 07 2017

BOWWPC/PERMIT SECTOR

Attachment B

. . .



Johnson Controls, Inc. Controls Group 3007 Malmo Drive Arlington Heights, Illinois 60005 Tel 847-364-1500 Fax 708-449-3454

Kenneth Horonzy
Director of Engineering
Trump International Hotel and Tower
401 North Wabash Ave.
Chicago, Illinois 60611

December 16, 2011

River Water / Condenser Control - Sequence of Operation

Mr. Horonzy,

In regards to the control of the river and condenser water systems. The below information is the original approved sequence of operation as is documented on our as-built drawings. This is the sequence that was originally programmed and commissioned and accepted upon turnover of these systems.

- A. Controls: Control is accomplished with one system level controller located on the lower level 2.
- B. Primary Condenser Water Control (CWP-LL2.1 and CWP-LL2.2):
 Both pumps will run continuously. Upon pump failure, an alarm will be sent to the BMS. The condenser water pumps will modulate to maintain a river water discharge flow greater than the return from the chiller loop flow with an adjustable offset. Also a maximum allowable river discharge water temperature (during winter operation) will be maintained. If the river discharge water temperature exceeds 60 deg F (adjustable) or the 10 degree differential water temperature, the VFD of the primary condenser water pump will increase to lower the river water discharge temperature. Pump status will be provided via differential pressure sensors. We will track total gallons of flow discharged to the river on a daily basis.
- C. Secondary Condenser Water Pump Control (CWP-LL4.1, CWP-LL4.2, CWP-LL4-3 One Standby): The condenser water pumps will operate with run-time alteration. The motorized isolation valve of the condenser of the enabled chiller will open prior to initiating the pump. The Lead condenser water pump will be operated if one pair of chillers is operating. Two pumps will operate when both chiller pairs are operating. Pump status will be provided via differential pressure sensors. The three pumps will be alternated based on runtime.

- D. Condenser Water Mixing Valves: The condenser water mixing valves modulate to maintain temperature as indicated by the chiller control panel and a low limit of a minimum 68 deg F (adjustable) setpoint in winter. The temperature point will be reset from the chiller head pressure.
- E. Basket Strainer Control: When the differential pressure across a basket strainer exceeds 3 psi. (adjustable), an alarm will be reported to the BMS. The operator will manually divert the flow to the remaining basket and clean the basket in alarm.
- F. Traveling Water Screen Control: The BMS will interface with the controller provided by the traveling water screen manufacturer. Status and alarms will be reported to the BMS. Each of the two controllers has 3 Alarms. Current switches will be provided to monitor the status of the 2 spray pumps and the 2 travel motors.
- G. Low Water Temperature Alarm: If the low water temperature setting (adjustable) is reached, an alarm will be reported to the BMS.

Please feel free to contact me should you have any questions at 847-217-4992.

Sincerely.

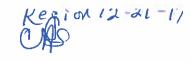
JOHNSON CONTROLS, INC.

James J. Konkol Service Account Executive

DEC 07 2017

BOW/WPC/PERMIT SECTION

EXHIBIT D



STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Page 1 of 6

INDUSTRIAL NPDES PERMIT REVIEW NOTES

I.	PERMITTEE: <u>Trump International Hotel & Tower</u>	PERMIT No.: ILO	<u>079812</u>
	FACILITY NAME: Same	Comme Cost	
	CITY: Chicago	COUNTY: Cook	25 2122
	FACILITY CONTACT: Ken Horozony	PHONE No.: (312) 73	
	MAJOR MINOR NEW	Reissued 🛚	Modified
	SIC CODE: 7011 SIC CATEGORY: Hotel		1.
	BRIEF DESCRIPTION OF MANUFACTURING OPERATIONS		
	The facility is discharging non-contact cooling water	, for the operation of a not	ier, private residence,
	restaurants, and retail.		
II.	Name of Receiving Stream: Chicago River		
11.	Use Classification: General Use 🖂	SECONDARY CON	таст 🗍
	OTHER (SPECIFY):	becombant con	
	7Q10: 0 cfs Source of Data: Water	er Ouality Standards	
	NOTIFICATIONS NEEDED: BORDERING STATE		CMAP 🔀
	SIMPC	GERPDC	_
		_	
III.	FEDERAL CATEGORICAL STANDARDS APPLY: Y	ES No 🗵	
	40 CFR <u>N/A</u> CATEGORY: <u>N/A</u>		
	SUBCATEGORIES: N/A	_	_
	FEDERAL PRODUCTION-BASED CATEGORICAL STANDA	ARDS: YES	No 🛛
	PRODUCTION RATES: N/A		
** *	Non-Court	Q	:: : □
IV.	STORMWATER CLASSIFICATION: NOT COVEREI		– X1 🔛
	APPLICATION RECEIVED: YES NO EXPOSURE CERTIFICATE: YES		T APPLICABLE
	Is There Exposure: Yes		KNOWN
	ADDITIONAL INFORMATION: N/A	NO M	KNOWN
	ADDITIONAL INFORMATION. IVA		
V.	OUTFALL NO.: 001 NAME: Non-Contact Cooling	Water, Unused River	Avg.: 19.7 MGD
* •	Water, and Strainer Ba		<u> </u>
		GITUDE: 87° 37' 34" West	
	OUTFALL NO.: 002 NAME: Stormwater Runoff		AVG.: Intermittent
		GITUDE: 87° 37′ 33″ West	
	SOURCE OF FLOW DATA: Renewal Application		
	IF CHANGE FROM PERVIOUS PERMIT DESCRIBE REASON	i: <u>N/A</u>	
		_	_
VI.	EVALUATION FOR WATER QUALITY-BASED LIMITS NI		No 🖂
	DATE REQUESTED FROM PLANNING:	DATE RECEIVED:	
	BIOMONITORING DATA AVAILABLE: YES	No 🗵	_
	ATTACHMENTS: FLOW DIAGRAM OF WASTE		
	DMR SUMMARY		DIVISION OF RECORDS MANAGEMENT RELEASABLE
	WQBEL RECOMMENDATION)N	MAD 0 1 0040
	303(d) Information		MAR 0 1 2018
	Additives Review		REVIEWER: JKS

IEPA Permit Reviewer: Leslie Lowry

Date: 10-20-2017

Permit No. <u>IL0079812</u> Page 2 of 6

	☐ ANTI-DEG. REVIEW ☐ OTHER: 316(b)
VII.	DISCUSSION OF PARAMETERS CONSIDERED FOR REGULATION BUT NOT INCLUDED IN PERMIT: Most of the non-contact cooling water is once through but a portion of the water is recycled back through the cooling loop. The facility does use tap water for their strainer cleaning water but due to the low volume of water for this TRC limits are not included in the permit. SOURCE WATER: WELL POTABLE SURFACE NOT APPLICABLE
	DOCUMENTS NOT CITED ABOVE UTILIZED IN PERMIT REVIEW: Renewal application, previous permit, and previous review notes.
VIII.	PROPOSED SPECIAL CONDITIONS: FLOW REPORTING PH LIMIT/REPORTING TEMPERATURE LIMITS MONITORING LOCATION DMR SUBMISSION CLASS K OPERATOR WATER TREATMENT ADDITIVES STORMWATER RE-OPENER TRC FECAL COLIFORM WATER QUALITY STANDARD OTHER: 316(b)
IX.	OTHER REVIEW NOTES: The facility does not use any additives. See page $5-6$.

X. PERMIT LIMITS DERIVATION – Outfall 001

M	Notes			
Monitoring	Frequency		I/Month	1/Month
Prop. Limits	Max.		Condition	Special Condition
Prop	Avg.	0	Special	Special
WQBEL	Max.			
WQ	Avg.			
Fed. Limits*	Max.			
Fed.	Avg.)		
Sec. 304 Limits	Avg. Max.		Condition	Special Condition
Sec. 30	Avg.	ı	Special	Special
Current Limits	Avg. Max.		Special Condition	Condition
Curren	Avg.	+	Special (Special
arameter - Conc.	Mass	::	3D)	ture
Paramet		Outfall 00	Flow (MGD)	Temperature

All units are mg/l (concentration) and lb/day (mass).

^{*}Attach calculations if needed. Limit is based on categorical standards unless "BPJ" is noted in comments column, indicating technology-based limit was determined based on case-by-case BAT/BCT under 40 CFR 125.3

XI. TREATMENT TYPES (CHECK ALL THAT APPLY)

	Physical/Chemical Treatment	Biological Treatment		Discharge Type
	Ammonia Stripping Carbon Absorption Chemical Hydrolysis Chemical Oxidation Chemical Precipitation Coagulation Dechlorination Disinfection (Chlorine) Disinfection (Ozone) Disinfection (Ultraviolet) Disinfection (Other) Distillation Electrochemical Treatment Electrodialysis Evaporation Flocculation Foam Fractionation Freezing Gas Phase Separation Ion Exchange Mixing Neutralization Reduction Solvent Extraction Sorption	□ 3A Activated Sludge □ 3B Aerated Lagoons □ 3C Anaerobic Treatment □ 3K Biological Hydrolysis □ 8F Contact Stabilization □ 8G Extended Aeration □ 8D Lagoon(s) □ 3P 1 Cell Lagoon □ 3Q 2 Cell Lagoon □ 3R 3 Cell Lagoon □ 3B A Cell Lagoon □ 3B Coxidation Pond or Ditch □ 3J Polishing Lagoons □ 3D Nitrification Pond or Ditch □ 3J Polishing Lagoons □ 3B Coxidation Pond or Ditch □ 3J Polishing Lagoons □ 3B Secondary Treatment □ 3B Secondary Treatment □ 3F Spray Irrigation/Land Application □ 3G Stabilization Ponds □ 8C Tertiary Treatment □ 3M Treatment by Plain Aeration □ 3H Trickling Filtration □ 3L Two Stage Activated Sludge □ 6M Vegetative Filter	□ 4A □ 4B □ 4C □ 4E □ 6J	Constructed Wetland Discharge to Surface Water Ocean Discharge Reuse/Recycle-Treated Effluen Reuse/Sale of Wastewater Subsurface Seepage Underground Injection
	Sludge Management	Preliminary, Primary, Filtration, Other Treatment		
□5B □5C □5D □5E □5F □5G □5H □5J □5M □5D □5P □5C □5R □5S □ □5C □5C □5C □5C □5C □5C □5C □5C □5C □	Aerobic Digestion Anaerobic Digestion Belt Filtration Centrifugation Chemical Conditioning Chlorine Treatment Composting Drying Beds Elutriation Flotation Thickening Freezing (Sludge Treatment) Gravity Thickening Heat Drying Heat Treatment Incineration Land Application (Sludge) Landfill Lime Stabilization Pressure Filtration Pyrolysis Sludge Lagoons Thermophilic Digestion Vacuum Filtration Vibration Vet Air Oxidation	□ 1C Diatomaceous .Earth Filtration □ 1Y Equalization □ 6A Excess Flow Treatment □ 1H Flotation □ 4H Grease Removal □ 1L Grinding (Comminutors) □ 1M Grit Removal □ 3N Holding/Detention Pond □ 6B Imhoff Tank □ 1Z Intermittent Sand Filters □ 6C Irradiation/Beta Ray □ 1N Microstraining (Microscreening) □ 1P Moving Bed Filters □ 1Q Multimedia Filtration □ 2M Odor Control □ 6F Oil-Water Separator □ 6G Pasteurization □ 6H Phosphorus Removal □ 3L Post Aeration □ 3E Pre-Aeration □ 3E Pre-Aeration □ 3F Rapid Sand Filtration □ 1S Reverse Osmosis □ 1T Screening □ 1U Sedimentation □ 1V Slow Sand Filtration □ 1V Slow Sand Filtration □ 1V Temperature Control		

Review Notes:

316(b):

Cooling Water Intake Structure (CWIS) Description and Operation Discussion provided by the facility:

The facility has two 36" intake lines which draw non-contact cooling water from the Chicago River. The new intake is located approximately 180' east of the North Wabash Avenue bridge (the bridge). The existing intake is located approximately 300' east of the bridge. The new intake was constructed during the hotel construction project and the existing intake was from the original Chicago Sun Times building. Openings in the 502' long sheet pile bulkhead were make to accommodate the intake lines. The openings are located several feet below normal water surface elevation. The river is about 19-20' deep at this location.

Each of the openings in the bulkhead was to be 4'6" square, leading to reinforced concrete chambers 4'6" wide and 6'6" high. The chambers were run perpendicular to the bulkhead, extending back and connecting into the new building cooling water system. Each of the 4 openings were framed with 12" steel beams, welded onto the inside of the existing steel sheet piling. The framing was encased in concrete. A removable steel intake grate was provided, inside the framing, to minimize fish and river debris from entering the chamber and cooling water system.

No portion of the new intake/outflow framing, or its structural components, was designed to extend beyond the face of the existing steel sheet pile bulkhead, i.e. the new construction was to be flush with the face of the existing sheeting.

The entire cooling water system is looped in that the river water is continually drawn and discharged so that the total river flow will not be affected. The cooling water system and cooling water intake structed are intended for year-round, 24 hours/day operation.

Inside the facility, the river water collects in two 6' wide x 19'7" deep river water intake wells. There is a travelling screen located within each respective intake well. The travelling screen consist of 304 stainless steel rotating wire screen cloth (#12 W&M gauge) with 3/8" square openings. There is a 2 1/2" u-shaped spray wash header per travelling screen with brass spray nozzles. The multi-state pumps distribute water through the spray wash header to the spray nozzles to knock off debris into debris collection baskets that sit on top of each respective intake well. On the upstream side of the travelling screens, there are two 7,500 gpm vertical turbine pumps with VFDs that run continuously. These pumps modulate to maintain a river water discharge flow greater than the return flow from the chiller flow with an adjustable offset. The river water from the vertical turbine pumps is pumped through 2 dedicated duplex basket strainer with 304 stainless steel baskets with 0.125" perforations. The duplex basket strainers have removable lids to remove and clean the baskets. Once the river water passes through the basket strainers, it is pulled through any of the three 5,00 gpm base mounted river water pumps. Each of these respective pumps also has an inline strainer at the inlet side of the pumps. These pumps pump the river water directly through the 4,800 total tons worth of cooling via 4 chillers where it pumps up the rejected heat from the chillers and dumps back into the river via a 24" piping header.

Agency Discussion:

The following Special Condition language was in the previous permit for 316(b). "In order for the Agency to evaluate the potential impacts of cooling water intake structure operations pursuant to 40 CFR 125.90(b), the permittee shall prepare and submit information to the Agency outlining current intake structure conditions at this facility, including a detailed description of the current intake structure operation and design, description of any operational or structural modifications from original design parameters, source waterbody flow information, or other information as necessary.

The information shall also include a summary of historical 316(b) related intake impingement and / or entrainment studies, if any, as well as current impingement mortality and / or entrainment characterization data; and shall be submitted to the Agency within six (6) months of the permit's effective date.

Upon the receipt and review of this information, the permit may be modified to require the submittal of additional information based on a Best Professional Judgement review by the Agency. This permit may also be revised or modified in accordance with any laws, regulations, or judicial orders pursuant to Section 316(b) of the Clean Water Act."

The facility did not submit this information to the Agency as required by the special condition. The information that is discussed above was provided by the facility and submitted after the renewal application was received by the Agency.

40 CFR 122.21(r)(1)(ii) states that all existing facilities must submit for review the information required under paragraphs (r)(2) – (8). At this time the facility has not submitted any of this information.

To comply with the impingement standard, facilities are required to comply with one of the seven alternatives as outlined in 40 CFR 125.04(c). At this time, the facility has not selected its intended method of compliance with impingement mortality standard.

For entrainment, the facility has not previously conducted studies on entrainment. The facility withdraws less than 125 MGD therefore they are not required to submit the information required by (r)(9) - (13). 40 CFR 125.94(d) states that the Agency must make a BTA determination for existing facilities on a site specific basis. At this time, the facility has not provided its demonstration of compliance with BTA for entrainment.

40 CFR 125.95(a)(2) provides that an alternative schedule may be established for the submittal of certain application requirements (as necessary), for permits which expire on or before July 14, 2018 and this permit expired on August 31, 2016. Pursuant to that section, the Agency hereby establishes an alternative schedule for the submittal of (r)(2) - (8) and a detailed demonstration of compliance with BTA for entrainment. This information should be submitted within 36 months of the effective date of this permit in accordance with Special Condition 9.

EXHIBIT E



Trump's triumphant tower

By Richard High | 9 April 2010



Image: Skidmore, Owings & Dy Merrill (SOM)

Construction of Chicago's Trump
International Hotel & Tower,
crowned the tallest building
completed in 2009 by the Council
on Tall Buildings and Urban Habitat,
is all about the concrete; from the
huge amount - over 180000 yd3
(140000 m3) - to the large pours,
special mixes, pumps and
formwork. Richard High reports.

The mixed use 1389 ft (423 m) high Trump International Hotel & Tower

has dominated the Chicago skyline since topping out in late 2008. And when construction of the 92-storey tower, by Bovis Lend Lease, finished in 2009 it became the second-tallest building in the US after Chicago's Willis Tower.

Situated on the banks of the Chicago River, with commanding views of Lake Michigan, it is, of course, named after real estate developer Donald "The Donald" Trump. Designed by architect Adrian Smith of Skidmore, Owings & Merrill (SOM) it sits on a site previously occupied by the Chicago Sun-Times building.

The tower's design incorporates three setback features to "provide visual continuity" with the surrounding skyline; each one reflects the height of a nearby building. The first setback, on the tower's east side, aligns with the cornice of the Wrigley Building.

The second, on the west side, aligns with River Plaza to the north and with the Marina City Towers to the west. The third setback, on the east side, relates to 330 North Wabash building.

The tower's setbacks and rounded edges also help combat vortex formation, a feature of the "Windy City". The body of the tower is raised 30 ft (9.1 m) above the main Wabash entrance and 70 ft (21 m) above the Chicago River.

It uses clear, low-emissivity coated glass and a curved wing-shaped polished stainless steel mullion system that projects 9" (230 mm) from the glass line, and incorporates brushed stainless steel spandrel panels and clear anodized aluminium.

The "Big Pour"

The Trump Tower is a reinforced concrete structure. Reinforced concrete was selected over steel because of the economics of the design and because the structure must maintain as little movement as possible because of its height.

"We decided on the concrete design for a handful of reasons," said Andrew Weiss, executive vice president with 401 N. Wabash Venture, the Tower's owner and developer.

"Given Chicago's extreme wind gusts, we wanted to minimize movement as much as possible, to make the future occupants of the building feel comfortable. The natural properties and heavier mass of concrete make that possible while providing a more efficient use of the space by utilizing concrete flat slabs for higher ceiling heights."

More than US\$ 130 million of its construction budget was earmarked for the concrete elements, which were undertaken by Chicago-based contractor James McHugh Construction.

But before the main construction work could get under way the former headquarters of the The Sun-Tribune had to be cleared from the site. A disused freight tunnel, which passes below part of the site, also had to be sealed and, due to the riverfront location, old dock piles also had to be removed.

The tower's foundations are formed by a steel reinforced concrete raft supported by over 240 caissons sunk up to 110 ft (33.5 m) through the underlying clay and into the limestone bedrock below. McHugh senior vice president Dale Hendrix said, "We built the foundation raft, which

measures 200 ft (61 m) in length, 66 ft (20 m) in width and 10 ft (3 m) in depth, using more than 5000 yd3 (3800 m3) of self consolidating concrete. The raft effectively anchors the building to the foundations below."

Orchestrating what Mr Hendrix calls 'The Big Pour' was a monumental task. Thirty concrete trucks worked for almost 24 hours to complete the work in a single pour.

Prairie Material Sales provided the concrete and the trucks, making 600 trips between the construction site and its concrete distribution site. Chemists were on hand during the continuous pour to ensure the special formula of concrete was to exact standards. Designed specifically for the job, the concrete needed to be able to support the 327000 tonne load of the building.

According to Prairie's vice president of operations Paul Blatner, the compressive strength of conventional concrete is 48 N/mm2, but the mix used for the Trump Tower foundation raft was designed to reach 69 N/mm2.

Special additives were used in the mix to ensure the concrete met the strict design, which included keeping the concrete's temperature during the placement below 26.7 °C and the temperature during curing below 76.7 °C.

Construction of the foundation raft, basement levels and mechanical facilities were completed in December 2005, clearing the way for McHugh to start bringing the structure "out of the hole," according to Mr Hendrix.

Core construction

The core uses five I-beam-shaped walls and exterior columns, narrowing to two as the tower rises. Each floor is a concrete slab, with stainless steel, glass, and aluminum panels attached. McHugh implemented a comprehensive formwork solution using over 16900 of Peri's Multiprop aluminium post shores and 2600 of its PEP steel props for the shoring alone on the lower levels.

Peri's Skydeck aluminium panel slab formwork with drophead system was also used, allowing the slabs to be struck after only two days.

The massive reinforced concrete columns on the north and south sides were constructed with Peri's ACS climbing system and its Vario girder wall formwork, which freed up valuable crane

time. At the same time, its ACS platforms also functioned as protection against falling on slab edges.

Peri's engineers also developed customized climbing units for the column and climbing rail spacings of 9.10 m. While from the 16th floor onwards, the east and west sides were clad with its RCS rail climbing system protection panel.

Reinforced concrete was selected over steel because of the economics of the design and the fact that the structure must maintain as little movement as possible because of its soaring height, according to Andrew Weiss, executive vice president with developers 401 N. Wabash Venture

"We decided on the concrete design for a handful of reasons," said Mr Weiss. "Given Chicago's extreme wind gusts, we wanted to minimize movement as much as possible, to make the future occupants of the building feel comfortable. The natural properties and heavier mass of concrete make that possible while providing a more efficient use of the space by utilizing concrete flat slabs for higher ceiling heights."

"Trump Tower Chicago is a great challenge because it's massive in every way possible," said Mr Hendrix "Everything you can think of in this structure is maximized; the soaring height, thickness of the columns and walls, the amount of concrete, amount of rebar and even the amount of people working together to build this structure. It's almost like we're building two buildings."

To place the massive amount of concrete - 180000 yd3 (140000 m3) in total - McHugh relied on a placing system combining Putzmeister's BSA 14000 trailer-mounted concrete pump and a Putzmeister 34/38Z-Meter Series II Detach boom.

The BSA 14000 was located in the basement of the structure where the ready mix concrete trucks drove up and delivered the concrete. The 22.4 ton (20.4 tonne) Putzmeister BSA 14000 pumped about 1100 yd3 (841 m3) per day.

Taller and taller

"There were two towers at the top of the Trump structure where the 34/38Z placing boom could be positioned, one on each end of the building," said Mr Hendrix. "The two tower locations helped us pour the concrete wherever it was needed with ease. The pedestal is mounted to the structure's own core-form by a clamped-down base.

"Flying the pin-connect boom and pedestal with the crane from one location the other is a relatively simple process. It only takes 30 minutes and we're back in business," added Mr Hendrix. By the 27th floor the BSA 14000 and 34/38Z had placed about 65000 yd3 (49700 m3).

"As the building gets taller and taller, the square footage for the upper floors gets smaller, which makes a pour go quicker as a smaller amount of concrete and formwork is required for each floor," said Mr Weiss.

"Up to floor 16, it took four concrete pours in a seven-day schedule and for floors 18 through 29, it took three pours in a five-day schedule," explained Mr Hendrix. "Our goal for floors 30 to 48 was two pours in a four-day schedule and for floors 52 and above in one pour, within a three-day schedule.

"We don't place a floor all at once because of the great yardage. First we pour the horizontal floor, and then the vertical columns that support the next floor. The four floor Peri Skydeck was used to support each floor once a pour was complete."

Mixes

"There are at least 30 different concrete mixes used on the Trump Tower Chicago," said Bob Sinn, senior structural engineer, SOM. "Most needed to be very specific and were tested ahead of time."

The structure ranged in compressive strength depending on use. The mechanical floors and the middle of the structure were specified at a high-strength self-consolidating concrete (SCC) 16000 psi (110.3 N/mm2) concrete mix due to the amount of steel reinforcement in the building.

Some of the structural and all of the mat foundation used 10000 psi (68.9 N/mm2) concrete. The columns and walls ranged from 8000 to 12000 psi (55.2 to 82.7 N/mm2), although some horizontal and vertical elements used 16000 psi (110.3 N/mm2) mix as well. The lowest strength concrete mix was used for the floors - 5000 to 6000 psi (34.5 to 41.4 N/mm2).

"The core walls, especially, are just massive at 4 ft (1.22 m) thick. That's why we are pumping such a high volume of concrete," said Mr Hendrix.

According to Mike Pistilli, technical director, ready mix concrete supplier Prairie Material Company, "All of the mixes contain different percentages of a high-range water reducer, Portland

Trump's triumphant tower | Article | KHL

https://www.khl.com/trumps-triumphant-tower/55450.article

cement, fly ash, slag and silica fume.

"The outrigger walls are very impressive at up to 7.5 ft (2.3 m) deep. We used SCC in a variety of

locations throughout the project, including the foundation and the outrigger horizontal walls.

Very few people use this type of concrete," he added.

Testing

"In addition to ensuring the right strength was specified for each mix, there was a learning curve

for all of us in making sure a different characteristic was up to industry standards for each of the

four zones of the structure," said Mr Sinn.

"The structure is made out of concrete, which provides significant inherent damping, a

characteristic that takes motion away from a building, much more than steel does, so we had to

ensure we found the right combination of materials for the mixes."

Mr Sinn said this included the challenge of judging stiffness vs. motion for the concrete

reinforced structure. "This challenge was just as important as specifying the strength of the

mixes. Together with Prairie, we had to specify a stiffness characteristic, 'modulus of elasticity,' to

determine the stiffness vs. motion for the structure's concrete mixes. Our joint efforts are truly

pioneering."

Before ground even broke for the Trump Tower Chicago project, SOM commissioned a 1-500 scale

model of the proposed structure and its neighbouring buildings. This model was placed in a

commercial wind tunnel laboratory.

"The model moves on a 360° pivot that tested winds out of the east and west," explained Mr Sinn.

"We tested the modulus of elasticity very thoroughly because we had constructional obligations

and industry standards to meet due to the building's height."

"With our technology and teamwork together with SOM, we were able to find the right

ingredients for the right modulus of elasticity specification," said Mr Pistilli.

Facts and figures

Groundbreaking: March 17, 2005

Constructed: 2005-2009

Type: Mixed-use

Height (antenna/spire): 1389 ft (423.4 m)

Height (roof): 1170 ft (356.6 m)

No. Storeys:92

Floor area: 2.6 million ft2 (242000 m2)

Cost: US\$ 847 million

Developer: Trump Organization

Architects: Skidmore, Owings and Merrill

Structural engineer: William F. Baker

Construction manager: Bovis Lend Lease

Concrete contractor: James McHugh Construction

Concrete: 180000 yd3 (140000 m3)

EXHIBIT F

ILLINOIS POLLUTION CONTROL BOARD February 21, 2013

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 13-29
401 NORTH WABASH VENTURE, LLC, a)	(Enforcement - Water)
Delaware limited liability company,)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by T.A. Holbrook):

On December 18, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against 401 North Wabash Venture, LLC (respondent). The complaint concerns operation of a heating, ventilation, and air conditioning system containing a cooling water system at respondent's property located at 401 North Wabash Avenue, Chicago, Cook County, which is commonly known as Trump Tower. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. See 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 12(a) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/21(a), 12(f) (2010)) by causing or allowing the discharge of a contaminant from a point source into the waters of the State without a National Pollutant Discharge Elimination System permit.

On December 18, 2012, the People and respondent filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. See 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the Chicago Sun-Times on January 14, 2013. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. See 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the

nature of respondent's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2010)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Respondent does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2010)), which may mitigate or aggravate the civil penalty amount. Respondent agrees to pay a civil penalty of \$46,000.00. The People and respondent have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. Respondent must pay a civil penalty of \$46,000.00 no later than Monday, March 25, 2013, which is the first business day following the 30th day after the date of this order. Respondent must pay the civil penalty by certified check or money ader payable to the Illinois Environmental Protection Agency for deposit into the Lavironmental Protection Trust Fund ("EPTF"). The case name and case number must appear on the face of the certified check or money order.
- 3. Respondent must submit payment of the civil penalty to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East O. Box 19276

special must send a copy of the certified check or money order and any answittal learn to:

Thomas H. Shepherd
Assistant Attorney General
Inmental Bureau
Attorney General's Office
W. Washington Street, Suite 1800
Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).

5. Respondent must cease and desist from future violations of the Act that were the subject matter of the Complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2010); see also 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; see also 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 21, 2013 by a vote of 5-0.

John T. Therriault, Assistant Clerk Illinois Pollution Control Board

pluT. Thereau

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, Complainant,)		
v. 401 NORTH WABASH VENTURE, LLC, a Delaware limited liability company,)	PCB No. 12- (Enforcement	
Respondent.)		

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and 401 NORTH WABASH VENTURE, LLC ("Respondent"), (collectively "Parties to the Stipulation"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1, et seq. (2010), and the Board's regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. On December 18, 2012, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and

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upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2010), against the Respondent.

- 2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2010).
- 3. At all times relevant to the Complaint, Respondent was and is a Delaware limited liability company that is authorized to transact business in the State of Illinois. At all times relevant to the Complaint, Respondent owned and operated the commercial portion of the building located at 401 North Wabash Avenue, Chicago, Cook County, Illinois ("Facility" or "Site"), including the heating, ventilation, and air conditioning ("HVAC") system and HVAC cooling water system for the Facility.
- 4. On July 12, 2011, the Illinois EPA inspected the Site and observed thermal process non-contact cooling water from the Site's HVAC cooling water system discharging directly into the Chicago River from piping at the Site's southwest embankment on the river.
- 5. On September 13, 2011, the Illinois EPA sent Respondent Violation Notice No. W-2011-50384 ("Violation Notice"), which alleged among other things that Respondent was discharging thermal contaminants without a National Pollutant Discharge Elimination System ("NPDES") permit in violation of the Act.
- 6. After receipt of the Violation Notice, Respondent submitted an application to the Illinois EPA for a NPDES permit. Thereafter, Respondent submitted a revised NPDES permit application.
- 7. Respondent's revised application was approved and, on September 7, 2012, the Illinois EPA issued to Respondent NPDES Permit Number IL0079812 authorizing the discharge

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of non-contact cooling water, unused river water, strainer backwash and storm water runoff from the HVAC cooling water system directly into the Chicago River subject to the terms and conditions thereof ("NPDES Permit No. IL0079812").

8. Prior to September 7, 2012, the Respondent did not possess an NPDES permit for the discharge of a contaminant from a point source into the waters of Illinois.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act:

Count I: Water Pollution

Violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2010); and

Count II: Discharge of Contaminants Without a NPDES Permit

Violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2010).

C. Non-Admission of Violations

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns

to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2010).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2010), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

- 1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
- 2. the social and economic value of the pollution source;
- 3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
- 4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
- 5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

- The health, general welfare and physical property of the people were threatened and the Illinois EPA's information gathering responsibilities were hindered by the Respondent's alleged violations.
 - 2. There is social and economic benefit to the Facility.

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- 3. Operation of the Facility is suitable for the area in which it is located.
- 4. Operating the Facility in compliance with all applicable statutory and regulatory requirements is both technically practicable and economically reasonable.
- Respondent obtained NPDES Permit No. IL0079812 after Respondent was notified of the alleged violations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2010, effective as of August 23, 2011), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

- 1. the duration and gravity of the violation;
- 2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
- 3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
- 4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
- 5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
- 6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
- 7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial

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- project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
- 8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

- 1. The Respondent failed to obtain a NPDES permit for the discharge of thermal contaminant from a point source into the waters of the State of Illinois. The Respondent has been discharging the water that is now subject to NPDES Permit No. IL0079812 into the Chicago River since 2008.
- 2. The Respondent was not diligent in obtaining a NPDES permit before being contacted by the Illinois EPA. After being contacted by the Illinois EPA, the Respondent was diligent in obtaining a permit.
- 3. The Illinois EPA has determined that the penalty of Forty-six Thousand Dollars (\$46,000.00) referenced in paragraph 4 below exceeds the economic benefit to the Respondent associated with the alleged violations. For purposes of making that determination concerning the Respondent's economic benefit and the appropriate penalty amount, the Parties to this Stipulation have taken into consideration the financial benefit the Respondent received by not having paid permitting fees since it began discharging water into the Chicago River in 2008.
- 4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Forty-Six Thousand Dollars (\$46,000) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
 - 5. To Complainant's knowledge, Respondent has no previously adjudicated

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violations of the Act.

- 6. Respondent did not self-disclose the alleged violations.
- 7. The settlement of this matter does not include a supplemental environmental project.
 - 8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Forty-Six Thousand

Dollars (\$46,000.00) within thirty (30) days from the date the Board adopts and accepts this

Stipulation.

B. Interest and Default

- 1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.
- 2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

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C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency Fiscal Services Mailcode #2 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

- 2. The case name and case number shall appear on the face of the certified check or money order.
- 3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Thomas H. Shepherd Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 69 W. Washington Street, Suite 1800 Chicago, Illinois 60602

D. Future Compliance

1. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and

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collect information, as they deem necessary.

- This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.
- 3. The Respondent shall cease and desist from future violations of the Act that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Respondent's payment of the \$46,000.00 penalty and its commitment to cease and desist as contained in Section V.D.3 above, and upon the Board's approval of this Stipulation, the Complainant and Illinois EPA release, waive, and discharge the Respondent for any further liability or penalties for violations of the Act that were the subject matter of the Complaint herein, including, liability for any unpaid NPDES permitting fees from 2008 to the date of entry of this Consent Order. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on December 18, 2012. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

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Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

F. Enforcement of Stipulation

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

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WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the

foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS by LISA MADIGAN Attorney General State of Illinois

MATTHEW J. DUNN, Chief Environmental Enforcement/ Asbestos Litigation Division

ILLINOIS	ENVIRO	VMENTAL
PROTECT	ION AGE	NCY

BY: John J. KIM, Interim Director

Aspestos Ettigation Division		
	DATE:	
BY! legober Wallow	_	
ELIZABETH WALLACE, Chief		
Assistant Attorney General		*
Environmental Bureau		

DATE: 12/17/12 ·

401 NORTH WABASH VENTURE, LLC

Its Agent ...

DATE: 12 07 (12

EXHIBIT G



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829 James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

217/782-9720

September 13, 2011

CERTIFIED MAIL # 7009 2820 0001 7487 0645 RETURN RECEIPT REQUESTED

Trump International Hotel & Tower - Chicago Kenneth Horonzy, Director of Engineering 401 North Wabash Avenue Chicago, IL 60611

Re:

Violation Notice: Trump International Hotel and Tower

Violation Notice No.: W-2011-50384

HEPA-DIVISION OF RECORDS MANAGEMENT

FEB 1 9 2016

REVIEWER: JKS

Dear Mr. Horonzy:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(1), and is based upon a review of available information and an investigation by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of alleged violations of environmental laws, regulations, or permits as set forth in Attachment A to this notice. Attachment A includes an explanation of the activities that the Illinois EPA believes may resolve the specified alleged violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the alleged violations, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. If a meeting is requested, it shall be held within 60 days of receipt of this notice. The response must include information in rebuttal, explanation, or justification of each alleged violation and a statement indicating whether or not the facility wishes to enter into a Compliance Commitment Agreement ("CCA") pursuant to Section 31(a) of the Act. If the facility wishes to enter into a CCA, the written response must also include proposed terms for the CCA that includes dates for achieving each commitment and a may include a statement that compliance has been achieved for some or all of the alleged violations. The proposed terms of the CCA should contain sufficient detail and must include steps to be taken to achieve compliance and the necessary dates by which compliance will be achieved.

Page 2 of 2 Trump International Hotel & Tower – Chicago VN W-2011-50384

The Illinois EPA will review the proposed terms for a CCA provided by the facility and, within 30 days of receipt, will respond with either a proposed CCA or a notice that no CCA will be issued by the Illinois EPA. If the Illinois EPA sends a proposed CCA, the facility must respond in writing by either agreeing to and signing the proposed CCA or by notifying the Illinois EPA that the facility rejects the terms of the proposed CCA. When compliance is achieved, the owner of the facility must submit a completed statement of compliance form (attached) certifying that all Compliance Commitment Agreement measures/events have been successfully completed.

If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and meet, and the Illinois EPA may proceed with referral to a prosecutorial authority.

ILVIEWER: IKE

Written communications should be directed to:

Illinois EPA – Division of Water Pollution Control Attn: Susan Lee / CAS#19 P.O.BOX 19276 Springfield, IL 62794-9276

All communications must include reference to this Violation Notice number, W-2011-50384.

Questions regarding this Violation Notice should be directed to Susan Lee at 217/782-9720.

Sincerely

Roger/Callaway

Compliance Assurance Section Division of Water Pollution Control

Bureau of Water

Attachments

ATTACHMENT A

Trump International Hotel and Tower

VIOLATION NOTICE NO. W-2011-50384

Questions regarding the violations identified in this attachment should be referred to Susan Lee at (217) 782-9720.

This violation notice indicates regulations and statutes with which you are out of compliance. If you have corrected these violations and are currently in compliance, upon submission of the response to this violation notice, you must state that you are in compliance. You may submit the attached "Illinois EPA Compliance Statement" or other similar writing to satisfy the statement of compliance. If compliance will be achieved after completion of interim measures (a compliance schedule); and the Illinois EPA accepts those measures as a CCA, you must state that the measure(s) are completed and that you have returned to compliance at the conclusion of the schedule established in the CCA.

A review of information available to the Illinois EPA indicates the following violations of statutes, regulations, or permits. Included with each type of violation is an explanation of the activities that the Illinois EPA believes may resolve the violation including an estimated time period for resolution.

Discharge of Contaminants

Cease and desist from discharging (thermal) contaminants that cause or threaten to cause water pollution or obtain the proper NPDES Permit. Compliance is expected to be pursued immediately.

Violation <u>Date</u>	Violation <u>Description</u>
07/26/2011	Unlawful discharge of process (thermal) wastewater into waters of the State. No person shall cause or threaten or allow the discharge of any contaminants into the environment so as to cause or tend to cause water pollution in Illinois.
Rule/Reg.:	Section 12(a) of the Act, 415 ILCS 5/12(a) (2010)
07/26/2011	No person shall construct, install or operate any equipment or facility capable of causing or contributing to water pollution, or designed to prevent water pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit.
Rule/Reg.:	Section 12(b) of the Act, 415 ILCS 5/12(b) (2010)
07/26/2011	No person shall cause, threaten or allow the discharge of any contaminant into the waters of the State without an NPDES Permit for point source discharges issued by the Agency under Section 39(b) of the Act.
Rule/Reg.:	Section 12(c) and (f) of the Act, 415 ILCS 5/12(c) and (f) (2010)



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829 James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

Illinois EPA Compliance Statement

You are required to state that you have returned to compliance with the Act and the regulations that were the subject of the violation notice (VN) (415 ILCS 5/31). The owner of the facility must acknowledge compliance and/or that all compliance commitment agreement (CCA) interim measures/events have been successfully completed and compliance has been achieved.

1	(print name), hereby certify that all violations addressed in
Violation Notice (VN) number	have been addressed and that compliance
was achieved on	
Signature	
Title	
Telephone Number	<u> </u>
Date	

Illinois Environmental Protection Agency Compliance Assurance Section #19 Bureau of Water 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276

"Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Agency,.....related to or required by this Act, a regulation adopted under this Act, any federal law or regulation for which the Agency has responsibility, or any permit, term, or condition thereof, commits a Class 4 felony..." (415 ILCS 5/44(h) (8))

EXHIBIT H

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217/782-0610

September 7, 2012 Trump International Hotel & Tower 401 N. Wabash Ave. Chicago, IL 60611

Re:

Trump International Hotel & Tower NPDES Permit No. IL0079812

1.15

Final Permit

Gentlemen:

REVIEWER JKC

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.

The Agency received your letter dated June 7, 2012 regarding the draft NPDES permit. Based on the information provided the following changes were made to the permit.

1. The Chicago River mainstem has been classified historically as a General Use water. Under Section 303(c) of the Clean Water Act [33 U.S.C. §1313], the United States Environmental Protection Agency ("USEPA") must approve any changes to water quality standards. On September 26, 2011, Illinois EPA submitted to USEPA for approval the water quality standard changes adopted by the Pollution Control Board ("Board") in the rulemaking docket "In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code Parts 301, 302, 303 and 304" R08-09(A). Subdocket A of R08-09 was created by the Board to address the recreational use designations for the Chicago Area Waterway System and Lower Des Plaines River, but also included some amendments to Section 303.204 and a new Section 301.247.

The Agency received responses from USEPA on November 3, 2011 and May 16, 2012 which partially approved and partially disapproved this submittal. USEPA approved the Agency's designation of the Chicago River in the newly created category of "Primary Contact Recreation Use" in 35 Ill. Adm. Code 303.220, however; USEPA disapproved language changes in Sections 301.247 and 303.204 to the extent they had the effect of removing General Use protections for non-recreational use designations or replacing General Use water quality standards with Secondary Contact and Indigenous Aquatic Life Use Water quality standards.

USEPA has made clear this result has been disapproved and therefore may not be implemented by Illinois EPA. The following excerpt is from USEPA's letter of May 16, 2012:

"The EPA disapproves Illinois' removal of the General Use designation for the Chicago River to the extent that it removed the aspects of the General Use designation that, "protect the State's water

for aquatic life . . . , wildlife, agricultural use, . . . and most industrial uses and ensure the aesthetic quality of the State's aquatic environment." The EPA also disapproves Illinois' removal of the General Use criteria set forth at 35 Ill. Admin. Code 302, Subpart B that previously applied to the Chicago River. The EPA is disapproving Illinois' revisions in accordance with 40 CFR 131.5(a)(1), (2), (4) and (5) because no adequate rationale has been provided as required by 40 CFR 131.6(a), (b), (c) and (f), 131.10(g) and 131.11(a)."

For these reasons, Illinois EPA has correctly identified the Chicago River as a General Use water for non-recreational use purposes as addressed in this NPDES permit. When the Board completes adoption of new temperature water quality standards in R08-09(D), the permittee and the Agency can evaluate whether a permit modification is necessary to address revised temperature limits at that time.

- 2. As explained in the response above, the Agency has correctly identified the Chicago River as "General Use" water for non-recreational uses and the Agency has also correctly applied the thermal water quality standards applicable to this discharge.
- 3. The pH limit was removed from the permit.

The Agency has begun a program allowing the submittal of electronic Discharge Monitoring Reports (eDMRs) instead of paper Discharge Monitoring Reports (DMRs). If you are interested in eDMRs, more information can be found on the Agency website, http://epa.state.il.us/water/edmr/index.html. If your facility is not registered in the eDMR program, a supply of preprinted paper DMR Forms for your facility will be sent to you prior to the initiation of DMR reporting under the reissued permit. Additional information and instructions will accompany the preprinted DMRs upon their arrival.

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 Leslie Lowry at 217/782-0610.

Sincerely,

Alan Keller, P.E.

Manager, Permit Section

Division of Water Pollution Control

SAK:LRL:12032104.bah

Attachment: Final Permit

cc: Records Unit

Compliance Assurance Section

Des Plaines Region

Billing

Novack and Macey LLP

CMAP

NPDES Permit No. IL0079812

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

New (NPDES) Permit

Expiration Date: August 31, 2017

Issue Date: September 7, 2012 Effective Date: September 7, 2012

Name and Address of Permittee:

Facility Name and Address:

Trump International Hotel & Tower 401 N. Wabash Ave. Chicago, IL 60611

Trump International Hotel & Tower 401 N. Wabash Ave. Chicago, Illinois 60611

(Cook County)

Discharge Number and Name:

Receiving Waters:

001 Non-Contact Cooling Water, Unused River Water, and

Strainer Backwash

Otrainer Dackwasii

Chicago River

002 Stormwater Runoff

Chicago River

In compliance with the provisions of the Illinois Environmental Protection Act, Title 35 of III. 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.

Manager, Permit Section

Division of Water Pollution Control

SAK: LRL:12032104.bah

NPDES Permit No. IL0079812

Effluent Limitations and Monitoring

1. From the effective 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:

	LOAD LIMITS lbs/day <u>DAF (DMF)</u>			ITRATION S mg/L		
PARAMETER	30 DAY AVERAGE	DAILY MAXIMUM	30 DAY AVERAGE	DAILY MAXIMUM	SAMPLE FREQUENCY	SAMPLE TYPE
Outfall 001 - Non-Contact ((Average Flow = 13,644 gp		sed River Water, as	nd Strainer Backwa	ash		
Flow (MGD)	See Special Cond	lition 1.			1/Month	Measure
Temperature	See Special Cond	lition 2.			1/Month	Grab

<u>Outfall 002</u> – Stormwater Runoff (Intermittent Discharge)

NPDES Permit No. IL0079812

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 Discharge Monitoring Report.

<u>SPECIAL CONDITION 2</u>. 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 the 1.7° C (3° F).

	<u>Jan,</u>	<u>Feb.</u>	<u>Mar.</u>	<u>April</u>	May	<u>June</u>	<u>July</u>	<u>Aug.</u>	Sept.	Oct.	Nov.	<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 3. 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 (eDMRs) instead of mailing paper DMRs to the IEPA. More information, including registration information for the eDMR program, can be obtained on the IEPA website, http://www.epa.state.il.us/water/edmr/index.html.

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

Permittees not using eDMRs 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 4. 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.

<u>SPECIAL CONDITION 5</u>. For the purpose of this permit, the discharge from outfall 001 is limited to non-contact cooling water, unused river water, and strainer backwash, 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.

<u>SPECIAL CONDITION 6</u>. 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.

<u>SPECIAL CONDITION 7</u>. For the purpose of this permit, the discharge from outfall 002 is limited to stormwater runoff, free from process and other wastewater discharges.

Attachment H

Standard Conditions

Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

(9) Inspection and entry. The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:

 (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records

must be kept under the conditions of this permit;

 (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) Monitoring and records.

 (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
- (c) Records of monitoring information shall include:
 - The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) Signatory requirement. All applications, reports or information submitted to the Agency shall be signed and certified.
 - (a) Application. All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation:
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 - (b) Reports. All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly

authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a); and

(2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and

(3) The written authorization is submitted to the Agency.

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

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

following certification:

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

(12) Reporting requirements.

(a) Planned changes. The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.

Notice is required when:

(1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to

40 CFR 122.42 (a)(1).

(3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

(b) Anticipated noncompliance. The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in

noncompliance with permit requirements.

(c) **Transfers**. This permit is not transferable to any person except after notice to the Agency.

- (d) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (e) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).

- (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (f) Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period 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:
 - 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 caseby-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.
 - 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.
 - 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:

 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:
 - 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:

- 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 2methyl-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
- (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 III. 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.

EXHIBIT I



ssociates, INC. ENVIRONMENTAL CONSULTANTS

Via Federal Express

October 15, 2012

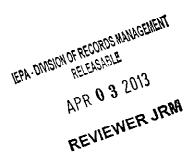
Ms. Leslie Lowry Illinois EPA Division of Water Pollution Control Bureau of Water 1021 North Grand Avenue East Springfield, Illinois 62794-9276

Re: Request for Revision to NPDES Permit IL0079812

> Trump International Hotel & Tower 401 N. Wabash Ave., Chicago, IL



ILLINOIS ENVIRONMENTAL AGENCY BOW/WPC/PERMIT SECTION



Dear Leslie:

As noted earlier today, during our review of September's compliance data for the recently issued NPDES permit, we discovered that the flows that were provided in our permit application were incorrect. The outfall meter is a pulse meter in which electronic pulses are recorded, not gallons as was previously assumed. Upon review it was discovered that each pulse represents a flow volume of 1,000 gallons. Thus all daily and monthly flows provided with the original permit application should be multiplied by 1,000. I have revised the flow data which was previously submitted with our application for your review. A check for the balance owed as a result of the flow increase (\$7,500) will be mailed under separate cover. Please let me know if you need anything further.

Thanks for much for your assistance with this matter.

Very truly yours,

Edward J. Cooney, Ph.D., P.E.

K. Horonzy (Trump) Pc:

Table 1- Revised Flows, Trump NPDES Permit IL0079812

	ised Flows, Tru Noncontac	ct Cooling Us			ttlow Meter	 	
	Mixing Meter	Average	Maximum	(Total Discharge)	Average	Maximum	
MONTH / YEAR	. •	(MGD)	(MGD)	(10 ⁶ gallons/month)	(MGD)	(MGD)	Avg % CWS
5/08	68.2	2.2	I 5.8	440.0	142	19.1	15.5
6/08	183.3	6.1	12.0	393.3	13.1	17.5	46.6
7/08	232.6	7.5	13.6	455.8	14.7	17.4	51.0
8/08	269.5	8.7	13.8	463.3	14.9	17.4	58.2
9/08	238.7	8.0	12.1	389.3	13.0	20.0	61.3
10/08	90.0	2.9	7.7	364.9	11.8	15.9	24.7
11/08	20.9	0.7	2.3	317.2	10.6	15.0	6.6
12/08	5.0	0.2	0.3	401.8	13.0	26.3	1.2
1/09	4.9	0.2	0.2	419.3	13.5	15.0	1.2
2/09	5.3	0.2	0.3	373.9	13.4	16.0	1.4
3/09	10.3	0.3	0.5	172.0	5.5	15.8	6.0
4/09	23.1	0.8	2.2	401.2	13.4	16.0	5.8
5/09	63.6	2.1	3.8	456.2	14.7	16.5	13.9
6/09	112.4	3.7	7.4	441.3	14.7	28.5	25:5
7/09	197.7	6.4	13.9	451.3	14.6	31.5	43.8
8/09	183.8	5.9	10.0	456.7	14.7	20.5	40.2
9/09	208.3	6.9	14.8	433.5	14.4	29.7	48.1
10/09	32.4	1.0	2.8	439.0	14.2	14.9	7.4
11/09	17.8	0.6	1.4	422.2	14,1	15.6	4.2
12/09	8.0	0.3	0.5	435.9	14.1	15.6	1.8
1/10	5.4	0.2	0.6	312.1	10.1	14.1	1.7
2/10	6.3	0.2	D.3	234.6	8.7	19.2	2.6
3/10	12.3	0.4	0.8	284.8	9.2	15.3	4.3
4/10	31.3	1.0	2.5	232.4	7.7	12.3	13.5
5/10	93.5	3.0	8.7	352.3	11.4	20,0	26.5
6/10	232.5	7.7	15.3	541.6	18.1	34.7	42.9
7/10	281.0	9.1	12.0	588.8	19.0	22.6	47.7
8/10	249.4	8.0	11.7	569.1	18.4	21.4	43.8
9/10	211.4	7.0	9.6	489.9	16.3	20.7	43.2
10/10	76.0	2.5	20.0	491.3	15.8	25.0	15.5
11/10	21.4	0.7	1.3	383.0	12.8	16.6	5.6
12/10	8.5	0.3	0.5	300.1	9.7	10.7	2.8
1/11	7.4	0.2	0.4	293.2	9.5	10.5	2.5
2/11	7.1	0.3	0.5	261.7	9.3	10.4	2.7
3/11	13.7	0.4	1,1	298.6	9.6	10.5	4.6
4/11	26.2	0.9	2.4	341.4	11.4	16.5	7.7
5/11	72.2	2.3	5.2	498.8	16.1	23.4	14.5
6/11	176.6	5.9	20.7	537.9	17.9	40.9	32.8
7/11	298.4	9.6	15.4	602.2	19.4	22.7	49.5
8/11	326.0	10.5	11.2	646.9	20.9	24.5	50.4
9/11	218.3	7.3	19.8	525.0	17.5	35.2	41.6
10/11	79.8	2.6	4.9	491.8	15.9	17.6	16.2
11/11	23.7	0.8	1.3	454.5	15.1	30.8	5.2
Average	103.6	3.4	6.8	415.3	13.6	20.0	22
Min	4.9	0.2	0.2	172.0	5.5	10.4	
Max	326.0	10.5	20.7	646.9	20.9	40.9	1
Count	43.0	43.0	43.0	43.0	43.0	43.0	<u> </u>
- Count	Value for flow revisio		 	<u> </u>			1

SCW/WPC/PERMIT SECTION

10 % 1