



**CERTIFICATE OF SERVICE**

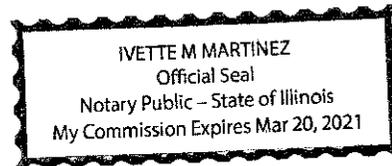
***Michael J. Korman v. Illinois Environmental  
Protection Agency, PCB 2021-016 (Citizen)***

I, MICHAEL J. KORMAN, a Citizen of the Village of Glenview, the County of Cook and the State of Illinois, do certify that I caused a true and correct copy of the attached request for the Board to deny Respondent's Motion to Dismiss in the above-referenced matter with the Clerk of the Illinois Pollution Control Board, a copy of which is attached hereto and herewith served upon you via e-mail with receipt notification requested to all the individuals listed on the attached service list, on this October 6, 2020.

By:   
MICHAEL J. KORMAN  
Citizen of the Village of  
Glenview, the County of  
Cook & the State of Illinois  
2306 Sundrop Drive  
Glenview, IL. 60026  
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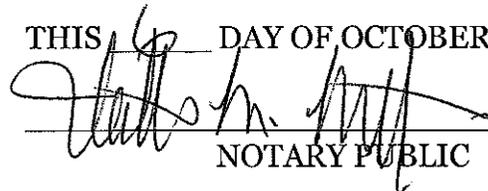
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SUBSCRIBED AND SWORN BEFORE ME

THIS 6 DAY OF OCTOBER 2020  
  
NOTARY PUBLIC

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

MICHAEL J. KORMAN,

Complainant,

vs.

ILLINOIS ENVIRONMENTAL

PROTECTION AGENCY,

Respondent

Case No.: PCB No. 2021-016

(CITIZEN ENFORCEMENT – NPDES,  
WATER)

**MICHAEL J. KORMAN'S FIRST RESPONSE TO THE ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY'S MOTION TO DISMISS**

NOW COMES COMPLAINANT, Michael J. Korman, through himself, pursuant to Section 103.212(a) of the Pollution Control Board's ("Board") General Provisions, Enforcement ("Enforcement Regulations"), 35 Ill. Adm. Code 103.212(a) (2018) and Section 101.500 of the Pollution Control Board's General Provisions, General Rules ("Procedural Regulations"), 35 Ill. Adm. Code 101.500 (2018), and hereby moves the Pollution Control Board ("Board") to deny Respondent's Motion to Dismiss, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S ("Respondent" or "IEPA"). In support of his request to deny the Motion to Dismiss, Complainant states as follows:

**I. INTRODUCTION**

Korman filed the Complaint against IEPA with the Board on August 28, 2020, in a citizen enforcement action. The Complaint concerns a National Pollutant Discharge Elimination System ("NPDES") permit program delegated to the State of Illinois by the

1 United States Environmental Protection Agency (“USEPA”) beginning in 1977. More  
2 specifically, Complainant’s claims pertain to the Illinois EPA’s General NPDES Permit  
3 for Storm Water Discharges from Construction Site Activities, General NPDES Permit  
4 No. ILR10 (“General NPDES Permit”) with an effective date of August 3, 2018.  
5

6 In Illinois, under the case: IN THE MATTER OF PROPOSED REGULATIONS FOR  
7 THE IMPLEMENTATION OF THE NATIONAL POLLUTANT DISCHARGE  
8 ELIMINATION SYSTEM (PCB R73-11 and R73-12), which discusses the State of Illinois  
9 IEPA submitted proposed regulations for the implementation of the USEPA issued  
10 NPDES Program on October 1, 1973 (47 YEARS ago, emphasis intended). Specifically,  
11 under page 1, paragraph 3 of (marked 11-609 and Exhibit ‘A’ herein) states:  
12

13 “for purposes of implementing an NPDES program, the Board shall adopt:  
14 requirements, standards and procedures which together with other regulations  
15 adopted pursuant to this Section 13 are necessary or appropriate to enable the  
16 State of Illinois to implement and participate in the national pollutant discharge  
17 elimination system pursuant to and under the Federal Water Pollution Control  
18 Act Amendments of 1972.”  
19

20 Under page 2 of the same document states:

21 “The testimony on March 13, 1974 indicates that the United States  
22 Environmental Protection Agency, with the assistance of the Illinois  
23 Environmental Protection Agency, will now proceed to issue NPDES permits in  
24 Illinois. The intent of the two agencies is to issue the Federal permit even though  
25 the Administrator of the U. S. EPA has not yet approved a State program which  
26 will implement the provisions of the Federal Act in Illinois.”  
27  
28

1 Complainant takes from these documents that:

- 2 a. The Pollution Control Board most certainly has jurisdiction over the  
3 implementation of the NPDES program in Illinois and most certainly can  
4 grant relief over a wide spectrum of potential judgments to drive  
5 compliance of the Board's and Agency's policies and regulations.  
6
- 7 b. The Administrator of the U.S. EPA retains the authority to 'approve'  
8 Illinois' State program.

9 On the 14<sup>th</sup> of March, 1974 the Order was adopted by a vote of 4-0.

10 In a subsequent filing; IN THE MATTER OF AMENDMENTS TO THE NPDES  
11 REGULATIONS (PCB R73-11 and R73-12) (Exhibit B):  
12

13 "It should be noted that these amendments will not be effective until they have  
14 been published in the Illinois Register and a further opportunity for public  
15 comment has been afforded."

16 On the 24<sup>th</sup> of April 1975 the Clerk recorded a 4-0 vote in the same case (R73-11,12)  
17 which stated in part:

18 "On January 9, 1975, the Board authorized the Agency proposed change for  
19 publication and public comment."  
20

21 The proposal was subsequently published in Environmental Register #97 on 28 January  
22 1975 and the public comment period extended to 04 March 1975.

23 On the 16<sup>th</sup> of December 1976 the Clerk recorded a 5-0 vote in the same case (R73-11,12)  
24 which stated in part:

25 "The Board authorized publication of its proposed amendment in the  
26 Environmental Register (#135) for the purpose of public comment."  
27

1 On the 13<sup>th</sup> of October 1977 the Clerk recorded another 5-0 vote of the Board to amend  
2 Board's regulations related to R73-11, 12 which required:

3 "The Agency's petition is hereby authorized for publication and public comment  
4 for a period of 60 days from the date of the Order."  
5

6 As Respondent's Attorney noted, the Pollution Control Board Clerk filed an Order which  
7 was adopted on a 5-0 vote acknowledging the transfer of authority to administer the  
8 NPDES program in Illinois from the USEPA to the IEPA on November 10, 1977 (43  
9 years ago).

10 In the PCB Case # R93-20 IN THE MATTER OF PRETREATMENT UPDATE, USEPA  
11 REGULATIONS, (1-1-93 THROUGH 6-30-93), approved on a 7-0 vote on 03 February  
12 1994 states in part:  
13

14 "Section 7.2(b) of the Act requires the Board to adopt a rule within one year of  
15 adoption of the federal rule, unless the Board extends the time based on a finding  
16 that the time is insufficient and stating the reasons for the extension."  
17

18 Finally, in Complainant's opinion the most relevant Board document for this case comes  
19 from: IN THE MATTER OF PRETREATMENT UPDATE (7-1-93 – 12/31/93) R94-10  
20 (Identical in Substance Rules-Water) approved by the Board 7-0 on 16<sup>th</sup> of February  
21 1995, the final paragraph reads:

22 "The Board today adopts a proposal for public comment in a separate opinion  
23 and order. Pursuant to Section 7.2(b) of the Act, the Board will submit a copy of  
24 the text of this order for publication in the Illinois Register as expeditiously as  
25 possible."  
26

## 27 **II. HISTORY**

- 1 a. USEPA published Construction General Permit regulations in Federal  
2 Register (Vol. 57, No. 175) on 09 September 1992, also the effective date  
3 with an expiration date of 09 September 1997.  
4 i. Region 5, including Illinois, **excluded** from coverage.
- 5  
6 b. USEPA published Construction General Permit regulations in Federal  
7 Register (Vol. 63, No. 31) on 17 February 1998, also the effective date with  
8 no specific expiration date listed.  
9 i. Region 5, including Illinois, **excluded** from coverage.
- 10  
11 c. USEPA published Construction General Permit regulations in Federal  
12 Register (Vol. 68, No. 126) on 01 July 2003, with an expiration date of 01  
13 July 2008.  
14 i. Region 5, including Illinois, **included** in coverage.
- 15  
16 d. USEPA published Construction General Permit regulations in Federal  
17 Register (Vol. 73, No. 135) on 14 July 2008, with an expiration date of 15  
18 February 2012.  
19 i. Region 5, including Illinois, **excluded** in coverage.
- 20  
21 e. USEPA published Construction General Permit regulations in Federal  
22 Register (Vol. 77, No. 40) on 29 February 2012 and an effective date of 16  
23 February 2012, with an expiration date of 28 February 2017.  
24 i. Region 5, including Illinois, **included** in coverage.
- 25  
26 f. IEPA Issues General NPDES Permit No. ILR10 (Exhibit 'E')  
27 i. Issue Date: July 30, 2013  
28 ii. Effective Date: August 1, 2013

1           iii. Expiration Date:     July 31, 2018

2           g. IEPA Issues General NPDES Permit No. ILR10 (Exhibit 'F')

3                 i. Issue Date:             August 3, 2018

4                 ii. Effective Date:        August 3, 2018

5                 iii. Expiration Date:     July 31, 2023

6  
7           h. USEPA published Construction General Permit regulations in Federal  
8                 Register (Vol. 84, No. 102) on 28 May 2019 and an effective date of 16  
9                 February 2019, with an expiration date of 16 February 2022. The modified  
10                2017 Construction General Permit become effective on 27 June 2019.

11                i. Region 5, including Illinois, **included** in coverage.

12  
13                                   **III. STATE REGULATIONS (GUIDING)**

14   Under 415 ILCS 5/11(a)(5):

15                “that the Federal Water Pollution Control Act, as now or hereafter amended,  
16                provides that NPDES permits shall be issued by the United States Environmental  
17                Protection Agency unless (a) the State is authorized by and under its law to  
18                establish and administer its own permit program for discharges into waters  
19                within its jurisdiction, and (b) pursuant to such federal Act, the Administrator of  
20                the United States Environmental Protection Agency approves such State program  
21                to issue permits which will implement the provisions of such federal Act;”

22  
23   Further, under 415 ILCS 5/11(a)(8)(b) & (c):

24                (b) It is the purpose of this Title to restore, maintain and enhance the  
25                purity of the waters of this State in order to protect health, welfare, property, and  
26                the quality of life, and to assure that no contaminants are discharged into the  
27                the quality of life, and to assure that no contaminants are discharged into the

1 waters of the State, as defined herein, including, but not limited to, waters to any  
2 sewage works, or into any well, or from any source within the State of Illinois,  
3 without being given the degree of treatment or control necessary to prevent  
4 pollution, or without being made subject to such conditions as are required to  
5 achieve and maintain compliance with State and federal law; and to authorize,  
6 empower, and direct the Board to adopt such regulations and the Agency to adopt  
7 such procedures as will enable the State to secure federal approval to issue  
8 NPDES permits pursuant to the provisions of the Federal Water Pollution  
9 Control Act, as now or hereafter amended, and federal regulations pursuant  
10 thereto and to authorize, empower, and direct the Board to adopt such  
11 regulations and the Agency to adopt such procedures as will enable the State to  
12 secure federal approval of the State UIC program pursuant to the provisions of  
13 Part C of the Safe Drinking Water Act (P.L. 93-523), as amended, and federal  
14 regulations pursuant thereto.  
15  
16

17 (c) The provisions of this Act authorizing implementation of the regulations  
18 pursuant to an NPDES program shall not be construed to limit, affect, impair, or  
19 diminish the authority, duties and responsibilities of the Board, Agency,  
20 Department or any other governmental agency or officer, or of any unit of local  
21 government, to regulate and control pollution of any kind, to restore, to protect  
22 or to enhance the quality of the environment, or to achieve all other purposes, or  
23 to enforce provisions, set forth in this Act or other State law or regulation.  
24  
25

26 Further, under 415 ILCS 5/13(b)(1):  
27  
28

1 (b) Notwithstanding other provisions of this Act and for purposes of  
2 implementing an NPDES program, the Board shall adopt:

3 (1) Requirements, standards, and procedures which, together with other  
4 regulations adopted pursuant to this Section 13, are necessary or  
5 appropriate to enable the State of Illinois to implement and participate in  
6 the National Pollutant Discharge Elimination System (NPDES) pursuant  
7 to and under the Federal Water Pollution Control Act, as now or hereafter  
8 amended. All regulations adopted by the Board governing the NPDES  
9 program shall be consistent with the applicable provisions of such federal  
10 Act and regulations pursuant thereto, and otherwise shall be consistent  
11 with all other provisions of this Act, and shall exclude from the  
12 requirement to obtain any operating permit otherwise required under this  
13 Title a facility for which an NPDES permit has been issued under Section  
14 39(b); provided, however, that for purposes of this paragraph, a UIC  
15 permit, as required under Section 12(g) and 39(d) of this Act, is not an  
16 operating permit.  
17  
18  
19

20 **IV. FEDERAL REGULATIONS (GUIDING)**

21 Under 40 CFR § 123.62 – Procedures for revision of State programs:

22 (a) Either EPA or the approved State may initiate program revision. Program  
23 revision may be necessary when the controlling Federal or State statutory or  
24 regulatory authority is modified or supplemented. The State shall keep EPA  
25 fully informed of any proposed modifications to its basic statutory or  
26 regulatory authority, its forms, procedures, or priorities. Grounds for  
27  
28

1 program revision include cases where a State's existing approved program  
2 includes authority to issue NPDES permits for activities on a Federal Indian  
3 reservation and an Indian Tribe has subsequently been approved for  
4 assumption of the NPDES program under 40 CFR part 123 extending to  
5 those lands.  
6

7 **(b) Revision of a State program shall be accomplished as follows:**

- 8 a. The State shall submit a modified program description, Attorney  
9 General's statement, Memorandum of Agreement, or such other  
10 documents as EPA determines to be necessary under the  
11 circumstances.  
12
- 13 b. Whenever EPA determines that the proposed program revision is  
14 substantial, EPA shall issue public notice and provide an opportunity  
15 to comment for a period of at least 30 days. The public notice shall be  
16 mailed to interested persons and shall be published in the Federal  
17 Register and in enough of the largest newspapers in the State to  
18 provide Statewide coverage. The public notice shall summarize the  
19 proposed revisions and provide for the opportunity to request a public  
20 hearing. Such a hearing will be held if there is significant public  
21 interest based on requests received.  
22
- 23 c. The Administrator will approve or disapprove program revisions based  
24 on the requirements of this part (or, in the case of a  
25 sewage sludge management program, 40 CFR part 501) and of the  
26 CWA.  
27  
28

1 d. A program revision shall become effective upon the approval of  
2 the Administrator. Notice of approval of any substantial revision shall  
3 be published in the Federal Register. Notice of approval of non-  
4 substantial program revisions may be given by a letter from  
5 the Administrator to the State Governor or his designee.  
6

7  
8 **V. ARGUMENT**

9 Respondent's Attorney suggests a linkage between Case # PCB 2020-62, *Korman v.*  
10 *Illinois Department of Transportation* and by footnote two other cases and this case.  
11 This case is focused on the Rulemaking process for the NPDES program while the other  
12 cases are Enforcement in nature. I would urge to Board to reject Respondent attorney's  
13 arguments as such.  
14

15 Further, Respondent's Attorney suggests that this is a duplicative effort in tandem  
16 with my submission to the USEPA Administrator. While I agree that both submissions  
17 are related to rulemaking both cases reference Federal and State law as indicated and  
18 noted separately.  
19

20 In 2013 and again in 2018 the IEPA issued General NPDES Permits No. ILR10. The  
21 2013 permit was issued on July 30, 2013 with an effective date of August 1, 2013 (2  
22 days). The 2018 permit was issued on August 3, 2018 with an effective date of August 3,  
23 2018 (0 days). In neither case, Complainant could not locate publishing of these  
24 regulations in the Environmental Register, Illinois Register or Federal Register in 2013  
25 or 2018. The apparent lack of a public comment period or hearings statewide with  
26  
27  
28

1 stakeholders weakens the importance of the regulation and lessens the importance of  
2 these programs in the eye of permittees.

3 Further, Respondent's Attorney suggests that the Board cannot grant relief in this  
4 case. Based on the facts laid bare earlier in this Motion that the Board has more than 40  
5 years of precedence, feedback and approvals as it relates to NPDES (and similar)  
6 regulatory programs. In partnership with the IEPA, it is my position that amendments  
7 to NPDES permit procedures through the Construction General Permit program  
8 periodically is within the purview of the Board. For example, the current PCB docket  
9 includes the following open Rulemaking cases that are directly tied to USEPA  
10  
11

12 **Amendments:**

- 13 a. R2021-016 *National Ambient Air Quality Standards, USEPA*  
14 *Regulations* (July 1, 2020 through December 31, 2020)
- 15 b. R2021-015 *Wastewater Pretreatment Update, USEPA Amendments*  
16 *(July 1, 2020 through December 31, 2020)*
- 17 c. R2021-014 *UST Update, USEPA Amendments* (July 1, 2020 through  
18 December 31, 2020)
- 19 d. R2021-013 *RCRA Subtitle C (Hazardous Waste) Update, USEPA*  
20 *Amendments* (July 1, 2020 through December 31, 2020)
- 21 e. R2021-012 *RCRA Subtitle D (Municipal Solid Waste Landfill) Update,*  
22 *USEPA Amendments* (July 1, 2020 through December 31, 2020)
- 23  
24 f. R2021-011 *UIC Update, USEPA Amendments* (July 1, 2020 through  
25 December 31, 2020)  
26  
27  
28

- 1 g. R2021-010 *SDWA Update, USEPA Amendments* (July 1, 2020 through  
2 December 31, 2020)
- 3 h. R2021-009 *Definition of VOM Update, USEPA Amendments* (July 1,  
4 2020 through December 31, 2020)
- 5 i. R2021-008 *Wastewater Pretreatment Update, USEPA Amendments*  
6 (January 1, 2020 through June 30, 2020)
- 7 j. R2021-006 *RCRA Subtitle C (Hazardous Waste) Update, USEPA*  
8 *Amendments* (January 1, 2020 through June 30, 2020)
- 9 k. R2021-001 *National Ambient Air Quality Standards, USEPA*  
10 *Regulations* (January 1, 2020 through June 30, 2020)
- 11 l. R2020-12 *Definition of VOM Update, USEPA Amendments* (July 1,  
12 2019 through December 31, 2019)
- 13 m. R2019-015 *Definition of VOM Update, USEPA Amendments* (July 1,  
14 2018 through December 31, 2018)

15 In fact, in a review of the PCB Docket under Rulemaking, between PCB Case #  
16 R1989-003 through R2021-015 fully 60 of 115 cases are identified as USEPA  
17 Amendments (or equivalent).

## 21 VI. STATISTICS

22 To support Complainant's original Formal Complaint about a lack of attention to detail  
23 in the current Illinois NPDES program (Construction) the following statistics are  
24 offered. These statistics are culled from the IEPA's own Notice of Intent database as  
25 posted on their website for public review.

1 For the years 2017 through 2020 (31 AUGUST 2020) there are 7,189 open Notices of  
2 Intent (“NOI”) listed, of these:

- 3 a. 4,718 (66%) are missing an ‘Approved Date’. This important date starts a  
4 30-day clock for public comments on any permit (& project) project being  
5 reviewed by IEPA for compliance of permit regulations. The lack of this  
6 date removes view to the 30-day window for public comments. As the  
7 Board is aware and as has been settled by Federal & State law.  
8
- 9 b. 2,303 (32%) are missing a Contractor Name, Address and Phone Number.  
10 Notices of Intent, the basis for issuing an NPDES Permit under ILR10,  
11 may be invalid without this information.  
12
- 13 c. Zero, not a single project out of 7,189 in the State of Illinois during this  
14 period triggered an Endangered Species designation, Complainant does  
15 not know how that is statistically possible given the Checklist of Illinois  
16 Endangered and Threatened Animals and Plants with an effective date of  
17 28 MAY 2020 as designated by the Illinois Endangered Species Protection  
18 Board (Exhibit C).  
19
- 20 d. IEPA has acknowledged issues with the following category sets:  
21 i. Facility Range  
22 ii. Latitude Degrees  
23 iii. Longitude Degrees  
24 iv. Township  
25
- 26 e. There are 31 projects listing an NOI Received Date as 01 January **1900**.  
27 26 of these projects are missing an NOI Submitted Date.  
28

1 f. Complainant believes that the Board should be aware that the Notice of  
2 Termination procedures in Illinois are substantially in non-compliance  
3 with NPDES rules. Complainant has been told by IEPA personnel that the  
4 IEPA staff will periodically 'close' (or terminate) Permits en masse without  
5 direct Permit Holder action. At a minimum, as required under the NPDES  
6 program any MS4 impacted by a Notice of Intent should also receive  
7 notification of the closure of a Permit through the required Notice of  
8 Termination procedures. Further, I believe it a violation of law for staff to  
9 close permits in any case other than by Permit Holder request directly.  
10  
11

#### 12 **VII. REMEDY**

13 Complainant has more faith in the Board than Respondent's Attorney or the Attorney  
14 General of Illinois in taking action to remedy this complaint. On the Board's own  
15 website is a pamphlet On Page 14 of former Governor of Illinois' Special Message on  
16 THE ENVIRONMENT (09 MARCH 1972) the Governor concludes:

17 **"In Illinois we have turned the corner in the race to restore our**  
18 **environment."** (Exhibit 'D')

19 Do we believe this to be true today?

20 Complainant acknowledges, supports and lauds the IEPA shift from managing the  
21 Notice of Intent and Termination process within the IEPA and is turning to leverage the  
22 US EPA Central Data Exchange (CDX) for processing permit applications as of 09  
23 October 2020.  
24

25 Further, Complainant seeks the following from the Board:  
26  
27  
28

- 1 a. Treat all NPDES programs that receive major USEPA updates or other  
2 substantial changes in Illinois as co-equals with the Rulemaking processes  
3 for Wastewater Pretreatment, UST, RCRA, SDWA and National Ambient  
4 Air Quality Standards. Add transparency, as our laws currently call for, to  
5 the regulatory process through public hearings and comment periods for  
6 regulatory changes as happened in the early NPDES deliberations by the  
7 Board.  
8
- 9 b. As shown in PCB Case No. R19-3 Identical-in-Substance Rulemaking  
10 Land) the following timetable was ordered by the Board for RCRA Subtitle  
11 Update, USEPA Amendments:  
12
- 13 i. Board order proposing amendments: July 26, 2018
  - 14 ii. Submission for Illinois Register publication: August 6, 2018
  - 15 iii. Estimated Illinois Register publication date: August 17, 2018
  - 16 iv. Estimated end of 45-day public comment period: October 1, 2018
  - 17 v. Board order adopting amendments: October 18, 2018
  - 18 vi. End of 30-day delay for USEPA review: November 19, 2018
  - 19 vii. Estimated filing and effective date: November 26, 2018
  - 20 viii. Estimated Illinois Register publication date: December 7, 2018
- 21  
22  
23 c. Request the IEPA to begin an immediate NPDES General Permit for  
24 Stormwater Discharges From Construction Activities (modified 27 JUNE  
25 2019) review & effort to add the most current and timely regulations in an  
26 effort to protect the Waters of our State.  
27  
28

- 1           i. Include Board legislation, listings in the Environmental and Illinois  
2           Register (as appropriate), hearings and comment periods.  
3           ii. Follow all USEPA NPDES Regulations and submit plan to the  
4           Administrator (USEPA) for review, approval and publishing in the  
5           Federal Register.  
6  
7       d. Submit new regulations to the Joint Committee on Administrative Rules  
8       (if applicable).  
9       e. Ask IEPA to develop a cadence to undertake a review of every other  
10       NPDES program including CAFOs, MS4s, etc. Seek alignment with b ii  
11       above.  
12       f. Ask IEPA to refrain from en masse actions regarding NPDES Permit  
13       disposition, specifically terminations, for legacy (prior to 09 October  
14       2020) or future Notices of Termination. Project closeout is a vitally  
15       important milestone in the lifecycle of property development.  
16       g. Ask IEPA to develop a robust education framework to train MS4 employed  
17       plan reviewers & inspectors on what to look for in documentation (pre-  
18       project), Best Management Practice (BMP) set up, Periodic and  
19       Precipitation inspections (as required) and project termination. MS4 Plan  
20       Reviewers and Inspectors are a true force multiplier in protecting our  
21       waters. IEPA will never have enough inspectors to staff a robust  
22       inspection corps for the thousands of construction projects across our  
23       Great State. Taking an hour or two each year to train and reward this  
24  
25  
26  
27  
28



1 Includes:

2 Exhibit A: PCB R73-11 & PCB R73-12 Board Order Page 1 (March 14, 1974)

3 Exhibit B: PCB R73-11 & PCB R73-12 Board Order Page 1 (April 24, 1974)

4 Exhibit C: IESPB Checklist of Illinois Endangered and Threatened Animals and  
5 Plants – Effective May 28, 2020 (Supersedes May 19, 2015 checklist)

6 Exhibit D: Governor Ogilvie Special Message on the Environment (03/09/20)  
7 Last page (of 9), Second to Last Paragraph

8 Exhibit E: IEPA General NPDES Permit No. ILR10 (Issued July 30, 2013)

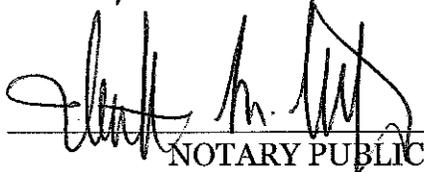
9 Exhibit F: IEPA General NPDES Permit No. ILR10 (Issued Aug. 3, 2018)

10 **Dated October 6, 2020**

11   
Complainant's Signature

12 SUBSCRIBED AND SWORN BEFORE ME

13 THIS 6 DAY OF OCTOBER 2020.

14   
15  
16  
17 NOTARY PUBLIC



March 14, 1974

IN THE MATTER OF	)	
	)	
PROPOSED REGULATIONS FOR THE	)	
IMPLEMENTATION OF THE NATIONAL	)	PCB R73-11, R73-12
POLLUTANT DISCHARGE ELIMINATION	)	
SYSTEM	)	

ORDER OF THE BOARD DENYING MOTION TO SUSPEND PROCEEDINGS (by Mr. Henss)

The Illinois Environmental Protection Agency submitted proposed regulations for the implementation of NPDES on October 1, 1973. Four hearings were held on the Agency's original proposal. On January 16, 1974 the Director of the Illinois Environmental Protection Agency requested that this Board "temporarily defer further action on the NPDES Regulations" pending review of the matter by the Agency. Subsequently, on January 30, 1974 in light of certain comments and criticisms which had been made, the Agency submitted a second proposal. A fifth hearing was then scheduled in this proceeding for March 13, 1974.

On the day of the hearing, March 13, 1974, the Illinois Environmental Protection Agency appeared and filed its Motion to Suspend Proceedings. The Motion specifically requests that this Board "suspend all further proceedings in this matter until September 5, 1974 and that the Board table the proposals made by the Agency to the Board in this proceeding for the implementation of an NPDES program in Illinois". Dr. Richard Briceland, Director of the Illinois EPA, testified that the Federal Agency had termed the January 30, 1974 proposal "exceedingly cumbersome". This criticism was one of the factors leading to the motion to suspend proceedings (R. 801).

The Motion to suspend proceedings and table the proposals is hereby denied. The Illinois Environmental Protection Act requires that we adopt Regulations which will enable the State of Illinois to implement the national pollutant discharge elimination system without creating a dual permit system for Illinois. Section 13(d) of the Act states: "for purposes of implementing an NPDES program, the Board shall adopt: requirements, standards and procedures which together with other regulations adopted pursuant to this Section 13 are necessary or appropriate to enable the State of Illinois to implement and participate in the national pollutant discharge elimination system pursuant to and under the Federal Water Pollution Control Act Amendments of 1972." The Statute further provides "that it is in the interest of the People of the State of Illinois for the State to authorize such NPDES program and secure Federal approval thereof, and thereby to

ILLINOIS POLLUTION CONTROL BOARD  
April 24, 1975

IN THE MATTER OF )  
NATIONAL POLLUTANT DISCHARGE ) R73-11 & 12  
ELIMINATION SYSTEM REGULATIONS )  
)

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

The Environmental Protection Agency (Agency) on December 21, 1974 requested that the Board amend Rule 952 of Chapter 3 of the Pollution Control Board Regulation, Operation Permits; New or Modified Treatment Works, Sewers, Waste Water, Sources. The existing Rule 952(b) suspended the requirement for an Operating Permit for any treatment works or wastewater source for which an NPDES Permit is required...from the effective date of this Subpart B of the earlier of either: (1) January 31, 1975 or (2) the date of the final determination by the Administrator pursuant to Section 402(c) of the FWPCA that the state's NPDES Permit program does not meet the requirements of Section 402(b) or does not conform to the guidelines issued under Section 304(h)(2) of the FWPCA." The Agency proposes to replace the January 31, 1975 with June 30, 1975 and to include "only that portion of" as restriction on those treatment works or wastewater sources for which an NPDES Permit is required and for which an Operating Permit is not required.

On January 9, 1975, the Board authorized the Agency proposed change for publication and public comment. The proposal was published in Environmental Register #97 on January 28, 1975. The public comment period extended until March 4, 1975. The Board received favorable comments from Olin Brass, The Metropolitan Sanitary District of Greater Chicago (MSDGC) and the Illinois Manufacturers Association. Citizens for a Better Environment submitted a public comment in opposition to the proposal.

When the Board enacted the NPDES Regulations, the Board kept the record open to consider minor modifications such as this proposal by the Agency. In the Opinion which the Board published on December 5, 1974, accompanying the adoption of the NPDES Rules, the Board stated that purpose for the original suspension of the Operating Permit requirement was to "provide a relief from the dual permit system and to allow the Agency to concentrate its resources in the certification and drafting of NPDES Permits for final issuance by the U.S. Environmental Protection Agency" (U.S. EPA). At the present

***CHECKLIST OF ILLINOIS ENDANGERED  
AND THREATENED  
ANIMALS AND PLANTS***

**Illinois Endangered Species Protection Board**

Effective May 28, 2020

The Illinois Endangered Species Protection Board (Board) reviews and revises the Illinois List of Endangered and Threatened Species (Illinois List) as warranted and no less often than every five years. The Board completed its most recent review in 2019 and the following checklist includes all species designated as endangered or threatened by the Board from that review. Species are listed by taxonomic group and alphabetically by scientific name.

The Illinois List is officially promulgated via two Illinois Administrative Rules: the Illinois List of Endangered and Threatened Fauna (Title 17 ILL. ADM. CODE, CH. I, SEC 1010) and the Illinois List of Endangered and Threatened Flora (Title 17 ILL. ADM. CODE, CH. I, SEC 1050). For links to these and other administrative rules, the Illinois Endangered Species Protection Act, and information about the Illinois List review and revision process, please visit the Board's website at <https://www2.illinois.gov/dnr/ESPB/Pages/default.aspx>.

**NOTE REGARDING FEDERALLY DESIGNATED ENDANGERED OR THREATENED SPECIES**

All federally designated endangered or threatened species and subspecies have been automatically listed as endangered or threatened under the Illinois Endangered Species Protection Act and placed on the Illinois List by the Board and are protected under the Act even though their names do not appear in this checklist. Only those federally designated endangered or threatened species and subspecies known to occur in Illinois are designated as Illinois- endangered or Illinois-threatened by the Board and their names appear in this checklist (\*\* = federally endangered; \* = federally threatened). Users should refer to the US Fish and Wildlife Service website at <http://www.fws.gov/endangered/> for a complete listing of all federally designated endangered and threatened species and subspecies.

**CRITERIA FOR STATE LISTING** 1) Species or subspecies designated as federally endangered or threatened , 2) Species proposed for Federal Endangered or Threatened status that occur in Illinois, 3) Species that formerly were widespread in Illinois but have been nearly extirpated from the State due to habitat destruction, collecting, or other pressures resulting from the development of Illinois, 4) Species that exhibit very restricted geographic ranges of which Illinois is a part, 5) Species that exhibit restricted habitats or low populations in Illinois, or 6) Species that are significant disjuncts in Illinois i.e., the Illinois population is far removed from the rest of the species' range.

**DEFINITIONS:**

"Endangered Species" means any species of plant or animal classified as endangered under the Federal Endangered Species Act of 1973, P.L. 93-205, and amendments thereto, plus such other species which the Board may list as in danger of extinction in the wild in Illinois due to one or more causes including but not limited to, the destruction, diminution or disturbance of habitat, overexploitation, predation, pollution, disease, or other natural or manmade factors affecting its prospects of survival.

"Threatened Species" means any species of plant or animal classified as threatened under the Federal Endangered Species Act of 1973, P.L. 93-205, and amendments thereto, plus such other species which the Board may list as likely to become endangered in the wild in Illinois within the foreseeable future.

Citation: Illinois Endangered Species Protection Board. 2020. Checklist of Endangered and Threatened Animals and Plants of Illinois. Illinois Endangered Species Protection Board, Springfield, Illinois. 10 pp. Published online at <https://www2.illinois.gov/dnr/ESPB/Pages/default.aspx>.

Complainant Note:  
PCB 2021-016  
Korman v. IEPA  
Exhibit 'C'  
10 pages

**FISHES**

**19 Endangered, 17 Threatened**

**AMPHIBIANS**

**3 Endangered, 6 Threatened**

**Endangered**

*Acipenser fulvescens*  
*Ammocrypta clara*  
*Coregonus artedi*  
*Crystallaria asprella*  
*Etheostoma camurum*  
*Etheostoma histrio*  
*Hybognathus hayi*  
*Hybopsis amnis*  
*Ichthyomyzon fossor*  
*Macrhybopsis gelida*  
*Moxostoma valenciennesi*  
*Nocomis micropogon*  
*Notropis anogenus*  
*Notropis boops*  
*Notropis heterolepis*  
*Notropis maculatus*  
*Notropis texanus*  
*Noturus stigmosus*  
*Scaphirhynchus albus\*\**

Lake Sturgeon  
 Western Sand Darter  
 Cisco  
 Crystal Darter  
 Bluebreast Darter  
 Harlequin Darter  
 Cypress Minnow  
 Pallid Shiner  
 Northern Brook Lamprey  
 Sturgeon Chub  
 Greater Redhorse  
 River Chub  
 Pugnose Shiner  
 Bigeye Shiner  
 Blacknose Shiner  
 Taillight Shiner  
 Weed Shiner  
 Northern Madtom  
 Pallid Sturgeon

**Threatened**

*Ammocrypta pellucida*  
*Catostomus catostomus*  
*Cottus bairdii*  
*Erimystax x-punctatus*  
*Forbesichthys agassizii*  
*Fundulus diaphanus* subsp. *menona*  
*Fundulus dispar*  
*Hybognathus hankinsoni*  
*Hybopsis amblops*  
*Lampetra aepyptera*  
*Lepomis miniatus*  
*Lepomis symmetricus*  
*Lethenteron appendix*  
*Moxostoma carinatum*  
*Notropis chalybaeus*  
*Notropis heterodon*  
*Notropis nubilus*

Eastern Sand Darter  
 Longnose Sucker  
 Mottled Sculpin  
 Gravel Chub  
 Spring Cavefish  
 Western Banded Killifish  
 Starhead Topminnow  
 Brassy Minnow  
 Bigeye Chub  
 Least Brook Lamprey  
 Redspotted Sunfish  
 Bantam Sunfish  
 American Brook Lamprey  
 River Redhorse  
 Ironcolor Shiner  
 Blackchin Shiner  
 Ozark Minnow

**Endangered**

**Salamanders**

*Ambystoma platineum* Silvery Salamander  
*Cryptobranchus alleganiensis* Hellbender  
*Desmognathus conanti* Spotted Dusky Salamander

**Threatened**

**Salamanders**

*Ambystoma jeffersonianum* Jefferson Salamander  
*Hemidactylum scutatum* Four-toed Salamander  
*Necturus maculosus* Mudpuppy

**Frogs and Toads**

*Gastrophryne carolinensis* Eastern Narrow-mouthed Toad  
*Hyla avivoca* Bird-voiced Treefrog  
*Pseudacris illinoensis* Illinois Chorus Frog

**REPTILES**

**9 Endangered, 9 Threatened**

**BIRDS**

**23 Endangered, 6 Threatened**

**Endangered**

**Turtles**

*Clemmys guttata*  
*Emydoidea blandingii*  
*Kinosternon flavescens*  
*Macrochelys temminckii*  
*Pseudemys concinna*

Spotted Turtle  
 Blanding's Turtle  
 Yellow Mud Turtle  
 Alligator Snapping Turtle  
 River Cooter

**Snakes**

*Coluber flagellum*  
*Nerodia fasciata*  
*Pantherophis emoryi*  
*Sistrurus catenatus\**

Coachwhip  
 Southern Watersnake  
 Great Plains Ratsnake  
 Eastern Massasauga

**Threatened**

**Turtles**

*Apalone mutica*  
*Terrapene ornata*

Smooth Softshell  
 Ornate Box Turtle

**Snakes**

*Clonophis kirtlandii*  
*Crotalus horridus*  
*Heterodon nasicus*  
*Nerodia cyclopion*  
*Tantilla gracilis*  
*Thamnophis saurita*  
*Tropidoclonion lineatum*

Kirtland's Snake  
 Timber Rattlesnake  
 Plains Hog-nosed Snake  
 Mississippi Green Watersnake  
 Flat-headed Snake  
 Eastern Ribbonsnake  
 Lined Snake

**Endangered**

*Asio flammeus*  
*Bartramia longicauda*  
*Botaurus lentiginosus*  
*Buteo swainsoni*  
*Charadrius melodus\*\**  
*Chlidonias niger*  
*Circus hudsonius*  
*Egretta caerulea*  
*Egretta thula*  
*Gallinula galeata*  
*Lanius ludovicianus*  
*Laterallus jamaicensis*  
*Limnothlypis swainsonii*  
*Nyctanassa violacea*  
*Nycticorax nycticorax*  
*Phalaropus tricolor*  
*Rallus elegans*  
*Sterna forsteri*  
*Sterna hirundo*  
*Sternula antillarum\*\**  
*Thryomanes bewickii*  
*Tympanuchus cupido*  
*Xanthocephalus xanthocephalus*

Short-eared Owl  
 Upland Sandpiper  
 American Bittern  
 Swainson's Hawk  
 Piping Plover  
 Black Tern  
 Northern Harrier  
 Little Blue Heron  
 Snowy Egret  
 Common Gallinule  
 Loggerhead Shrike  
 Black Rail  
 Swainson's Warbler  
 Yellow-crowned Night Heron  
 Black-crowned Night Heron  
 Wilson's Phalarope  
 King Rail  
 Forster's Tern  
 Common Tern  
 Least Tern  
 Bewick's Wren  
 Greater Prairie-Chicken  
 Yellow-headed Blackbird

**Threatened**

*Antrostomus carolinensis*  
*Calidris canutus rufa\**  
*Coccyzus erythrophthalmus*  
*Ixobrychus exilis*  
*Pandion haliaetus*  
*Setophaga cerulea*

Chuck-will's-widow  
 Rufa Red Knot  
 Black-billed Cuckoo  
 Least Bittern  
 Osprey  
 Cerulean Warbler

Electronic Filing: Received, Clerk's Office 10/07/2020

**MAMMALS**

**5 Endangered, 3 Threatened**

**INVERTEBRATES**

**47 Endangered, 6 Threatened**

**Endangered**

*Canis lupus*\*\* Gray/Timber Wolf  
*Corynorhinus rafinesquii* Rafinesque's Big-eared Bat  
*Myotis austroriparius* Southeastern Myotis  
*Myotis grisescens*\*\* Gray Bat  
*Myotis sodalis*\*\* Indiana Bat

**Threatened**

*Myotis leibii* Eastern Small-footed Bat  
*Myotis septentrionalis*\* Northern Long-eared Bat  
*Poliocitellus franklinii* Franklin's Ground Squirrel

**Endangered**

**Snails**

*Discus macclintocki*\*\* Iowa Pleistocene Snail  
*Fontigens antroecetes* Hydrobiid Cave Snail  
*Leptoxis praerosa* Onyx Rocksnail  
*Lithasia obovata* Shawnee Rocksnail

**Mussels**

*Cyprogenia stegaria*\*\* Fanshell  
*Elliptio crassidens* Elephant-ear  
*Epioblasma rangiana*\*\* Northern Riffleshell  
*Epioblasma triquetra*\*\* Snuffbox  
*Euryntia dilatata* Spike  
*Lampsilis abrupta*\*\* Pink Mucket  
*Lampsilis fasciola* Wavy-rayed Lampmussel  
*Lampsilis higginsii*\*\* Higgins Eye  
*Leptodea leptodon*\*\* Scaleshell  
*Margaritifera monodonta*\*\* Spectaclecase  
*Plethobasus cooperianus*\*\* Orangefoot Pimpleback  
*Plethobasus cyphyus*\*\* Sheepnose  
*Pleurobema clava*\*\* Clubshell  
*Pleurobema cordatum* Ohio Pigtoe  
*Potamilus capax*\*\* Fat Pocketbook  
*Ptychobranthus fasciolaris* Kidneyshell  
*Reginaia ebenus* Ebonyshell  
*Simpsonaias ambigua* Salamander Mussel  
*Theliderma cylindrica*\* Rabbitsfoot  
*Toxolasma lividum* Purple Lilliput  
*Villosa iris* Rainbow

**Crustaceans**

*Caecidotea lesliei* Isopod  
*Crangonyx anomalus* Anomalous Spring Amphipod  
*Crangonyx packardi* Packard's Cave Amphipod  
*Faxonius indianensis* Indiana Crayfish  
*Faxonius kentuckiensis* Kentucky Crayfish  
*Faxonius lancifer* Shrimp Crayfish  
*Faxonius placidus* Bigclaw Crayfish  
*Gammarus acherondytes*\*\* Illinois Cave Amphipod  
*Stygobromus iowae* Iowa Amphipod

**INVERTEBRATES**

**INVERTEBRATES**

**Endangered (continued)**

**Scorpions**

*Centruroides vittatus* Common Striped Scorpion

**Bees**

*Bombus affinis*\*\* Rusty Patched Bumble Bee

**Dragonflies**

*Somatochlora hineana*\*\* Hine's Emerald Dragonfly  
*Nannothemis bella* Elfin Skimmer

**Springtails**

*Pygmarrhupalites madonnensis* Madonna Cave Springtail

**Stoneflies**

*Diploperla robusta* Robust Springfly  
*Prostoia ozarkensis* Central Forestfly

**Leafhoppers**

*Athysanella incongrua* Leafhopper

**Butterflies and Moths**

*Calephelis muticum* Swamp Metalmark  
*Hesperia metea* Cobweb Skipper  
*Hesperia ottoe* Ottoe Skipper  
*Incisalia polios* Hoary Elfin  
*Lycaeides melissa samuelis*\*\* Karner Blue Butterfly

**Threatened**

**Mussels**

*Cyclonaias tuberculata* Purple Wartback  
*Ellipsaria lineolata* Butterfly  
*Quadrula metanevra* Monkeyface

**Leafhoppers**

*Aflexia rubranura* Redveined Prairie Leafhopper

**Butterflies**

*Papaipema eryngii* Eryngium Stem Borer  
*Speyeria idalia* Regal Fritillary

## PLANTS

266 Endangered, 67 Threatened

## PLANTS

Endangered

<i>Actaea podocarpa</i>	American Bugbane
<i>Actaea racemosa</i>	False Bugbane
<i>Actaea rubifolia</i>	Black Cohosh
<i>Adoxa moschatellina</i>	Moschatel
<i>Alnus incana subsp. rugosa</i>	Speckled Alder
<i>Amelanchier sanguinea</i>	Shadbush
<i>Amorpha nitens</i>	Smooth False Indigo
<i>Andromeda glaucophylla</i>	Bog Rosemary
<i>Arctostaphylos uva-ursi</i>	Bearberry
<i>Artemisia dracunculus</i>	Dragon Wormwood
<i>Asclepias lanuginosa</i>	Woolly Milkweed
<i>Asclepias meadii*</i>	Mead's Milkweed
<i>Asclepias ovalifolia</i>	Oval Milkweed
<i>Asclepias stenophylla</i>	Narrow-leaved Green Milkweed
<i>Asplenium bradleyi</i>	Bradley's Spleenwort
<i>Asplenium resiliens</i>	Black Spleenwort
<i>Astragalus crassicaarpus var. trichocalyx</i>	Large Ground Plum
<i>Astragalus distortus</i>	Bent Milk Vetch
<i>Astragalus tennesseensis</i>	Tennessee Milk Vetch
<i>Avenella flexuosa</i>	Hairgrass
<i>Baptisia tinctoria</i>	Yellow Wild Indigo
<i>Bartonia paniculata</i>	Screwstem
<i>Beckmannia syzigachne</i>	American Slough Grass
<i>Berchemia scandens</i>	Supple-Jack
<i>Betula alleghaniensis</i>	Yellow Birch
<i>Botrychium campestre</i>	Prairie Moonwort
<i>Botrychium matricariifolium</i>	Daisyleaf Grape Fern
<i>Botrychium multifidum</i>	Northern Grape Fern
<i>Botrychium simplex</i>	Dwarf Grape Fern
<i>Bouteloua gracilis</i>	Blue Grama
<i>Bumelia lanuginosa</i>	Woolly Buckthorn
<i>Calamagrostis insperata</i>	Hollow Reed Grass
<i>Calla palustris</i>	Water Arum
<i>Calopogon oklahomensis</i>	Oklahoma Grass Pink Orchid
<i>Calopogon tuberosus</i>	Grass Pink Orchid
<i>Camassia angusta</i>	Wild Hyacinth
<i>Cardamine pratensis var. palustris</i>	Cuckoo Flower
<i>Carex alata</i>	Winged Sedge
<i>Carex arkansana</i>	Arkansas Sedge
<i>Carex brunnescens</i>	Brownish Sedge

Endangered (continued)

<i>Carex canescens</i>	Silvery Sedge
<i>Carex chordorrhiza</i>	Cordroot Sedge
<i>Carex crawfordii</i>	Crawford's Sedge
<i>Carex cumulata</i>	Sedge
<i>Carex debilis</i>	White-edge Sedge
<i>Carex decomposita</i>	Cypress-knee Sedge
<i>Carex diandra</i>	Sedge
<i>Carex disperma</i>	Shortleaf Sedge
<i>Carex echinata</i>	Sedge
<i>Carex formosa</i>	Sedge
<i>Carex garberi</i>	Elk Sedge
<i>Carex gigantea</i>	Large Sedge
<i>Carex heliophila</i>	Plains Sedge
<i>Carex intumescens</i>	Swollen Sedge
<i>Carex nigromarginata</i>	Black-edged Sedge
<i>Carex oligosperma</i>	Few-seeded Sedge
<i>Carex opaca</i>	Opaque Oval Sedge
<i>Carex physorhyncha</i>	Bellow's Beak Sedge
<i>Carex plantaginea</i>	Plantain-leaved Sedge
<i>Carex reniformis</i>	Reniform Sedge
<i>Carex straminea</i>	Eastern Straw Sedge
<i>Carex trisperma</i>	Three-seeded Sedge
<i>Carex tuckermanii</i>	Tuckerman's Sedge
<i>Carya pallida</i>	Pale Hickory
<i>Castilleja sessiliflora</i>	Downy Yellow Painted Cup
<i>Ceanothus herbaceus</i>	Redroot
<i>Chamaelirium luteum</i>	Fairy Wand
<i>Chamaesyce polygonifolia</i>	Seaside Spurge
<i>Chimaphila maculata</i>	Spotted Wintergreen
<i>Chimaphila umbellata</i>	Pipsissewa
<i>Circaea alpina</i>	Small Enchanter's Nightshade
<i>Cirsium pitcheri*</i>	Pitcher's (Dune) Thistle
<i>Cladrastis lutea</i>	Yellowwood
<i>Clematis crispa</i>	Blue Jasmine
<i>Clematis viorna</i>	Leatherflower
<i>Collinsia violacea</i>	Violet Collinsia
<i>Comptonia peregrina</i>	Sweetfern
<i>Conioselinum chinense</i>	Hemlock Parsley
<i>Corallorhiza maculata</i>	Spotted Coral-root Orchid
<i>Cornus canadensis</i>	Bunchberry

## PLANTS

## PLANTS

Endangered (continued)

<i>Corydalis aurea</i>	Golden Corydalis
<i>Corydalis halei</i>	Hale's Corydalis
<i>Corydalis sempervirens</i>	Pink Corydalis
<i>Cynoscium digitatum</i>	Cynoscium
<i>Cypripedium acaule</i>	Moccasin Flower
<i>Cypripedium parviflorum</i>	Small Yellow Lady's Slipper
<i>Cypripedium reginae</i>	Showy Lady's Slipper
<i>Cystopteris laurentiana</i>	Laurentian Fragile Fern
<i>Dalea foliosa**</i>	Leafy Prairie Clover
<i>Delphinium carolinianum</i>	Hill Prairie Larkspur
<i>Dendrolycopodium dendroideum</i>	Ground Pine
<i>Dendrolycopodium hickeyi</i>	Hickey's Groundpine
<i>Dennstaedtia punctilobula</i>	Hay-scented Fern
<i>Dichanthelium boreale</i>	Northern Panic Grass
<i>Dichanthelium jooii</i>	Panic Grass
<i>Dichanthelium portoricense</i>	Hemlock Panic Grass
<i>Dichanthelium ravenelii</i>	Ravenel's Panic Grass
<i>Dichanthelium yadkinense</i>	Panic Grass
<i>Draba cuneifolia</i>	Whitlow Grass
<i>Drosera rotundifolia</i>	Round-leaved Sundew
<i>Dryopteris celsa</i>	Log Fern
<i>Echinodorus tenellus</i>	Small Burhead
<i>Eleocharis olivacea</i>	Capitate Spikerush
<i>Eleocharis pauciflora</i>	Few-flowered Spikerush
<i>Elymus trachycaulus</i>	Bearded Wheat Grass
<i>Equisetum scirpoides</i>	Dwarf Scouring Rush
<i>Equisetum sylvaticum</i>	Woodland Horsetail
<i>Eriophorum virginicum</i>	Rusty Cotton Grass
<i>Eryngium prostratum</i>	Eryngo
<i>Eupatorium hyssopifolium</i>	Hyssop-leaved Thoroughwort
<i>Euphorbia spathulata</i>	Spurge
<i>Fimbristylis vahlii</i>	Vahl's Fimbry
<i>Galactia mohlenbrockii</i>	Boykin's Dioclea
<i>Galium virgatum</i>	Dwarf Bedstraw
<i>Geranium bicknellii</i>	Northern Cranesbill
<i>Glyceria arkansana</i>	Arkansas Mannagrass
<i>Gratiola quartermaniae</i>	Hedge Hyssop
<i>Gymnocarpium dryopteris</i>	Oak Fern
<i>Gymnocarpium robertianum</i>	Scented Oak Fern
<i>Hackelia deflexa var. americana</i>	Stickseed
<i>Halesia carolina</i>	Silverbell Tre

Endangered (continued)

<i>Helianthus angustifolius</i>	Narrow-leaved Sunflower
<i>Helianthus giganteus</i>	Tall Sunflower
<i>Heliotropium tenellum</i>	Slender Heliotrope
<i>Heteranthera reniformis</i>	Mud Plantain
<i>Hexalectris spicata</i>	Crested Coralroot Orchid
<i>Hudsonia tomentosa</i>	False Heather
<i>Hymenopappus scabiosaeus</i>	Old Plainsman
<i>Hydrolea uniflora</i>	One-flowered Hydrolea
<i>Hypericum adpressum</i>	Shore St. John's Wort
<i>Hypericum kalmianum</i>	Kalm's St. John's Wort
<i>Iliamna remota</i>	Kankakee Mallow
<i>Iresine rhizomatosa</i>	Bloodleaf
<i>Isoetes butleri</i>	Butler's Quillwort
<i>Isotria medeoloides*</i>	Small Whorled Pogonia
<i>Isotria verticillata</i>	Whorled Pogonia
<i>Juglans cinerea</i>	Butternut
<i>Juncus vaseyi</i>	Vasey's Rush
<i>Juniperus horizontalis</i>	Trailing Juniper
<i>Justicia ovata</i>	Water Willow
<i>Larix laricina</i>	Tamarack
<i>Lechea intermedia</i>	Savanna Pinweed
<i>Lespedeza leptostachya*</i>	Prairie Bush Clover
<i>Lonicera dioica var. glaucescens</i>	Red Honeysuckle
<i>Lonicera flava</i>	Yellow Honeysuckle
<i>Luzula acuminata</i>	Hairy Woodrush
<i>Lycopodiella inundata</i>	Bog Clubmoss
<i>Lycopodium clavatum</i>	Running Pine
<i>Lysimachia radicans</i>	Creeping Loosestrife
<i>Malus angustifolia</i>	Narrow-leaved Crabapple
<i>Malvastrum hispidum</i>	False Mallow
<i>Matelea decipiens</i>	Climbing Milkweed
<i>Medeola virginiana</i>	Indian Cucumber Root
<i>Megalodonta beckii</i>	Water Marigold
<i>Melanthera nivea</i>	White Melanthera
<i>Melanthium virginicum</i>	Virginia Bunchflower
<i>Melica mutica</i>	Two-Flowered Melic Grass
<i>Mentzelia oligosperma</i>	Stickleaf
<i>Micranthes virginiensis</i>	Early Saxifrage
<i>Mimosa nuttallii</i>	Cat's Claw
<i>Mimulus glabratus</i>	Yellow Monkey Flower
<i>Mirabilis hirsuta</i>	Hairy Umbrella-wort

## PLANTS

## PLANTS

**Endangered (continued)**

*Nemophila triloba*  
*Nothocalais cuspidata*  
*Opuntia fragilis*  
*Orobanche fasciculata*  
*Penstemon grandiflorus*  
*Penstemon tubaeiflorus*  
*Phacelia giliooides*  
*Phegopteris connectilis*  
*Phemeranthus calycinus*  
*Phlox pilosa subsp. sangamonensis*  
*Physaria ludoviciana*  
*Pinus banksiana*  
*Pinus echinata*  
*Pinus resinosa*  
*Plantago cordata*  
*Platanthera ciliaris*  
*Platanthera clavellata*  
*Platanthera leucophaea\**  
*Platanthera psycodes*  
*Poa alsodes*  
*Poa languida*  
*Poa wolfii*  
*Pogonia ophioglossoides*  
*Polanisia jamesii*  
*Polygala incarnata*  
*Polygonatum pubescens*  
*Polygonum careyi*  
*Populus balsamifera*  
*Potamogeton praelongus*  
*Potamogeton pulcher*  
*Potamogeton robbinsii*  
*Potamogeton strictifolius*  
*Primula mistassinica*  
*Ptilimnium nuttallii*  
*Quercus texana*  
*Ranunculus rhomboideus*  
*Rhamnus alnifolia*  
*Rhexia mariana*  
*Rhynchospora alba*  
*Rhynchospora glomerata*  
*Ribes hirtellum*

Baby Blue-Eyes  
 Prairie Dandelion  
 Fragile Prickly Pear  
 Clustered Broomrape  
 Large-flowered Beard Tongue  
 Tube Beard Tongue  
 Ozark Phacelia  
 Long Beech Fern  
 Fameflower  
 Sangamon Phlox  
 Silvery Bladderpod  
 Jack Pine  
 Shortleaf Pine  
 Red Pine  
 Heart-leaved Plantain  
 Orange Fringed Orchid  
 Wood Orchid  
 Eastern Prairie Fringed Orchid  
 Purple Fringed Orchid  
 Grove Bluegrass  
 Weak Bluegrass  
 Wolf's Bluegrass  
 Snake-mouth  
 James' Clammyweed  
 Pink Milkwort  
 Downy Solomon's Seal  
 Carey's Heartsease  
 Balsam Poplar  
 White-stemmed Pondweed  
 Spotted Pondweed  
 Fern Pondweed  
 Stiff Pondweed  
 Bird's-eye Primrose  
 Mock Bishop's Weed  
 Nuttall's Oak  
 Prairie Buttercup  
 Alder Buckthorn  
 Dull Meadow Beauty  
 Beaked Rush  
 Clustered Beak Rush  
 Northern Gooseberry

**Endangered (continued)**

*Rosa acicularis*  
*Sabatia campestris*  
*Sagittaria australis*  
*Salix serissima*  
*Salix syrticola*  
*Sambucus racemosa subsp. pubens*  
*Sanguisorba canadensis*  
*Sanicula smallii*  
*Sarracenia purpurea*  
*Sceptridium biternatum*  
*Schizachne purpurascens*  
*Schoenoplectus purshianus*  
*Schoenoplectus smithii*  
*Scirpus hattorianus*  
*Scirpus microcarpus*  
*Scirpus polyphyllus*  
*Scleria muhlenbergii*  
*Scleria pauciflora*  
*Shepherdia canadensis*  
*Silene ovata*  
*Silene regia*  
*Sisyrinchium atlanticum*  
*Sisyrinchium montanum*  
*Sorbus americana*  
*Sparganium americanum*  
*Sparganium emersum*  
*Spiranthes lucida*  
*Spiranthes vernalis*  
*Stellaria pubera*  
*Stylisma pickeringii*  
*Styrax grandifolius*  
*Symphoricarpos albus var. albus*  
*Tetraneuris herbacea \**  
*Thelypteris noveboracensis*  
*Tilia heterophylla*  
*Torreyochloa pallida*  
*Tracaulon arifolium*  
*Tradescantia bracteata*  
*Trichophorum cespitosum*  
*Trientalis borealis*  
*Trillium cernuum*

Bristly Rose  
 Prairie Rose Gentian  
 Arrowhead  
 Autumn Willow  
 Dune Willow  
 Red-berried Elder  
 American Burnet  
 Southern Black Snakeroot  
 Pitcher Plant  
 Southern Grape Fern  
 False Melic Grass  
 Pursh's Bulrush  
 Smith's Bulrush  
 Bulrush  
 Small-fruited Bulrush  
 Leafy Bulrush  
 Muhlenberg's Nut Rush  
 Carolina Whipgrass  
 Buffaloberry  
 Ovate Catchfly  
 Royal Catchfly  
 Eastern Blue-eyed Grass  
 Mountain Blue-eyed Grass  
 American Mountain Ash  
 American Bur-reed  
 Green-fruited Bur-reed  
 Yellow-lipped Ladies' Tresses  
 Spring Ladies' Tresses  
 Great Chickweed  
 Patterson's Bindweed  
 Bigleaf Snowbell Bush  
 Snowberry  
 Lakeside Daisy  
 New York Fern  
 White Basswood  
 Pole Manna-Grass  
 Halberd-leaved Tearthumb  
 Prairie Spiderwort  
 Tufted Bulrush  
 Star-flower  
 Nodding Trillium

*Trillium erectum*

Ill-scented Trillium

*Cyperus grayoides*

Umbrella Sedge

PLANTS

PLANTS

**Endangered (continued)**

*Trillium viride*  
*Ulmus thomasii*  
*Utricularia cornuta*  
*Utricularia minor*  
*Utricularia subulata*  
*Vaccinium corymbosum*  
*Vaccinium macrocarpon*  
*Vaccinium oxycoccos*  
*Vaccinium stamineum*  
*Valeriana uliginosa*  
*Valerianella chenopodifolia*  
*Valerianella umbilicata*  
*Vandenboschia boschiana*  
*Veronica americana*  
*Viola blanda*  
*Viola canadensis*  
*Viola primulifolia*  
*Woodsia ilvensis*  
*Zigadenus elegans*

Green Trillium  
 Rock Elm  
 Horned Bladderwort  
 Small Bladderwort  
 Hair Bladderwort  
 Highbush Blueberry  
 Large Cranberry  
 Small Cranberry  
 Deerberry  
 Marsh Valerian  
 Corn Salad  
 Corn Salad  
 Filmy fern  
 American Brooklime  
 Hairy White Violet  
 Canada Violet  
 Primrose Violet  
 Rusty Woodsia  
 White Camass

**Threatened**

*Agalinis skinneriana*  
*Amelanchier interior*  
*Ammophila breviligulata*  
*Aster furcatus*  
*Besseyia bullii*  
*Boltonia decurrens\**  
*Buchnera americana*  
*Cakile edentula var. lacustris*  
*Carex atlantica*  
*Carex aurea*  
*Carex bromoides*  
*Carex cryptolepis*  
*Carex oxylepis*  
*Carex prasina*  
*Carex viridula*  
*Carex willdenowii*  
*Carya aquatica*  
*Chamaedaphne calyculata*

Pale False Foxglove  
 Shadbush  
 Marram Grass  
 Forked Aster  
 Kitten Tails  
 Decurrent False Aster  
 Bluehearts  
 Sea Rocket  
 Sedge  
 Golden Sedge  
 Sedge  
 Yellow Sedge  
 Sharp-scaled Sedge  
 Drooping Sedge  
 Little Green Sedge  
 Willdenow's Sedge  
 Water Hickory  
 Leatherleaf

**Threatened (continued)**

*Cyperus lancastricensis*  
*Dodecatheon frenchii*  
*Drosera intermedia*  
*Eleocharis rostellata*  
*Epilobium strictum*  
*Equisetum pratense*  
*Euonymus americanus*  
*Festuca paradoxa*  
*Filipendula rubra*  
*Huperzia porophila*  
*Hyloteliphium telephioides*  
*Juncus alpinoarticulatus*  
*Juniperus communis*  
*Lathyrus ochroleucus*  
*Melothria pendula*  
*Menyanthes trifoliata*  
*Minuartia patula*  
*Monarda clinopodia*  
*Orobancha ludoviciana*  
*Oxalis illinoensis*  
*Phaeophyscia leana*  
*Phemeranthus parviflorus*  
*Planera aquatica*  
*Platanthera flava*  
*Potamogeton gramineus*  
*Quercus montana*  
*Quercus phellos*  
*Ranunculus harveyi*  
*Rubus odoratus*  
*Rubus pubescens*  
*Rubus schneideri*  
*Rudbeckia missouriensis*  
*Salvia azurea*  
*Schoenoplectus hallii*  
*Solidago sciaphila*  
*Stenanthium gramineum*  
*Styrax americana*  
*Sullivantia sullivantii*  
*Synandra hispidula*  
*Tofieldia glutinosa*

Galingale  
 French's Shootingstar  
 Narrow-leaved Sundew  
 Beaked Spike Rush  
 Downy Willow Herb  
 Meadow Horsetail  
 American Strawberry Bush  
 Cluster Fescue  
 Queen-of-the-Prairie  
 Cliff Clubmoss  
 American Orpine  
 Richardson's Rush  
 Ground Juniper  
 Pale Vetchling  
 Squinting Cucumber  
 Buckbean  
 Slender Sandwort  
 White Bergamot  
 Broomrape  
 Illinois Wood Sorrel  
 Lea's Bog Lichen  
 Small Flower-Of-An-Hour  
 Water Elm  
 Tubercled Orchid  
 Grass-leaved Pondweed  
 Rock Chestnut Oak  
 Willow Oak  
 Harvey's Buttercup  
 Purple-flowering Raspberry  
 Dwarf Raspberry  
 Bristly Blackberry  
 Missouri Orange Coneflower  
 Blue Sage  
 Hall's Bulrush  
 Cliff Goldenrod  
 Grass-leaved Lily  
 Storax  
 Sullivantia  
 Hairy Synandra  
 False Asphodel

*Trifolium reflexum*

Buffalo Clover

**PLANTS**

**Threatened (continued)**

*Triglochin maritima*

*Triglochin palustris*

*Urtica chamaedryoides*

*Utricularia intermedia*

*Veronica scutellata*

*Viburnum molle*

Common Bog Arrowgrass

Slender Bog Arrowgrass

Nettle

Flat-leaved Bladderwort

Marsh Speedwell

Arrowwood

retire the bonds. The state treasury would not be liable for payments of expenses of any kind in connection with these bonds.

The purpose of the bill is to exempt the income on the bonds from federal income tax, thus making lower interest rates possible. No exemption from state taxes would be provided.

State government would thus facilitate pollution control by industry under this authority. We should lend such assistance.

**IV. TWO DEBTS TO THE FUTURE**

**Endangered Species Act**

H.B. 2444 would prohibit possession and sale in Illinois of goods manufactured from animals which are nearing extinction. Like the Scenic Rivers Act, this bill seeks to have Illinois do its part in preserving what is left of dwindling resources.

This bill requires us to recognize that Illinois is part of a global environment, for the endangered species are not found in Illinois. They are coming to the end of their days in faraway places which most of us will never see.

We cannot survive unless all of mankind works together to solve environmental problems. These endangered animals cannot survive without our co-operation. H.B. 2444 must pass.

**Timber Protection Act**

We are blessed with many old and valuable trees in Illinois. Some are centuries old. And some are the targets of mindless mercenary bandits, who cut and haul these living monuments to our past. Ruthless cutting of historic trees must stop.

I am proposing legislation to stop it. We can end such calculated abuses to the environment by providing stiff penalties for those who trespass to cut precious timber, and by requiring those who transport and process timber to have proper documents of origin.

**CONCLUSION**

In Illinois we have turned the corner in the race to restore our environment. We still have a long way to go.

The measures I am urging today are complex and far-ranging. But such measures, I believe, are exactly what we must undertake if we are to maintain the momentum of progress.

(3-72-2500)  
[Printed by authority of the State of Illinois.]



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**General NPDES Permit No. ILR10**

Complainant Note:  
PCB 2021-016  
Korman v. IEPA  
Exhibit 'E'  
Page 1 of 1

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
[www.epa.state.il.us](http://www.epa.state.il.us)

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**General NPDES Permit  
For  
Storm Water Discharges From Construction Site Activities**

**Expiration Date:** July 31, 2018

**Issue Date:** July 30, 2013

**Effective Date:** August 1, 2013

In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter I), and the Clean Water Act, and the regulations thereunder the following discharges are authorized by this permit in accordance with the conditions and attachments herein.



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

**Part I. COVERAGE UNDER THIS PERMIT**

**A. Permit Area.** The permit covers all areas of the State of Illinois with discharges to any waters of the State.

**B. Eligibility.**

1. This permit shall authorize all discharges of storm water associated with industrial activity from a construction site that will result in the disturbance of one or more acres total land area or a construction site less than one acre of total land that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres total land area. This permit may authorize discharges from other construction site activities that have been designated by the Agency as having the potential to adversely affect the water quality of waters of the state. This permit also authorizes discharges from construction sites previously approved by the Agency under the previous version of ILR10 that are still occurring after the effective date of this permit, except for discharges identified under Part I.B.3 (Limitations on Coverage). Where discharges from construction sites were initially covered under the previous version of the ILR10, the Storm Water Pollution Prevention Plan must be updated/revised as necessary to ensure compliance with the provisions of this reissued ILR10 permit in accordance with Part II.A.2.
2. This permit may only authorize a storm water discharge associated with industrial activity from a construction site that is mixed with a storm water discharge from an industrial source other than construction, where:
  - a. the industrial source other than construction is located on the same site as the construction activity;
  - b. storm water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and
  - c. storm water discharges associated with industrial activity from the areas of the site where industrial activities other than construction are occurring (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) are covered by a different NPDES general permit or an individual permit authorizing such discharges.
3. **Limitations on Coverage.** The following storm water discharges from construction sites are not authorized by this permit:
  - a. storm water discharges associated with industrial activities that originate from the site after construction activities have been completed and the site has undergone final stabilization;
  - b. discharges that are mixed with sources of non-storm water other than discharges identified in Part III.A (Prohibition on Non-Storm Water Discharges) of this permit and in compliance with paragraph IV.D.5 (Non-Storm Water Discharges) of this permit;

Complainant Note:  
PCB 2021-016  
Korman v. IEPA  
Exhibit 'F'  
Page 1 of 1

**General NPDES Permit No. ILR10**

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
[www.epa.state.il.us](http://www.epa.state.il.us)

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**General NPDES Permit  
For  
Storm Water Discharges From Construction Site Activities**

**Expiration Date:** July 31, 2023

**Issue Date:** August 3, 2018

**Effective Date:** August 3, 2018

In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter I), and the Clean Water Act, and the regulations thereunder the following discharges are authorized by this permit in accordance with the conditions and attachments herein.



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

**Part I. COVERAGE UNDER THIS PERMIT**

**A. Permit Area.** The permit covers all areas of the State of Illinois with discharges to any Waters of the United States.

**B. Eligibility.**

1. This permit shall authorize all discharges of storm water associated with industrial activity from a construction site that will result in the disturbance of one or more acres total land area or a construction site less than one acre of total land that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres total land area. This permit may authorize discharges from other construction site activities that have been designated by the Agency as having the potential to adversely affect the water quality of waters of the state. This permit also authorizes discharges from construction sites previously approved by the Agency under the previous version of ILR10 that are still occurring after the effective date of this permit, except for discharges identified under Part I.B.3 (Limitations on Coverage). Where discharges from construction sites were initially covered under the previous version of the ILR10, the Storm Water Pollution Prevention Plan must be updated/revised as necessary to ensure compliance with the provisions of this reissued ILR10 permit.
2. This permit may only authorize a storm water discharge associated with industrial activity from a construction site that is mixed with a storm water discharge from an industrial source other than construction, where:
  - a. the industrial source other than construction is located on the same site as the construction activity;
  - b. storm water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and
  - c. storm water discharges associated with industrial activity from the areas of the site where industrial activities other than construction are occurring (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) are covered by a different NPDES general permit or an individual permit authorizing such discharges.
3. **Limitations on Coverage.** The following storm water discharges from construction sites are not authorized by this permit:
  - a. storm water discharges associated with industrial activities that originate from the site after construction activities have been completed and the site has undergone final stabilization;
  - b. discharges that are mixed with sources of non-storm water other than discharges identified in Part III.A (Prohibition on Non-Storm Water Discharges) of this permit and in compliance with paragraph IV.D.5 (Non-Storm Water Discharges) of this permit;