

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

)	
VILLAGE OF MIDLOTHIAN,)	
MIDLOTHIAN ILLINOIS)	
)	
Petitioner,)	PCB __ __
)	(Variance-Water)
v.)	
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

PETITION FOR VARIANCE

Now comes the Village of Midlothian, by its attorneys, William F. Gleason; Hauser Izzo, LLC, and pursuant to Section 35(a) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/35(a), and Part 104 of Title 35 of the Illinois Administrative Code, 35 Ill. Admin. Code § 104.100 *et seq.*, hereby petitions the Illinois Pollution Control Board (“Board”) for a variance authorizing discharges from its storm sewers and outfalls into the Cook County Area Waterways System pursuant to the terms and conditions outlined in this Petition for Variance (“Petition”).

The Village of Midlothian (“Midlothian”) is located in Cook County. Authority for general supervision of stormwater management in Cook County was conveyed to the Metropolitan Water Reclamation District (“MWRD”) by the Illinois Legislature in 2004 by passage of Public Act 93-1049. It is Midlothian’s understanding that MWRD has filed a petition for variance seeking similar relief to that requested by Midlothian in this petition. However, since MWRD has questioned whether its petition for variance, if successful, would apply to the suburban communities it supervises, Midlothian is filing the instant petition. For purposes of expediency, all Exhibits referenced in this petition shall be the same as those filed with the

MWRD petition for variance other than the NPDES permits and the affidavit of certifying official attached to this petition.

In Docket 2008-009, the Board has been engaged in an extensive rulemaking process regarding designated uses, effluent limitations and water quality standards for the CAWS. Subdocket D has involved the setting of water quality standards for the protection of aquatic life. The Board has now adopted final aquatic life water quality standards for the CAWS, effective July 1, 2015.(39 Ill. Reg. 9388, 9423, 9433 (July 10, 2015))Included in that rulemaking are new standards for chlorides.

During the rulemaking, it was noted that most reaches of the CAWS currently do not meet the new chlorides standards. Regulated parties pointed out that effluent limits based on the new standards may be difficult or impossible to meet, and the costs of installing technological controls at their facilities would be enormous. Therefore, it was requested that the Board delay application of the new standards so stakeholders could convene and develop options for addressing these concerns while making progress in reducing chloride levels in the CAWS. The Board granted this request, specifying that the new chlorides standards would not apply until July 1, 2018.

IEPA asked the MWRD, as a significant stakeholder on CAWS issues, to convene and lead a work group to address chloride issues during the 3-year time period provided by the Board.An initial stakeholder meeting was held on January 27, 2015, and the next meeting will be held on August 4, 2015.¹The District is committed to working closely with IEPA and the other stakeholders to move that process forward. The goals would be that before the end of the 3-year period provided by the Board, the stakeholders will have developed, and begun implementing, a set of best management practices (BMPs) for addressing chloride issues, and will have taken

¹ Documents regarding those meetings are included in Exhibit 1.

action to develop and propose, for adoption by the Board, appropriate mechanisms to address compliance issues, possibly including a water quality variance.

The MWRD and the Midlothian appreciate the Board's willingness to provide that 3-year time period before compliance with the new chloride standards is required. However, some confusion has arisen regarding the legal character of that delay in the compliance requirement. As the Board is aware (and has noted recently in this rulemaking), applicable statutes provide that if a party wants to obtain a stay of the effectiveness of a Board rule, then that party must apply for a variance (or adjusted standard, which is not relevant here) within 20 days of the effective date of the rule. In the current situation, it is not entirely clear whether the "effective date" of the new chloride standards is July 1, 2015 or July 1, 2018. The new standards clearly do not apply until 2018. However, the full CAWS rule, as adopted in the Illinois Register, specifies that the effective date is July 1, 2015. And, the chloride provision does not clearly state otherwise. Therefore, for these purposes, we believe that the effective date is 2015, and that in order to obtain a stay, a variance application must be filed by July 21, 2015.

We understand that as the Board adopted the CAWS rule, the new chloride standards do not apply to the CAWS reaches, and may not be implemented in the MWRD's permits, until after July 1, 2018. Therefore, the MWRD does not need a variance to take effect until after that date, and it does not need a stay of the standards to take effect until after that date. And hopefully, by that date, the work group will have completed its efforts successfully, including by securing a variance or other relief mechanism to address compliance concerns. However, it is not guaranteed that the entire work group process, and the variance (or other relief) process will be completed by then, including US EPA approval of any variance. Therefore, there is a risk that after the 3-year period has passed, the chloride standards will become effective, and compliance

with those standards will be required, without any final mechanism in place addressing compliance concerns. If that happens, Midlothian could be faced with substantial compliance and liability issues. It could be subject to penalties for not meeting standards that, based on currently available information, may be impossible to meet, or could require installation of extensive new controls, at potential costs in the millions of dollars, over a multi-year period. To avoid that result, Midlothian is submitting this request for a variance within the timeframe provided for obtaining a stay of the chloride standards.

It is important to note that other regulated parties located on the CAWS will face similar risks as described here for the MWRD. Therefore, the Board should consider issuing a variance and stay of the chloride standards that applies to all dischargers into the CAWS, to ensure that the dischargers are not unfairly penalized if the chloride work group process has not been completed by the end of the 3-year compliance period. This relief would only be needed on an interim basis, since once the work group has completed its work, we would expect that a full suite of BMPs would have been developed, and implementation begun, and a permanent regulatory mechanism – whether a variance or some other device – would have been developed, applied for, and obtained, with all required approvals. At that point, the permanent regulatory structure would replace the temporary variance and stay. This process would ensure that while on the pathway toward ultimate resolution of the chloride issue, improvements in discharge levels would be made, while undue compliance risks and unnecessary costs would be avoided. If the Board determines that it cannot grant this relief to all dischargers to the CAWS, then it should, at a minimum, issue variances to Midlothian, based on this petition, and to all other dischargers to the CAWS that submit appropriate variance petitions.

I. REQUIREMENTS FROM WHICH A VARIANCE IS SOUGHT

- a) A statement describing the regulation, requirement, or order of the Board from which a variance is sought. If variance from a regulation is sought, the statement must include the Illinois Administrative Code citation to the regulation as well as the effective date of that regulation. If variance from a requirement or order of the Board is sought, the statement must include the citation to that requirement or order of the Board promulgating that requirement, including docket number;

As noted above, the Board has adopted new aquatic life standards for the CAWS, including for chlorides. These standards were adopted by an Opinion and Order of the Board in Docket R2008-09, Subdocket D, dated June 18, 2015. The final rules appeared in the Illinois Register on July 10, 2015 (30 Ill. Reg. 9388, 9423, 9433). The chlorides standards, which are in 35 IAC 302.407(g)(2) and (g)(3), are not currently met on a consistent basis and cannot be met on a consistent basis during the term of the variance that is being requested here by Midlothian.

The discharges to the Calumet Watershed. Midlothian is operating with an NPDES permit, which requires Midlothian to not cause or contribute to violations of water quality standards, including those established in the R2008-09 rulemaking.

Therefore, it is necessary for Village of Midlothian to be issued a five-year variance for its NPDES Permit in the form suggested in this Petition to avoid the imposition of an arbitrary or unreasonable hardship on Midlothian.

II. ACTIVITY OF THE VILLAGE OF MIDLOTHIAN

- b) A complete and concise description of the nature of petitioner's activity that is the subject of the proposed variance, including:
 - A. The location of, and area affected by, the petitioner's activity.

Midlothian operates and maintains a municipal separate storm sewer system within its corporate limits pursuant to NPDES Permit No. ILR400387. In addition, the permit also covers discharges from storm sewer outfalls operated by Midlothian described in more detail below.

The area affected by Midlothian’s activities is the Calumet Watershed, CAWS, including each of the receiving waters identified below.

- B. The location of points of discharge, and, as applicable, the identification of the receiving waterway or land, or, if known, the location of the nearest air monitoring station maintained by the Agency.

The O’Brien plant’s point of discharge is the 001 Water Reclamation Plant Outfall and the receiving water is the North Shore Channel.

Discharge Number	Location	Receiving Water
101	Sheridan Road	North Shore Channel
102	Green Bay Road	North Shore Channel
103	Emerson Street	North Shore Channel
104	Lake Street	North Shore Channel
105	Howard Street	North Shore Channel
106	Morse Avenue	North Shore Channel
107	North Branch Pumping Station	North Branch of Chicago River
109	Rand Road	Des Plaines River
110	Niles Center Outlet Sewer – Oakton Street	North Shore Channel

The Stickney plant’s point of discharge is the 001 Water Reclamation Plant Main Outfall and the receiving water is the Chicago Sanitary and Ship Canal. The nearest air monitoring station is unknown and not relevant for the requested variance. In addition, the plant’s Permit authorizes the following Combined Sewer discharges:²

²The Permit also authorizes discharges, under specified circumstances, from emergency high level bypass Outfalls 002, 003 and 004.

Discharge Number	Location	Receiving Water
131	Devon Avenue	Des Plaines River
132	Northwest Tollway	Des Plaines River
133	Foster Avenue	Des Plaines River
134	North Avenue	Des Plaines River
135	Chicago Avenue	Des Plaines River
136	Roosevelt Road	Des Plaines River
142	38th and Racine Avenue	S. Fork of S. Branch of Chicago River
143	Laramie Avenue	Chicago San. and Ship Canal
144	Lombard Avenue	Chicago San. and Ship Canal
145	East Avenue	Chicago San. and Ship Canal
146	13A Pump Station	Chicago San. and Ship Canal
147	67th Street	Chicago San. and Ship Canal
148	75th Street	Chicago San. and Ship Canal
149	Tri-State Tollway	Chicago San. and Ship Canal
150	Westchester Pump Station	Addison Creek

The Calumet plant's point of discharge is the 001 Water Reclamation Plant Outfall and the receiving water is the Little Calumet River. The nearest air monitoring station is unknown

and not relevant for the requested variance. In addition, the plant's Permit authorizes the following Combined Sewer discharges:³

Discharge Number	Location	Receiving Water
004	WRP TARP Bypass (Bulkheaded)	Little Calumet River
006	Calumet 18H Inverted Syphon	Calumet Sag Channel
007	Calumet 20B Interceptor	Calumet Sag Channel
010	Glenwood Pump Station	Deer Creek
151	94th Place	Calumet River
152	122nd Street Pump Station	Calumet River
153	Edbrook Avenue	Little Calumet River
154	Throop Street	Calumet Sag Channel
156	Francisco Avenue	Calumet Sag Channel
157	Central Park	Calumet Sag Channel
158	Pulaski Road	Calumet Sag Channel
160	Ridgeland Avenue	Calumet Sag Channel
163	Sacramento	Calumet Sag Channel

The Lemont plant's points of discharge are the 001 Water Reclamation Plant Outfall and the 002 Wet Weather Treatment Outfall. The receiving water is the Chicago Sanitary and Ship Canal. The nearest air monitoring station is unknown and not relevant for the requested variance.

³The Permit also authorizes discharges, under specified circumstances, from emergency high level bypass Outfalls 002 and 003.

In addition, the plant's Permit authorizes Combined Sewer discharges from 002, which discharges to the Chicago Sanitary and Ship Canal.

- C. An identification, including docket number, of any prior variance issued to the petitioner and, if known, the petitioner's predecessors, concerning similar relief.

There have been no variances issued to the MWRD concerning similar relief.

- D. An identification, including number, of the environmental permits held by petitioner for the activity which may be affected by grant of variance.

The following permits held by MWRD would be affected by the grant of the requested variances:

O'Brien:

NPDES Permit No. IL0028088⁴
Issue Date: January 22, 2002
Effective Date: March 1, 2002
Expiration Date: February 28, 2007

Stickney:

NPDES Permit No. IL0028053
Issue Date: December 23, 2013
Effective Date: January 1, 2014
Expiration Date: December 31, 2018

Calumet:

NPDES Permit No. IL0028061⁵
Issue Date: January 22, 2002
Effective Date: March 1, 2002
Expiration Date: February 28, 2007

Lemont:

NPDES Permit No. IL0028070
Issue Date: January 25, 2008
Effective date: February 1, 2008
Modification Date: March 21, 2008

⁴The subsequently issued permit was remanded by the Pollution Control Board on December 18, 2014 and has not yet been reissued.

⁵The subsequently issued permit was remanded by the Pollution Control Board on December 18, 2014 and has not yet been reissued.

Expiration Date: January 31, 2013

E. The number of persons employed by the petitioner's facility at issue and the age of that facility.

The MWRD has a total of approximately 1862 employees.

O'Brien began operations in 1928, and has 189 employees.

Stickney began operations on the west side portion of the plant in 1930. The southwest portion of the plant was placed into service in 1939. The plant has 637 employees.

Calumet began operations in 1922, and has 259 employees.

Lemont begin operations in 1961, and has 3 employees.

F. The nature and amount of the materials used in the process or activity for which the variance is sought and a full description of the particular process or activity in which the materials are used.

The Plants are wastewater treatment facilities for the treatment of municipal sewage. The associated CSO outfalls provide relief from local flooding during heavy wet weather events due to finite pumping and hydraulic capacity of the collection system and treatment plants. The Permits (attached hereto as Exhibits 2, 3, 4 and 5) provide details concerning each Plant's processes and authorized discharges as well as the discharge limits that will be affected by the requested variances.

G. A description of the relevant pollution control equipment already in use.

O'Brien: Treatment consists of screening, grit removal, sedimentation, activated sludge and final settling. Sludge generated during the wastewater treatment processes is pumped to Stickney for further treatment. O'Brien treats domestic wastewater for part of the City of Chicago, Evanston, Skokie, Glenview, and other surrounding municipalities.

Stickney: Treatment consists of both primary and secondary treatment. Primary treatment is divided between two sets of processes, with flow entering on the “West Side” and the “Southwest Side.” The West Side treats through screenings, skimming tanks, and Imhoff tanks, with grit flowing through channels and sludge going directly to digesters. The Southwest Side treats via screenings, aerated grit tanks, and preliminary gravity settling tanks. Grit is dewatered and preliminary sludge is screened and concentrated before digestion. All flow then goes through a common secondary system of four-pass aeration tanks and final settling clarifiers. Sludge is anaerobically digested and then dewatered and aged for land application and other beneficial reuse. Stickney treats domestic and industrial wastewater for Berwyn, a portion of Chicago, Cicero, Des Plaines, Maywood, Melrose Park, Oak Park, Park Ridge and 38 other cities.

Calumet: Treatment consists of screening, grit removal, primary settling, activated sludge, final settling, and sludge handling facilities. Calumet treats domestic wastewater for part of the City of Chicago, Calumet City, Oak Lawn, Tinley Park and other surrounding municipalities.

Lemont: Treatment consists of screening, grit removal, primary settling, activated sludge, and final settling. Sludge generated during the wastewater treatment process is concentrated and trucked to either the Stickney or Calumet treatment plants. Lemont treats domestic wastewater for the Village of Lemont.

H. The nature and amount of emissions, discharges or releases of the constituent in question currently generated by the petitioner’s activity.

The discharges for each Plant and CSO Outfall are described in the respective permit applications and permits which are attached hereto as Exhibits 2-9. Exhibit 10 shows the level of chlorides in the discharges from the O’Brien, Calumet and Stickney Plants from December 2014

through April 2015.(Chlorides data has not been collected for the Lemont Plant or for the CSO Outfalls.)Exhibit 11 shows the number and percent of times, during the period from 2004 through 2013, that chlorides discharge levels at the O'Brien and Stickney plants exceeded the chlorides standards that have now been adopted.

III. COMPLIANCE WITH THE REGULATION CANNOT BE ACHIEVED BY THE COMPLIANCE DATE

Data describing the nature and extent of the present or anticipated failure to meet the regulation, requirement, or order of the Board from which variance is sought and facts that support petitioner's argument that compliance with the regulation, requirement, or order of the Board was not or cannot be achieved by any required compliance date;

Results from sampling for chloride levels in the CAWS during the period 2010 through 2014 indicate that many of the reaches do not consistently meet the new winter standards. This will result in stringent limits being imposed on Midlothian storm sewers that discharge to those waters..

There are, in essence, only two ways that chloride levels in Midlothian's discharges can be reduced: applying end-of-pipe controls, or reducing chloride inputs into the sewer system. End-of-pipe controls would likely involve installation of reverse osmosis (RO) units at each of the outfall discharges. There are several problems with use of RO in this situation. First, there are numerous discharge outfalls within Midlothian, often discharging an enormous amount of flow. We are aware of no situation where RO has been applied to a storm water flow with many discharges of varying sizes. The systems would require a large amount of land – likely more than what is available in a fully built out community such as Midlothian. Moreover, even if an RO system is feasible, the costs would be tremendous. Data on other RO installations show costs

ranging between \$4 million and \$18 million per 1 million gallons a day (mgd).⁶⁷ Adding to that burden would be the high energy requirements for RO facilities, which would impose large operational costs – and would significantly increase Midlothian’s carbon footprint, creating new environmental problems rather than reducing them. Beyond all of those issues, there is timing: design, installation and commencing operation of such large RO systems would take many years – well beyond the 3 years currently provided in the rules. For all of those reasons, applying RO controls to Midlothian’s discharges to meet the new chloride standards is not a viable option now, now will it be in three years when the standards become applicable.

The other compliance option for Midlothian (and for other dischargers as well) is to reduce chloride levels entering Midlothian's sewer system. This would be done primarily through implementation of practices that reduce use of road salt during the winter, including, where appropriate, substitution of other materials to address ice and snow on the roads. A number of communities in the Northern U.S and Canada have been researching and applying these types of practices to address chloride water quality concerns.⁸The effectiveness of these practices in

⁶ Examples are as follows: (1) a drinking water project for Western Springs, IL, to treat 1.7 mgd, cost \$6, 627,820 (<http://www.wsprings.com/documentcenter/view/230> ; <http://www.wsprings.com/index.aspx?nid=151>); (2) a plant for Tampa Bay, FL, to treat 24 mgd, cost \$110 million (http://www.harnrosystems.com/papers/CapitalandOMCostforRO_Presentation.pdf); (3) a plant for San Diego County, to treat 54 mgd, cost \$1 billion (<http://www.ide-tech.com/blog/case-study/carlsbad-germany-project/> ; <http://www.sdcwa.org/carlsbad-desal>). (These documents are attached as Exhibits 13-15.)

⁷ These costs do not include the costs for disposal of the brine that results from RO, which can be extremely high. Water ReUse Association Desalination Committee, *Seawater Desalination Costs White Paper* (September 2011, Revised January 2012) (attached as Exhibit 16)

⁸ See, for example, Kilgore, Gharabaghi, Perera, *Ecological benefit of the road salt code of practice* (2013); Transportation Association of Canada, *Syntheses of Best Practices – Road Salt Management, Chapter 11 – Successes in Road Salt Management: Case Studies* (April 2013); DuPage River Salt Creek Workgroup/CDM, *Chloride Usage Education and Reduction Program Study: Final Report* (Aug. 16, 2007); New Hampshire Department of Environmental Services, *Chloride Reduction Implementation Plan for Dinsmore Brook Watershed, Windham, NH* (attached as Exhibits 17-20).

reducing chloride loadings to waterways, and in reducing ambient chloride levels in those waterways, has varied significantly across the range of communities and programs.⁹ There are many factors that will affect the success of these programs, and in order to be effective, a program needs to be developed on a watershed-specific basis, taking into account the unique factors that are present in that situation – including consideration of any public safety issues that could result from reducing use of road salt for deicing operations. Even with such a tailored program, there is often a significant lag time between implementation of the program and seeing a significant improvement in water quality,¹⁰ so it is critical to include, as a component of the program, an adaptive management element, so that as results are seen (or not seen), the program can be adjusted to improve the long-term situation.

The right mix of chlorides BMPs for the CAWS can, obviously, not be determined right now, immediately after the new standards have been adopted. It will take significant time and effort, involving regulatory agencies and other stakeholders, to review relevant data, assess various options, and develop a consensus concerning proper measures to be applied – and an implementation schedule. That work will be the primary function of the Work Group that the MWRD, at the request of IEPA, is currently convening, with its next meeting scheduled for a few weeks from now – August 4, 2015. The materials provided to the participants in the first Work Group meeting make it clear that development of an effective suite of BMPs for the CAWS is the main goal of the Work Group. That BMP program will then be the foundation for a legally and scientifically sound regulatory compliance structure for chlorides in the CAWS.

Whether that turns out to be some kind of “group” or “waterbody” variance, or individual

⁹ See Stone, Emelko, Marsalek, Price, Rudolph, Saini, Tighe, *Assessing the Efficacy of Current Road Salt Management Programs* (July 26, 2010), for University of Waterloo and National Water Research Institute (attached as Exhibit 21).

¹⁰ Meals, Dressing, Davenport, *Lag Time in Water Quality Response to Best Management Practices: A Review*, J. Environ. Qual. 39:85-96 (2010) (attached as Exhibit 22).

variances for specific dischargers that are all based on a common program, or some other type of mechanism, will be determined by the group, in consultation with the regulatory agencies. The goal will be to get all of this work – the development of the BMP program, as well as the creation and regulatory approval of the compliance structure -complete before July 1, 2018, when the new chlorides standards will become legally applicable. That way, there will be a seamless transition between the 3-year “work period” and the later “compliance period.” Measures to reduce chloride loadings will be developed, then implemented, then assessed for effectiveness so that necessary adjustments can be made.

IV. EFFORTS NECESSARY TO ACHIEVE IMMEDIATE COMPLIANCE

- d) A description of the efforts that would be necessary for the petitioner to achieve immediate compliance with the regulation, requirement, or Board order at issue. All possible compliance alternatives, with the corresponding costs for each alternative, must be set forth and discussed. The discussion of compliance alternatives must include the availability of alternate methods of compliance, the extent that the methods were studied, and the comparative factors leading to the selection of the control program proposed for compliance. The discussion of the costs of immediate compliance may include the overall capital costs and the annualized capital and operating costs;

The efforts needed for Midlothian to achieve immediate compliance with the new chloride standards (and the efforts needed to achieve compliance in 3 years) are discussed above, along with the related compliance costs.

V. ARBITRARY OR UNREASONABLE HARDSHIP

- e) Facts that set forth the reasons the petitioner believes that immediate compliance with the regulation, requirement, or order of the Board would impose an arbitrary or unreasonable hardship;

As explained above, immediate compliance with the new chlorides standards is simply not possible. Currently, the new standards are not being attained on a consistent basis in the

CAWS or in the watersheds. Neither end-of-pipe controls (such as RO) nor an effective BMP program could be implemented immediately (even if they did not present the cost and other practical challenges discussed above). Imposition of RO, on any time schedule, would be so costly as to impose an arbitrary and unreasonable hardship. An effective BMP program, developed over the next 3 years by the Work Group, may be able to bring about compliance with the new chlorides standards (although the extent to which it would result in compliance is still to be determined), but there is simply no way to make that determination until the full BMP program is developed. Therefore, at this time, there is no method available to bring about compliance with the new chlorides standards that would not create an arbitrary and unreasonable hardship.

VI. COMPLIANCE PLAN AND SUGGESTED CONDITIONS

- f) A detailed description of the compliance plan, including:
 - A. A discussion of the proposed equipment or proposed method of control to be undertaken to achieve full compliance with the regulation, requirement, or order of the Board.

As stated above, there is no equipment or control method that Midlothian can utilize to achieve full compliance with the new chlorides standards. Over the next 3 years (and longer if necessary), Midlothian will continue to work with the MWRD, IEPA and other stakeholders, as a participant in the CAWS chloride Work Group. During this process, the MWRD will facilitate the Work Group's efforts to develop an effective BMP program to reduce chloride loadings to the CAWS, as well as to develop, and secure regulatory adoption and approval of, a compliance mechanism to address chloride issues as presented in NPDES permits for dischargers to the CAWS. During this time period, the MWRD would provide periodic reports to the Board as to

the status of the Work Group's discussions. At the conclusion of the Work Group's efforts, the MWRD (likely with Midlothian, and other stakeholders) would provide a final report to the Board, including recommendations and proposed changes to regulations necessary to implement the recommendations.

B. A time schedule for the implementation of all phases of the control program from initiation of design to program completion.

As stated above, the MWRD would convene and lead the CAWS chlorides Work Group, for the next 3 years (and longer if necessary), in its efforts to address chlorides issues in the CAWS. Periodic status reports would be filed with the Board, and a final report would be filed at the conclusion of the Work Group's efforts.

C. The estimated costs involved for each phase and the total cost to achieve compliance.

The costs to the MWRD of convening and leading the Work Group efforts have not been estimated. The cost of an effective BMP program for the CAWS area has not yet been estimated; that will be one of the issues that the Work Group will address over the next 3 years.

VII. ENVIRONMENTAL IMPACT

- g) A description of the environmental impact of the petitioner's activity including:
- 1) The nature and amount of discharges, or releases of the constituent in question if the requested variance is granted, compared to that which would result if immediate compliance is required;

Immediate compliance with the new chloride standards is not possible. In contrast, we do not believe that current discharges of chlorides from Midlothian's activities causes any significant adverse environmental impacts, as compared to the situation that would result if Midlothian were discharging at the levels provided in the new standards.

- 2) The qualitative and quantitative description of the impact of petitioner's activity on human health and the environment if the requested variance is granted, compared to the impact of petitioner's activity if immediate compliance is required. Cross-media impacts, if any, must be discussed; and

See response to item 1 above.

- 3) A statement of the measures to be undertaken during the period of the variance to minimize the impact of the discharge of contaminants on human, plant, and animal life in the affected area, including the numerical interim discharge limitations that can be achieved during the period of the variance;

The interim measures that would be taken during the period of the variance to address chloride issues are described in Section VI above.

- h) Citation to supporting documents or legal authorities whenever they are used as a basis for the petition. Relevant portions of the documents and legal authorities other than Board decisions, reported state and federal court decisions, or state and federal regulations and statutes must be appended to the petition;

See exhibits attached the MWRD petition for variance.

If the requested variance involves an existing permit or a pending permit application, a copy of the material portion of the permit or permit application must be appended to the petition;

See exhibits attached to the MWRD petition for variance and NPDES permit(s) attached to this petition as Exhibit 1.

VIII. SUGGESTED CONDITIONS OF THE VARIANCE

Any conditions petitioner suggests for the requested variance;

Over the next 3 years (and longer if necessary), Midlothian will continue to work with IEPA and other stakeholders, of the CAWS chloride Work Group. During this process, the MWRD will facilitate the Work Group's efforts to develop an effective BMP program to reduce chloride loadings to the CAWS, as well as to develop, and secure regulatory adoption and

approval of, a compliance mechanism to address chloride issues as presented in NPDES permits for dischargers to the CAWS. During this time period, the MWRD will provide periodic reports to the Board as to the status of the Work Group's discussions. At the conclusion of the Work Group's efforts, the MWRD (with Midlothian, and other stakeholders if possible) will provide a final report to the Board, including recommendations and any proposed changes to regulations that are necessary in order to implement the recommendations.

IX. BEGINNING AND END DATE OF THE VARIANCE

- k) A proposed beginning and ending date for the variance. If the petitioner requests that the term of the variance begin on any date other than the date on which the Board takes final action on the petition, a detailed explanation and justification for the alternative beginning date;

The proposed beginning date for the variance would be the date that the NPDES Permit for Midlothian is modified to include the variance. The term for the variance would be for a maximum of five years, ending no later than the effective date of any regulatory changes that are adopted by the Board to address chloride issues in the CAWS, after submittal of the final report of the CAWS chlorides Work Group, but in any event no later than the expiration date of the applicable Permit.

X. CONSISTENCY WITH FEDERAL LAW

A discussion of consistency with federal law, including an analysis of applicable federal law and facts that may be necessary to show compliance with federal law as set forth in Section 104.208 of this Part;

Under Title IX of the Act (415 ILCS 5/35-38), the Board is responsible for granting variances when a petitioner demonstrates that immediate compliance with the Board regulation(s) would impose an "arbitrary or unreasonable hardship" on the petitioner.

415 ILCS 5/35(a). The Board may grant a variance, however, only to the extent consistent with applicable federal law. *Id.*

Section 104.28(b) of the Board rules states the following with regard to consistency with federal law for all petitions for variances from the Board's water pollution regulations:

(b) All petitions for variances from Title III of the Act, from 35 Ill. Adm. Code Subtitle C, Ch. I "Water Pollution", or from water pollution related requirements of any other Title of the Act or Chapter of the Board's regulations, must indicate whether the Board may grant the relief consistent with the Clean Water Act (CWA) (33 USC 1251 et seq.), USEPA effluent guidelines and standards, any other federal regulations, or any area-wide waste treatment management plan approved by the Administrator of USEPA pursuant to Section 208 of the CWA (33 USC 1288).

The requested variances in this matter will be consistent with federal law. More specifically, the variance must meet one or more of the conditions in 40. C.F.R. § 131.10(g) which provides:

(g) States may remove a designated use which is not an existing use, as defined in Sec. 131.3, or establish sub-categories of a use if the State can demonstrate that attaining the designated use is not feasible because:

- (1) Naturally occurring pollutant concentrations prevent the attainment of the use; or
- (2) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating State water conservation requirements to enable uses to be met; or
- (3) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or
- (4) Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use; or

- (5) Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses; or
- (6) Controls more stringent than those required by sections 301(b) and 306 of the Act would result in substantial and widespread economic and social impact.

Under the circumstances here, there are natural conditions, man-caused conditions, hydrologic modifications, and physical conditions as to the CAWS that will prevent attainment of the use during the time period covered by this variance. Therefore, the variance would be justified pursuant to 131.10(g)(2), (g)(3),(g)(4) and (g)(5).

XI. AFFIDAVITS IN SUPPORT

An affidavit verifying any facts submitted in the petition

An affidavit from Joseph Sparrey, Director of Public Works for the Village of Midlothian, is attached as Exhibit 2 to this petition.

XII. WAIVER OF REQUEST FOR HEARING

- m) A statement requesting or denying that a hearing should be held in this matter.

Since the MWRD has already requested a hearing and its petition raises the same issues as those presented by the Village of Midlothian in this petition, Midlothian does not seek a hearing in this matter,

Respectfully submitted,

VILLAGE OF MIDLOTHIAN

By:  _____

July 21, 2015

William F. Gleason
Hauser Izzo, LLC.
Village Attorney
Village of Midlothian
14801 Pulaski Road
Midlothian IL 60445

Exhibit 1 – NPDES Permit(s)



Illinois Environmental Protection Agency

Bureau of Water • 1021 N. Grand Avenue E. • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Division of Water Pollution Control ANNUAL FACILITY INSPECTION REPORT

for NPDES Permit for Storm Water Discharges from Separate Storm Sewer Systems (MS4)

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Compliance Assurance Section at the above address. Complete each section of this report.

Report Period: From March, 2013 To March, 2014

Permit No. ILR40 400387

MS4 OPERATOR INFORMATION: (As it appears on the current permit)

Name: Joseph Sparrey Mailing Address 1: 14801 Pulaski
 Mailing Address 2: _____ County: Cook
 City: Midlothian State: IL Zip: 60445 Telephone: 708-389-9658
 Contact Person: Joseph Sparrey Email Address: jsparrey@villageofmidlothian.org
 (Person responsible for Annual Report)

Name(s) of governmental entity(ies) in which MS4 is located: (As it appears on the current permit)

Village of Midlothian

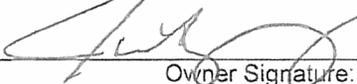
THE FOLLOWING ITEMS MUST BE ADDRESSED.

A. Changes to best management practices (check appropriate BMP change(s) and attach information regarding change(s) to BMP and measurable goals.)

- | | | | |
|--|-------------------------------------|---|--------------------------|
| 1. Public Education and Outreach | <input type="checkbox"/> | 4. Construction Site Runoff Control | <input type="checkbox"/> |
| 2. Public Participation/Involvement | <input checked="" type="checkbox"/> | 5. Post-Construction Runoff Control | <input type="checkbox"/> |
| 3. Illicit Discharge Detection & Elimination | <input type="checkbox"/> | 6. Pollution Prevention/Good Housekeeping | <input type="checkbox"/> |

- B. Attach the status of compliance with permit conditions, an assessment of the appropriateness of your identified best management practices and progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and your identified measurable goals for each of the minimum control measures.
- C. Attach results of information collected and analyzed, including monitoring data, if any during the reporting period.
- D. Attach a summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule.)
- E. Attach notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable).
- F. Attach a list of construction projects that your entity has paid for during the reporting period.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))


 Owner Signature:
Joseph Sparrey
 Printed Name:

5/29/14
 Date:
Supt. of Public Works
 Title:

EMAIL COMPLETED FORM TO: epa.ms4annualinsp@illinois.gov

or Mail to: ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 WATER POLLUTION CONTROL
 COMPLIANCE ASSURANCE SECTION #19
 1021 NORTH GRAND AVENUE EAST
 POST OFFICE BOX 19276
 SPRINGFIELD, ILLINOIS 62794-9276

IL 532 2585 WPC 691 Rev 6/10 This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42) and may also prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

NPDES PERMIT

ITEMS TO BE ADDRESSED AS PART OF ANNUAL FACILITY INSPECTION REPORT 2013-2014 (Year 1)

- A. There were changes to the 2013 Best Management Practices outlined in the 2013-2017 Notice of Intent.
- B. The Village of Midlothian minimum control measures for the past year are outlined in the attached Implementation Schedule in italics. While the Village did not inspect a cross section of commercial parking lots as planned, it did enhance the website to show educational links relative to storm water quality.
- C. The Village of Midlothian has no monitoring to report during this period.
- D. An entirely new 5 year program was developed for use in applying for a new permit. Implementation began 6/1/13. The proposed new Notice of Intent was submitted in the Fall of 2013 and is still under review by IEPA. Planned activities for 2014 are outlined in the attached Implementation schedule.
- E. The Village supported the Cook County Watershed Management Ordinance and has adopted it for new construction.

Minor culvert repair is planned for a residential area that is unimproved.
- F. No storm projects were paid for during this period. Engineering is scheduled to begin relative to major storm water improvements through the Metropolitan Water Reclamation District.

VILLAGE OF MIDLOTHIAN
Storm Water Management Plan
20013-2017

IMPLEMENTATION & MEASURABLE GOAL SCHEDULE (begins 6/1/13)

MCM/BMP	Year and Phase of Implementation
Public Education and Outreach	
A.1 - Information Pamphlet	Year 1- The Village will inspect specific parking lots prior to delivering the flyer. Village will enhance the Storm Water Management Page of its website with links to other educational sites encouraging proper disposal of harmful materials such pharmaceuticals and personal care product . 2013 Year 2- The Village will develop the flyer that will ask businesses to maintain their parking lot drains and monitor the cleanliness of their lots and point out the negative effects of same if they don't. 2014 Year 3 - Publish information from the educational pamphlet in the Village newsletter. Year 4 - The Village will inspect all commercial parking lots annually. 2016 Year 5 -The Village will inspect all commercial parking lots annually. 2017
A.4 Community Event	Year 1- <i>Clean up of trash and debris throughout the community including local stream banks.</i> 2013 Year 2- Clean up of trash and debris throughout the community including local stream banks. 2014 Year 3- Clean up of trash and debris throughout the community including local stream banks. 2015 Year 4- Clean up of trash and debris throughout the community including local stream banks. 2016 Year 5- Clean up of trash and debris throughout the community including local stream banks. 2017
A.5 Classroom Educational Material	Year 1- <i>Approach local school officials to seek input and discuss the idea of an educational storm water/pollution pamphlet/brochure.</i> 2013 Year 2- Research and Develop the pamphlet and present pamphlet to local school officials for suggestions or modifications. 2014 Year 3- Distribute the pamphlet to elementary students. 2015 Year 4- Meet with school officials to discuss effectiveness and reaction to the pamphlet. 2016 Year 5- Update pamphlet and establish a practice of annual distribution. 2017
Public Participation/Involvement	
B.3 Stakeholder Meeting	Year 1- <i>The Village will sponsor a Sustainability Summit in September 2013 in cooperation with Metropolitan Water Reclamation District & Cook County promoting the use of Green Infrastructure to meet storm water requirements. Participate with Little Calumet & Calumet Planning Councils to improve the quality of storm water and promote green infrastructure.</i> 2013 Year 2- Participate with Little Calumet & Calumet Planning Councils to improve the quality of storm water and promote green infrastructure. 2014 Year 3- Participate with Little Calumet & Calumet Planning Councils to improve the quality of storm water and promote green infrastructure. 2015 Year 4- Participate with Little Calumet & Calumet Planning Councils to improve the quality of storm water and promote green infrastructure. 2016 Year 5- Participate with Little Calumet & Calumet Planning Councils to improve the quality of storm water and promote green infrastructure. 2017
B.4 Public Hearing	Year 1- <i>Hold a Public Hearing Annually at a Village Board Meeting.</i> 2013 Year 2- Hold a Public Hearing Annually at a Village Board Meeting. 2014 Year 3- Hold a Public Hearing Annually at a Village Board Meeting. 2015 Year 4- Hold a Public Hearing Annually at a Village Board Meeting. 2016 Year 5- Hold a Public Hearing Annually at a Village Board Meeting. 2017
B.5 Volunteer Monitoring	Year 1- <i>Initiate the program, record and inspect locations of clean up.</i> 2013 Year 2- Monitor progress and participation of volunteers for the program. 2014
B.7 Other Public Involvement	Year 1- <i>Village will promote and establish a Point of Contact for the Rain Barrel Program that will offer expertise and advice on installation and maintenance.</i> 2013. Year 2- Village will monitor results of the program and make any changes to promote the program 2015
Illicit Discharge Detection & Elimination	
C.1 Sewer Map Preparation	Year 1- <i>Incorporate Storm Sewer Atlas on to GIS mapping to identify possible trends relative to illicit discharges.</i> 2013 Year 2- Year 3- Update Storm Sewer Map by applying unique identifiers to each structure. 2015 Year 4 - Year 5- Review & update Storm Sewer Atlas. 2017
C.2 Regulatory Control Program	Year 1- Review & update storm water ordinance to include enforcement language. 2013

IMPLEMENTATION & MEASURABLE GOAL SCHEDULE (begins 6/1/13)

MCM/BMP	Year and Phase of Implementation
	Year 2-
	Year 3- Review & update storm water ordinance if necessary. 2015
	Year 4 -
	Year 5- Review & update Storm Sewer Atlas. 2017
C.7 Visual Dry Weather Screening	<i>Year 1- Annual Inspections of key outfalls during dry weather 2013</i>
	Year 2- Annual Inspections of key outfalls during dry weather 2014
	Year 3- Annual Inspections of key outfalls during dry weather 2015
	Year 4- Annual Inspections of key outfalls during dry weather 2016
	Year 5- Annual Inspections of key outfalls during dry weather 2017
C.9 Public Notifications	Year 1- At a minimum, annual statements at Village Board Meetings will be made by the MS4 Operator. 2013
	Year 2- At a minimum, annual statements at Village Board Meetings will be made by the MS4 Operator. 2014
	Year 3- At a minimum, annual statements at Village Board Meetings will be made by the MS4 Operator. 2014
	Year 4- At a minimum, annual statements at Village Board Meetings will be made by the MS4 Operator. 2014
	Year 5- At a minimum, annual statements at Village Board Meetings will be made by the MS4 Operator. 2014
Construction Site Runoff	
D.1 Regulatory Control Program	<i>Year 1- The Village will consult with an engineering firm to seek recommendations for strengthening enforcement and inspection. 2013</i>
	Year 2- The Village will consider recommendations and make necessary changes to existing ordinance to strengthen enforcement and inspection. 2014
	Year 3- The Village will review changes for effectiveness. 2015
D.2 Erosion & Sediment Control	<i>Year 1- The Village will monitor all construction sites for ongoing maintenance of erosion control prevention measures. 2013</i>
	Year 2- The Village will monitor all construction sites for ongoing maintenance of erosion control prevention measures. 2014
	Year 3- The Village will monitor all construction sites for ongoing maintenance of erosion control prevention measures. 2015
	Year 4- The Village will monitor all construction sites for ongoing maintenance of erosion control prevention measures. 2016
	Year 5- The Village will monitor all construction sites for ongoing maintenance of erosion control prevention measures. 2017
D.4 Site Plan Review	<i>Year 1- The Village will Incorporate Review of Contractor Procedures for Run Off at Proposed Construction Sites. 2013</i>
	Year 2- The Village will Incorporate Review of Contractor Procedures for Run Off at Proposed Construction Sites. 2014
	Year 3- The Village will Incorporate Review of Contractor Procedures for Run Off at Proposed Construction Sites. 2015
	Year 4- The Village will Incorporate Review of Contractor Procedures for Run Off at Proposed Construction Sites. 2016
	Year 5- The Village will Incorporate Review of Contractor Procedures for Run Off at Proposed Construction Sites. 2017
D.6 Site Enforcement/Inspections	Year 2- Review of Existing Violation Procedures for Construction sites. 2014
	Year 3- Evaluate Results of Ongoing Procedures. 2015
Post Construction Runoff	
E.2 Regulatory Control Program	<i>Year 1- Review & update Ordinance relative to Post Construction Runoff and enforcement. 2013</i>
	Year 2- Review & update Ordinance relative to Post Construction Runoff. 2014
	Year 3- Review & update Ordinance relative to Post Construction Runoff. 2015
	Year 4- Review & update Ordinance relative to Post Construction Runoff. 2016
	Year 5- Review & update Ordinance relative to Post Construction Runoff. 2017
E.4 Pre-Construction Review of BMP's	<i>Year 1- The Village will review all Construction Plans for proper Best Management Practices during Construction to insure Post Construction Runoff is acceptable. 2013</i>
	Year 2- The Village will review all Construction Plans for proper Best Management Practices during Construction to insure Post Construction Runoff is acceptable. 2014
	Year 3- The Village will review all Construction Plans for proper Best Management Practices during Construction to insure Post Construction Runoff is acceptable. 2015



Illinois Environmental Protection Agency

Bureau of Water • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Notice of Intent for New or Renewal of General Permit for Discharges from Small Municipal Separate Storm Sewer Systems - MS4's

Part I. General Information

1. MS 4 Operator Name: Richard Hansen
2. MS4 Mailing Address: 14801 Pulaski
City: Midlothian State: IL
3. Operator Type: Village Other: _____
4. Operator Status: Local Other: _____
5. Name(s) of governmental entity(ies) in which MS4 is located:
Village of Midlothian
6. Area of land that drains to your MS4 in square miles: 2.4
7. Latitude and Longitude at approximate geographical center of MS4 for which you are requesting authorization to discharge:
Latitude: 41 37 31N Longitude: 87 43 .03W
Degrees Minutes Seconds: Degrees: Minutes: Seconds:
8. Name(s) of known receiving waters
Midlothian Creek Natalie Creek
Tributary C of the Cal Sag Channel Cal Sag Channel
Calumet Union Drainage Ditch

9. Persons responsible for implementation or coordination of Stormwater Management Program:

Name: Richard Hansen Title: Superintendent of Public Works Phone: 708-389-9658

Area of Responsibility: Implementation & Coordination

Name: _____ Title: _____ Phone: _____

Area of Responsibility: _____

Part II. Best Management Practices (include shared responsibilities) which have been implemented or are proposed to be implemented in the MS4 area:

A. Public Education and Outreach

Qualifying Local Programs:

[Empty box for Qualifying Local Programs]

Measurable Goals (include shared responsibilities)

A.1 Distributed Paper Material

Brief Description of BMP:

The Village will develop an informational flyer targeting businesses to address parking lot maintenance in order to help prevent unwanted contaminants from entering the storm sewer system. Another goal of this program is to help owners understand the importance of maintaining existing storm sewer structures. Village will enhance the Storm Water Management Page of its website with links to other educational sites encouraging proper disposal of harmful materials such as pharmaceuticals and personal care product.

Measurable Goals, including frequencies:

The Village will inspect a cross section of specific parking lots before and after the flyer is delivered.

Milestones:

Go to Additional Pages

Year 1:

The Village will inspect specific parking lots prior to delivering the flyer. Village will enhance the Storm Water Management Page of its website with links to other educational sites encouraging proper disposal of harmful materials such as pharmaceuticals and personal care product. 2013

Year 2:

The Village will develop the flyer that will ask businesses to maintain their parking lot drains and monitor the cleanliness of their lots and point out the negative effects of same if they don't. 2014

Year 3:

The Village will inspect the same specific lots after delivering the flyers. 2015

Year 4:

The Village will inspect all commercial parking lots annually. 2016

Year 5:

The Village will inspect all commercial parking lots annually. 2017

- A.2 Speaking Engagement
- A.3 Public Service Announcement
- A.4 Community Event

Brief Description of BMP:

Clean Up Day. Volunteers from the Village gather late in May to form clean up crews to address trash and debris in vacant lots alleys, right of ways etc. Local streams will also be addressed at this popular community event.

Measurable Goals, including frequencies:

Annual Community Event

Milestones:

Year 1:

Clean up of trash and debris throughout the community including local stream banks. 2013

Year 2:

Clean up of trash and debris throughout the community including local stream banks. 2014

Year 3:

Clean up of trash and debris throughout the community including local stream banks. 2015

Year 4:

Clean up of trash and debris throughout the community including local stream banks. 2016

Year 5:

Clean up of trash and debris throughout the community including local stream banks. 2017

Go to Additional Pages

- A.5 Classroom Education Material (You may need to go to the next page to fill in this information)

Brief Description of BMP:

Develop Educational Material Suitable for Elementary School Children

Measurable Goals, including frequencies:

Annual Distribution of Pamphlets to Local Elementary Schools

Milestones:

Year 1:

Approach local school officials to seek input and discuss the idea of an educational storm water/pollution pamphlet/brochure. 2013

Year 2:

Research and Develop the pamphlet and present pamphlet to local school officials for suggestions or modifications. 2014

Year 3:

Distribute the pamphlet to elementary students. 2015

Year 4:

Meet with school officials to discuss effectiveness and reaction to the pamphlet. 2016

Year 5:

Update pamphlet and establish a practice of annual distribution. 2017

Go to Additional Pages

A.6 Other Public Education

B. Public Participation/Involvement

Measurable Goals (include shared responsibilities)

Qualifying Local Programs:

[Empty box for Qualifying Local Programs]

B.2 Educational Volunteer

B.3 Stakeholder Meeting

(You may need to go to the next page to fill in this information)

Brief Description of BMP:

The Village will continue to participate with Local Watershed Planning Councils (Little Calumet & Calumet). The Village also supports the proposed Cook County Watershed Management Ordinance, which is close to being adopted, encouraging contractors for development and re-development to institute green infrastructure in plans and specifications. The Village will also sponsor a Sustainability Summit in September 2013 in cooperation with Metropolitan Water Reclamation District & Cook County promoting the use of Green Infrastructure to meet storm water requirements.

Measurable Goals, including frequencies:

Ongoing

Milestones:

Year 1:

The Village will sponsor a Sustainability Summit in September 2013 in cooperation with Metropolitan Water Reclamation District & Cook County promoting the use of Green Infrastructure to meet storm water requirements. Participate with Little Calumet & Calumet Planning Councils to improve the quality of storm water and promote green infrastructure. 2013

Year 2:

Participate with Little Calumet & Calumet Planning Councils to improve the quality of storm water and promote green infrastructure. 2014

Year 3:

Participate with Little Calumet & Calumet Planning Councils to improve the quality of storm water and promote green infrastructure. 2015

Year 4:

Participate with Little Calumet & Calumet Planning Councils to improve the quality of storm water and promote green infrastructure. 2016

Year 5:

Participate with Little Calumet & Calumet Planning Councils to improve the quality of storm water and promote green infrastructure. 2017

Go to Additional Pages

B.4 Public Hearing

(You may need to go to the next page to fill in this information)

Brief Description of BMP:

The MS4 Operator will hold a Public Hearing Annually at a Village Board Meeting

Measurable Goals, including frequencies:

Annual Public Hearings

Milestones:

Year 1:

Hold a Public Hearing Annually at a Village Board Meeting. 2013

Year 2:

Hold a Public Hearing Annually at a Village Board Meeting. 2014

Year 3:

Hold a Public Hearing Annually at a Village Board Meeting. 2015

Year 4:

Hold a Public Hearing Annually at a Village Board Meeting. 2016

Year 5:

Hold a Public Hearing Annually at a Village Board Meeting. 2017

Go to Additional Pages

B.5 Volunteer Monitoring (You may need to go to the next page to fill in this information)

Brief Description of BMP:

The Village's Community Service Committee will initiate a bi-monthly clean up project beginning in September 2013. The purpose of the program is to clean up vacant lots, businesses and parking lots to enhance the appearance of the Village, prevent contaminants from entering the storm sewer system and promote the effectiveness of existing green infrastructure. This will be a pilot program based on volunteer participation and effectiveness

Measurable Goals, including frequencies:

Bi-Monthly Locations will be recorded and monitored.

Milestones:

Year 1:

initiate the program, record and inspect locations of clean up. 2013

Year 2:

Monitor progress and participation of volunteers for the program. 2014

Year 3:

Year 4:

Year 5:

Go to Additional Pages

B.6. Program Involvement

B.7 Other Public Involvement (You may need to go to the next page to fill in this information)

Brief Description of BMP:

The Village will launch a Campaign to promote Rain Barrels through MWRD, further promoting green solutions to flooding

Measurable Goals, including frequencies:

Ongoing

Milestones:

Year 1:

Village will promote and establish a Point of Contact for the Rain Barrel Program that will offer expertise and advice on installation and maintenance. 2013.

Year 2:

Village will monitor results of the program and make any changes to promote the program. 2014

Year 3:

Year 4:

Year 5:

Go to Additional Pages

C. Illicit Discharge Detection and Elimination

Qualifying Local Programs:

[Empty text box for Qualifying Local Programs]

Measurable Goals (include shared responsibilities)

C.1 Sewer Map Preparation (You may need to go to the next page to fill in this information)

Brief Description of BMP:

Update Existing Storm Sewer Atlas. Presently the Village has an existing storm sewer atlas, however only outfalls and piping is identified. Structures need to be assigned unique identifiers so maintenance may be more easily monitored.

Measurable Goals, including frequencies:

Biannual update of Storm Sewer Atlas

Milestones:

Year 1:

Incorporate Storm Sewer Atlas on to GIS mapping to identify possible trends relative to illicit discharges. 2013

Year 2:

[Empty text box for Year 2 Milestones]

Year 3:

Update Storm Sewer Map by applying unique identifiers to each structure. 2015

Year 4:

[Empty text box for Year 4 Milestones]

Year 5:

Review & update Storm Sewer Atlas. 2017

Go to Additional Pages

C.2 Regulatory Control Program (You may need to go to the next page to fill in this information)

Brief Description of BMP:

Review & Update Local Ordinances. Village ordinances will be reviewed and updated related to Illicit discharges paying close attention to enforcement and inspection. The Village will consult with an engineering firm to seek recommendations for strengthening enforcement and inspection.

Measurable Goals, including frequencies:

Annually review local ordinances for NPDES Phase II compliance

Milestones:

Year 1:

Review & update storm water ordinance to include enforcement language. 2013

Year 2:

Year 3:

Review & update storm water ordinance if necessary. 2015

Year 4:

Year 5:

Review & update storm water ordinance if necessary. 2017

Go to Additional Pages

- C.3 Detection/Elimination Prioritization Plan
- C.4 Illicit Discharge Tracing Procedures
- C.5 Illicit Source Removal Procedures
- C.6 Program Evaluation and Assessment
- C.7 Visual Dry Weather Screening

(You may need to go to the next page to fill in this information)

Brief Description of BMP:

Visual Dry Weather Screening will be conducted and documented by the MS4 Operator.

Measurable Goals, including frequencies:

Annual Inspections of key outfalls will be conducted during dry weather

Milestones:

Year 1:

Annual Inspections of key outfalls during dry weather 2013

Year 2:

Annual Inspections of key outfalls during dry weather 2014

Year 3:

Annual Inspections of key outfalls during dry weather 2015

Year 4:

Annual Inspections of key outfalls during dry weather 2016

Year 5:

Annual Inspections of key outfalls during dry weather 2017

Go to Additional Pages

C.8 Pollutant Field Testing

C.9 Public Notification

(You may need to go to the next page to fill in this information)

Brief Description of BMP:

The MS4 Operator will make Public Service Statements at Village Board Meetings encouraging residents to call the Public Works Dept if they see someone dumping anything other than storm water in to a storm sewer.

Measurable Goals, including frequencies:

At a miniumum, annual statements at Village Board Meetings will be made by the MS4 Operator.

Milestones:

Year 1:

At a miniumum, annual statements will be made by the MS4 Operator. 2013

Year 2:

At a miniumum, annual statements will be made by the MS4 Operator. 2014

Year 3:

At a miniumum, annual statements will be made by the MS4 Operator. 2015

Year 4:

At a miniumum, annual statements will be made by the MS4 Operator. 2016

Year 5:

At a miniumum, annual statements will be made by the MS4 Operator. 2017

Go to Additional Pages

C.10 Other Illicit Discharge Controls

D. Construction Site Runoff Control

Measurable Goals (include shared responsibilities)

Qualifying Local Programs:

[Empty box for Qualifying Local Programs]

D.1 Regulatory Control Program (You may need to go to the next page to fill in this information)

Brief Description of BMP:

Review & Update Local Ordinances. Village ordinances will be reviewed and updated related to erosion control paying close attention to enforcement and inspection. The Village will consult with an engineering firm to seek recommendations for strengthening enforcement and inspection.

Measurable Goals, including frequencies:

Annual

Milestones:

Year 1:

The Village will consult with an engineering firm to seek recommendations for strengthening enforcement and inspection. 2013

Year 2:

The Village will consider recommendations and make necessary changes to existing ordinance to strengthen enforcement and inspection. 2014

Year 3:

The Village will review changes for effectiveness. 2015

Year 4:

[Empty box for Year 4 milestone]

Year 5:

[Empty box for Year 5 milestone]

Go to Additional Pages

D.2 Erosion and Sediment Control BMPs (You may need to go to the next page to fill in this information)

Brief Description of BMP:

The Village will monitor all construction sites for ongoing maintenance of erosion control prevention measures

Measurable Goals, including frequencies:

Ongoing

Milestones:

Year 1:

The Village will monitor all construction sites for ongoing maintenance of erosion control prevention measures. 2013

Year 2:

The Village will monitor all construction sites for ongoing maintenance of erosion control prevention measures. 2014

Year 3:

The Village will monitor all construction sites for ongoing maintenance of erosion control prevention measures. 2015

Year 4:

The Village will monitor all construction sites for ongoing maintenance of erosion control prevention measures. 2016

Year 5:

The Village will monitor all construction sites for ongoing maintenance of erosion control prevention measures. 2016

Go to Additional Pages

D.3 Other Waste Control Program

D.4 Site Plan Review Procedures (You may need to go to the next page to fill in this information)

Brief Description of BMP:

The Village will Incorporate Review of Contractor Procedures for Run Off at Proposed Construction Sites

Measurable Goals, including frequencies:

Ongoing

Milestones:

Year 1:

The Village will Incorporate Review of Contractor Procedures for Run Off at Proposed Construction Sites. 2013

Year 2:

The Village will Incorporate Review of Contractor Procedures for Run Off at Proposed Construction Sites. 2014

Year 3:

The Village will Incorporate Review of Contractor Procedures for Run Off at Proposed Construction Sites. 2015

Year 4:

The Village will Incorporate Review of Contractor Procedures for Run Off at Proposed Construction Sites. 2016

Year 5:

The Village will Incorporate Review of Contractor Procedures for Run Off at Proposed Construction Sites. 2017

Go to Additional Pages

D.5 Public Information Handling Procedures

D.6 Site Inspection/Enforcement Procedures (You may need to go to the next page to fill in this information)

Brief Description of BMP:

The Village will Continue to follow Violation Procedures for construction site inspection deficiencies

Measurable Goals, including frequencies:

Ongoing

Milestones:

Year 1:

Year 2:

Review of Existing Violation Procedures for Construction sites. 2014

Year 3:

Evaluate Results of Ongoing Procedures

Year 4:

Year 5:

[Empty rectangular box]

Go to Additional Pages

D.7 Other Construction Site Runoff Controls

E. Post-Construction Runoff Control

Qualifying Local Programs:

[Empty text box]

Measurable Goals (include shared responsibilities)

- E.1 Community Control Strategy
- E.2 Regulatory Control Program

Brief Description of BMP:

Review & update Ordinance relative to Post Construction Runoff if necessary

Measurable Goals, including frequencies:

Annually

Milestones:

Year 1:

Review & update Ordinance relative to Post Construction Runoff and enforcement. 2013

Year 2:

Review & update Ordinance relative to Post Construction Runoff. 2014

Year 3:

Review & update Ordinance relative to Post Construction Runoff. 2015

Year 4:

Review & update Ordinance relative to Post Construction Runoff. 2016

Year 5:

Review & update Ordinance relative to Post Construction Runoff. 2017

Go to Additional Pages

- E.3 Long Term O & M Procedures
- E.4 Pre-Construction Review of BMP Designs (You may need to go to the next page to fill in this information)

Brief Description of BMP:

The Village will review all Construction Plans for proper Best Management Practices during Construction to insure Post Construction Runoff is acceptable.

Measurable Goals, including frequencies:

Ongoing

Milestones:

Year 1:

The Village will review all Construction Plans for proper Best Management Practices during Construction to insure Post Construction Runoff is acceptable. 2013

Year 2:

The Village will review all Construction Plans for proper Best Management Practices during Construction to insure Post Construction Runoff is acceptable. 2014

Year 3:

The Village will review all Construction Plans for proper Best Management Practices during Construction to insure Post Construction Runoff is acceptable. 2015

Year 4:

The Village will review all Construction Plans for proper Best Management Practices during Construction to insure Post Construction Runoff is acceptable. 2016

Year 5:

The Village will review all Construction Plans for proper Best Management Practices during Construction to insure Post Construction Runoff is acceptable. 2017

Go to Additional Pages

- E.5 Site Inspections During Construction
- E.6 Post-Construction Inspections
- E.7 Other Post-Construction Runoff Controls

F. Pollution Prevention/Good Housekeeping

Measurable Goals (include shared responsibilities)

Qualifying Local Programs:

F.1 Employee Training Program

(You may need to go to the next page to fill in this information)

Brief Description of BMP:

The Village will continue to train Public Works employees on the importance of pollution prevention, recognition of possible hazards to our storm water system and practice good housekeeping in our day to day operations.

Measurable Goals, including frequencies:

[Empty box for Measurable Goals]

Milestones:

Year 1:

Informational communication to all employees relative to recognizing signs of pollution.

Year 2:

Renew training of PW employees to reinforce good housekeeping in day to day operations.

Year 3:

Train PW employees to recognize signs of pollution at outfalls.

Year 4:

Informational communication to all employees relative to recognizing signs of pollution.

Year 5:

Train PW employees to recognize and report hazards at commercial sites

Go to Additional Pages

F.2 Inspection and Maintenance Program (You may need to go to the next page to fill in this information)

Brief Description of BMP:

The Village will inspect all storm sewer structures on Village owned property

Measurable Goals, including frequencies:

Annually

Milestones:

Year 1:

The Village will inspect all storm sewer structures on Village owned property

Year 2:

The Village will inspect all storm sewer structures on Village owned property

Year 3:

The Village will inspect all storm sewer structures on Village owned property

Year 4:

The Village will inspect all storm sewer structures on Village owned property

Year 5:

The Village will inspect all storm sewer structures on Village owned property

Go to Additional Pages

F.3 Municipal Operations Storm Water Control

F.4 Municipal Operations Waste Disposal (You may need to go to the next page to fill in this information)

Brief Description of BMP:

The Village will establish an efficient E Waste program so residents may drop off e waste that may otherwise be destined for landfills.

Measurable Goals, including frequencies:

Annually

Milestones:

Year 1:

Establish E Waste drop off program at a municipal building for residents to hard to dispose of E Waste. 2013

Year 2:

Evaluate the existing E Waste program for effectiveness and improvement. 2014

Year 3:

Make necessary changes to improve the program. 2015

Year 4:

Re-evaluate E waste program. 2016

Year 5:

Make necessary changes to improve program. 2017

Go to Additional Pages

F.5 Flood Management/Assess Guidelines

F.6 Other Municipal Operations Controls (You may need to go to the next page to fill in this information)

Brief Description of BMP:

The Village will institute a series of BMP's that will have a positive impact on the quality of storm water. Some of these measures include equipment procedures, on & off loading of truck loads, salt facility maintenance and material storage.

Measurable Goals, including frequencies:

Annually

Milestones:

Year 1:

Evaluate current practices relative to equipment maintenance and material storage. 2013

Year 2:

Develop new BMP's relative to routine maintenance and equipment operations. 2014

Year 3:

Monitor evaluate effectiveness of new BMP's. 2015

Year 4:

Make any necessary changes and re-evaluate operations for expanded bmp's . 2016

Year 5:

Go to Additional Pages

Part III. 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 gathered and evaluated 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 knowingly submitting false information, including the possibility of fines and imprisonment.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony (415 ILCS 5/44 (h)).

<u>RICHARD HANSEN</u>	<u>SUPT OF PUBLIC WORKS</u>	<u>9/17/13</u>
Authorized Representative Name	Title	Date



 Authorized Representative Signature

You may complete this form online and save a copy locally before printing and signing the form. It should then be sent to:

Illinois Environmental Protection Agency
 Bureau of Water
 Division of Water Pollution Control
 Attn: Permit Section
 P.O. Box 19276
 1021 North Grand Avenue East
 Springfield, IL 62794-9276

Exhibit 2 - Affidavit

I Joseph Sparrey, being duly sworn under oath, do hereby swear or affirm that the facts stated in the attached petition for variance are true to the best of my information and belief.

Joseph Sparrey
Director of Public Works
Village of Midlothian

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, _____, a notary public for the State of Illinois, do hereby certify that Joseph Sparrey, who is personally known to me, appeared before me on July 21, 2015 and signed the attached petition for variance.

Notary Public

My commission expires: