

BEFORE THE POLLUTION CONTROL BOARD

Michael J. Korman)	
)	
Complainant,)	
)	CASE NO. PCB 2021-6
v.)	
)	
GW Glenview, L.L.C.)	
)	
Respondent.)	
)	
)	
)	

NOTICE OF FILING

To:

Michael J. Korman
2306 Sundrop Drive
Glenview, Illinois, 60026

PLEASE TAKE NOTICE that on August 11, 2020, we have filed with the Office of the Clerk of the Pollution Control Board, the attached **Motion to Dismiss Frivolous Complaint**.

JAFFE & BERLIN, L.L.C.

Attorneys for Respondent

/s/ Jay S. Berlin

Jay S. Berlin, Esq. (jberlin@jaffeberlin.com)
Shawn C. Clancy, Esq. (sclancy@jaffeberlin.com)
JAFFE & BERLIN, LLC
111 W. Washington, Suite 900
Chicago, IL 60602
(312) 372-1550

PROOF OF SERVICE

Jay S. Berlin deposes and states that he has served a copy of the foregoing documents upon all parties named above by federal express on the 11th day of August, 2020.

/s/ Jay S. Berlin

BEFORE THE POLLUTION CONTROL BOARD

Michael J. Korman,)
)
 Complainant,)
) **CASE NO. PCB 2021-6**
 v.)
)
 GW Glenview, LLC,)
)
 Respondent.)
)
)

MOTION TO DISMISS COMPLAINT

NOW COMES the Respondent, GW Glenview, LLC (“GW”) by and through its attorneys, Jaffe & Berlin, LLC, and for its Motion to Dismiss the Complaint filed by Michael J. Korman, hereby states as follows:

GW moves this Board for dismissal of the instant Complaint on the grounds that it is frivolous as it fails to state a cause of action upon which the Board can grant relief. The Complaint concerns a development project being undertaken by GW at the southwest corner of Willow Road and Pfingsten Road in Glenview, Illinois (“Project”). The Complaint itself acknowledges that there is absolutely no pollution present currently at the Project. While the Board’s authority would extend to order Respondent to stop polluting (and pay a penalty), to implement pollution abatement measures, or to perform a cleanup or reimburse cleanup costs, the Board has no jurisdiction to act to prevent or prohibit acts that have yet to or that may never occur.

As evidenced by the attached Affidavit of Mark Chertow and the relevant Exhibits thereto, GW has thus far complied with every regulatory requirement of applying for and obtaining the required permits relating to prevention of water pollution at the Project. Currently, there is absolutely no evidence that GW is not in full compliance with its obligations pursuant to the permits received.

It should be noted that, upon information and belief, the Complainant, Michael Korman, was formerly a member of the Glenview Planning Commission and was opposed to the Project although the Project ultimately passed through all municipal channels. Mr. Korman resigned from the Glenview Planning Commission in or around November 2019. In paragraph 4 of the Complaint, Mr. Korman states that “Pollution is not currently present but the Illinois Environmental Protection Agency (IEPA) has ‘Approved’ a permit at this location but that the underlying application is substantially deficient”(Emphasis added). Mr. Korman’s very vague assertions aside, he does not state how the GW application is deficient. Ironically, the IEPA has issued a permit and if it felt that GW’s application was wanting, it would not have done so. Again, in paragraph 5 of the Complaint, Mr. Korman makes the same overly generalized allegations that GW’s application was somehow deficient, nonetheless, the IEPA disagreed with Mr. Korman and issued GW the requisite permit for the Project.

Mr. Korman acknowledges throughout his Complaint that GW is currently not creating any pollution at the Project. However, he alleges with absolutely no documentary or evidentiary support that GW should somehow be sanctioned now because of some pollution that he fears may occur. The professionals at IEPA and the Metropolitan Water Reclamation District of Chicago have reviewed and approved GW’s plans and applications. In fact, according the affidavit of Mark Chertow, the only work performed at the Project relating in any way to construction was the erection of fencing. Mr. Korman cannot be claiming that fencing is creating a water pollution event.

This thinly veiled attempt by a former Glenview Planning Commission member to derail the legitimate and lawful development of the Project should be thwarted initially by the Board. As is readily evident from Mr. Chertow’s Affidavit, GW has complied with all applications and permitting requirements and has not engaged in any activity as of Mr. Korman’s complaint that could remotely have caused water pollution at or near the Project. Furthermore, judging by the unsupported allegations and improperly sourced claims of Mr. Korman, it seems apparent that he is merely attempting to create obstacles for Respondent by making it impossible for Respondent, and also this Board, to legitimately judge his allegations on the merits. The verifiable fact that the governing authorities have issued permits to GW Glenview, LLC should be considered prima

facie evidence of Respondent's full compliance herein and legal justification for the immediate dismissal of the instant Complaint.

For these reasons stated herein, the Board should dismiss this Complaint as frivolous and for any other or further relief that the Board deems appropriate.

Respectfully Submitted,

Jaffe & Berlin, LLC

By: /s/ Jay S. Berlin

Jay S. Berlin, Esq. (jberlin@jaffeberlin.com)
Shawn C. Clancy, Esq. (sclancy@jaffeberlin.com)
JAFFE & BERLIN, LLC
111 W. Washington, Suite 900
Chicago, IL 60602
(312) 372-1550

BEFORE THE POLLUTION CONTROL BOARD

Michael J. Korman)
)
 Complainant,)
) **CASE NO. PCB 2021-6**
 v.)
)
 GW Glenview, L.L.C.)
)
 Respondent.)
)
)

AFFIDAVIT OF MARK CHERTOW, P.E.

The undersigned, Mark Chertow, P.E., being first duly sworn upon oath, hereby states as follows:

1. I am an individual who resides in Illinois and am over 18 years old.
2. I am a consultant of Design Studio 24, LLC and the company has been hired to perform general contracting services for the construction project located at or near the southwest corner of Willow Road and Pfingsten Road in the Village of Glenview, County of Cook and State of Illinois ("Project").
3. On or around January 6, 2020, I worked along with other consultants retained by GW Glenview, LLC to submit a Stormwater Pollution Prevention Plan ("SWPPP") to the Illinois Environmental Protection Agency for the Project. A true and correct copy of the SWPPP is attached hereto as Exhibit A.
4. On or around May 13, 2020, the Illinois Environmental Protection Agency issued a permit to GW Glenview for the Project. A true and correct copy of the IEPA Permit is attached hereto as Exhibit B.
5. On or around May, 2020, I worked along with other consultants retained by GW

Glenview, LLC to submit an application for a Watershed Management Permit ("WSM") to the Metropolitan Water Reclamation District of Greater Chicago for the Project. A true and correct copy of the WSM is attached hereto as Exhibit C.

6. On or around July 1, 2020, the Metropolitan Water Reclamation District of Greater Chicago issued a permit to GW Glenview for the Project. A true and correct copy of said Permit is attached hereto as Exhibit D.

7. As of July 17, 2020, the only work that had been performed for the Project, was the erection of a construction fence and a silt fence around the property. Certain tree protection was also erected at the Project.

FURTHER AFFIANT SAYETH NAUGHT.

By: Mark Chertow, PE
Mark Chertow, P.E.

Subscribed and Sworn Before Me
this 11 day of August, 2020


NOTARY PUBLIC



Storm Water Pollution Prevention Plan

for

**Proposed Commercial Development
SW Corner Pfungsten & Willow Road
Orland Park, IL**

IEPA Log Number ILR10

**GW Properties
2211 N. Elston
Chicago, IL 60614**

312-255-9986

Prepared by

**Design Studio 24
2211 N. Elston, Suite 304
Chicago, IL 60614**

773-382-0445

January 6, 2020

*Exhibit
A*

In general the National Pollutant Discharge Elimination System General NPDES Permit No. ILR10 for Storm Water Discharges From Construction Site Activities shall apply to this project. Copy of the Storm Water Pollution Prevention Plan shall be present on the site during construction.

1. Site Description:

A. Description of the Nature of Construction Activity.

The site is located at SW Corner of Pfingsten & Willow Roads, Glenview, Illinois and Cook County. The site consists of 8.55 Acres of disturbed land that contains two residential buildings, a swimming pool, a pool house and three utility structures. The site shall be re-developed for commercial purposes containing four commercial buildings. See plans by Design Studio 24 for detail.

B. Suggested Sequence of Major Activities that Disturb Soils for Major Portions of Site

- Install Temporary Stabilized Construction Entrance
- Install Perimeter Silt Fence
- Complete Site Demolition & Stabilize all disturbed areas by providing temporary seeding on all graded areas no longer than 14 days from the onset of the disturbance.
- Install Storm Sewers
- Install Sediment Traps at Each Storm Structure.
- Install Other Remaining Utilities
- Install On-Site Circulation & Parking
- Complete Construction
- Remove Temporary Erosion Control Measures

C. Total Area of Site and Disturbance

Site Area: 8.55 Acres
Disturbed Area: 8.55 Acres

D. Runoff Coefficient of Site after Construction Activities are Completed.

$C = 0.68$

E. Site SE/SC Measures.

Shown on Plan as prepared by Design Studio 24.

F. Receiving Water and Aerial Extent of Wetland Acreage on-site.

The receiving water is an IDOT Storm Sewer contributing to the West Fork of the North Branch of the Chicago River. On-site wetlands are to be determined.

2. Controls. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control is complete. The minimum components of the controls are:

- A. **Erosion and Sediment Control**. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after construction activity in that portion of the site has temporarily or permanently ceased.
- B. **Structural Practices**. Structural devices sediment traps located at each storm inlet or catch basin.
- C. **Storm Water Management**. During construction, the mentioned methods shall be in place.
- D. **Waste Disposal**. No solid materials, including building materials, shall be discharged to Water of the State, except as authorized by an IEPA Section 404 permit.

3. Inspections and Maintenance. Qualified personnel (provided by the permittee) shall inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5" inches or greater or equivalent snowfall.

- A. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
- B. Based on the results of the inspection, the description of potential pollutant sources identified in the plan shall be revised as appropriate as soon as practicable after such inspection. Such modifications shall provide for timely implementation of any changes to the plan within 7 calendar days following the inspection.
- C. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph B above shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the permit coverage expires or is terminated. The report shall be signed in accordance with Part VI.G (Signatory Requirements) of NPDES Permit No. ILR10.
- D. Based on the results of the Inspections the Permittee shall complete and submit within 5 days an "Incidence of Noncompliance" (ION) report. All reports of

noncompliance shall be signed by a responsible authority as defined in ILR10 in "Signatory Requirements." All reports shall be sent to:

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

- E. Contractors. All Contractors and Sub-Contractors as designated by the Owner shall sign a copy of the following "Certification Statement."

" I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit (ILR10) that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification."

Name: DCS Midwest

Address: 2211 N. Elston, Suite 304

Chicago, IL 60614

Phone Number: 847-885-8300

Signature: 

Date of Signature: 7/28/20



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

217/782-0610

5/13/2020

GW GLENVIEW LLC
MITCH GOLTZ
2211 N ELSTON STE 304
CHICAGO, IL 60614

RE: FACILITY : PFINGSTON & WILLOW COMMERCIAL DEVELOPMENT, GLENVIEW, IL
COUNTY : COOK, NPDES Permit No : ILR10BF09
Notice of Coverage Under Construction Site Activity Storm Water General Permit

Dear NPDES Permittee:

We have reviewed your application and determined that storm water discharges associated with industrial activity from construction sites are appropriately covered by the attached General NPDES Permit issued by the Agency. Your discharge is covered by this permit effective as of the date of this letter or as identified by the conditions of the permit. The Permit as issued covers application requirements, a storm water pollution prevention plan and reporting requirements.

As a Permit Holder, it is your responsibility to:

1. Submit a modified Notice of Intent of any ownership or address change to the Permit Section within 30 days;
2. A Notice of Termination must be sent to the Agency, at the address indicated on the Notice of Termination, once your construction project has been completed and the site is properly stabilized. A Notice of Termination form has been enclosed for your convenience;

This letter shows your facility permit number below the construction site name. Please save this number and reference it in all future correspondence. Should you have any questions concerning the Permit, please contact Melissa Parrott at (217) 782-0610.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Amy L. Dragovich".

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

CC : Records Unit, Chertow Engineers, North Cook County SWCD, Will - South Cook County SWCD, Region : DesPlaines

4302 N. Main St., Rockford, IL 61105 (815)957-7760
595 S. Stone, Elgin, IL 60125 (847)606-6131
2125 S. First St., Champaign, IL 61820 (217)278-5600
2009 Main St., Collinsville, IL 62234 (618)346-5120

9511 Morrison St., Des Plaines, IL 60016 (847)294-4000
5407 N. University St., Arden Hills, Peoria, IL 61614 (309)693-5462
2309 W. Main St., Suite 110, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)614-6026

PLEASE PRINT ON RECYCLED PAPER

Exhibit
B

NPDES Permit No. ILR10

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

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;

NPDES Permit No. ILR10

- c. storm water discharges associated with industrial activity that are subject to an existing NPDES individual or general permit or which are issued a permit in accordance with Part VI.N (Requiring an Individual Permit or an Alternative General Permit) of this permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges;
- d. storm water discharges from construction sites that the Agency has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard;
- e. storm water discharges that the Agency, at its discretion, determines are not appropriately authorized or controlled by this general permit; and
- f. storm water discharges to any receiving water specified under 35 Ill. Adm. Code 302.105(d) (6).

C. Authorization.

1. In order for storm water discharges from construction sites to be authorized to discharge under this general permit a discharger must submit a Notice of Intent (NOI) in accordance with the requirements of Part II below, using an NOI form provided by the Agency.
2. Where a new contractor is selected after the submittal of an NOI under Part II below, or where site ownership is transferred, a new Notice of Intent (NOI) must be submitted by the owner in accordance with Part II.
3. Unless notified by the Agency to the contrary, dischargers who submit an NOI and a stormwater pollution prevention plan (SWPPP) in accordance with the requirements of this permit are authorized to discharge storm water from construction sites under the terms and conditions of this permit in 30 days after the date the NOI and SWPPP are received by the Agency.
4. The Agency may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

Part II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

1. To receive authorization under this general permit, a discharger must submit a completed Notice of Intent (NOI) in accordance with Part VI.G (Signatory Requirements) and the requirements of this Part in sufficient time to allow a 30 day review period after the receipt of the NOI by the Agency and prior to the start of construction. The completed NOI may be submitted electronically to the following email address: opa.conststr10swppp@illinois.gov
2. Discharges that were covered by the previous version of ILR10 are automatically covered by this permit. Where discharges associated with construction activities were initially covered under the previous version of ILR10 and are continuing, the Storm Water Pollution Prevention Plan must be updated/revised within 12 months of the effective date of this reissued permit, as necessary to ensure compliance with the provisions of the reissued ILR10. Updating of the SWPPP is not required if construction activities are completed and a Notice of Termination is submitted within 12 months of the effective date of this permit.
3. A discharger may submit an NOI in accordance with the requirements of this Part after the start of construction. In such instances, the Agency may bring an enforcement action for any discharges of storm water associated with industrial activity from a construction site that have occurred on or after the start of construction.

B. Failure to Notify. Dischargers who fail to notify the Agency of their intent to be covered, and discharge storm water associated with construction site activity to Waters of the United States without an NPDES permit are in violation of the Environmental Protection Act and Clean Water Act.

C. Contents of Notice of Intent. The Notice of Intent shall be signed in accordance with Part VI.G (Signatory Requirements) of this permit by all of the entities identified in paragraph 2 below and shall include the following information:

1. The mailing address, and location of the construction site for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the approximate center of the facility to the nearest 15 seconds, or the nearest quarter section (if the section, township and range is provided) that the construction site is located in;
2. The owner's name, address, telephone number, and status as Federal, State, private, public or other entity;
3. The name, address and telephone number of the general contractor(s) that have been identified at the time of the NOI submittal;
4. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water(s);
5. The number of any NPDES permits for any discharge (including non-storm water discharges) from the site that is currently authorized by an NPDES permit;
6. A description of the project, detailing the complete scope of the project, estimated timetable for major activities and an estimate of the number of acres of the site on which soil will be disturbed;
7. For projects that have complied with State law on historic preservation and endangered species prior to submittal of the NOI, through coordination with the Illinois Historic Preservation Agency and the Illinois Department of Natural Resources or through fulfillment of the terms of interagency agreements with those agencies, the NOI shall indicate that such compliance has occurred.
8. An electronic copy of the storm water pollution prevention plan that has been prepared for the site in accordance with Part IV of this permit. The electronic copy shall be submitted to the Agency at the following email address: opa.conststr10swppp@illinois.gov

NPDES Permit No. ILR10

9. A new notice of intent shall be submitted for any substantial modifications to the project such as: address changes, new contractors, area coverage, additional discharges to Waters of the United States, or other substantial modifications.

D. Where to Submit.

Construction activities which discharge storm water that requires a NPDES permit must use an NOI form provided by the Agency. The applicable fee shall also be submitted. NOIs must be signed in accordance with Part VI.G (Signatory Requirements) of this permit. The NOI form may be submitted to the Agency in any of the following methods:

1. File electronically with digital signature at the following website address:
<http://kataservices.epa.illinois.gov/SWConstructionPermit/bowl.login.aspx>

Registration specific to the permittee is required in order to file electronically.

Submit the appropriate fee with the permit ID number assigned during completion of the NOI to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control, Mail Code #15
Attention: Permit Section
1021 North Grand Avenue East
Post Office Box 18276
Springfield, Illinois 62794-8276

2. Submit complete signed NOI and SWPPP to the following email address: epa.conslr10swppp@illinois.gov. Submit a copy of the signed NOI and appropriate fee by registered or certified mail, return receipt requested, to the Agency at the address above. NOIs and fees that are hand delivered shall be delivered to and receipted for by an authorized person employed in the Permit Section of the Agency's Division of Water Pollution Control.

- E. Additional Notification. Construction activities that are operating under approved local sediment and erosion plans, land disturbance permits, grading plans, or storm water management plans. In addition to filing copies of the Notice of Intent in accordance with Part D above, shall also submit signed copies of the Notice of Intent to the local agency approving such plans in accordance with the deadlines in Part A above. See Part IV.D.2.d (Approved State or Local Plans). A copy of the NOI shall be sent to the entity holding an active General NPDES Permit No. ILR40 if the permittee is located in an area covered by an active ILR40 permit.

- F. Notice of Termination. Where a site has completed final stabilization and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee must submit a completed Notice of Termination (NOT) that is signed in accordance with Part VI.G (Signatory Requirements) of this permit.

1. The Notice of Termination shall include the following information:

- The mailing address, and location of the construction site for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the approximate center of the facility to the nearest 15 seconds, or the nearest quarter section (if the section, township and range is provided) that the construction site is located in;
- The owner's name, address, telephone number, and status as Federal, State, private, public or other entity;
- The name, address and telephone number of the general contractor(s);
- The date(s) when construction was completed and the site was stabilized, when all construction materials, waste and waste handling devices have been removed from site and properly disposed, and when all construction equipment have been removed from site, unless intended for long-term use following termination of permit coverage. Any items to remain at the site shall be clearly described in the NOT including the long-term purpose and a brief description indicating how the items will be maintained to protect water quality; and
- The following certification signed in accordance with Part VI.G (Signatory Requirements) of this permit:

"I certify under penalty of law that all storm water discharges associated with construction site activity from the identified facility that are authorized by NPDES general permit ILR10 have otherwise been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with construction site activity by the general permit, and that discharging pollutants in storm water associated with construction site activity to Waters of the United States is unlawful under the Environmental Protection Act and Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act."

For the purposes of this certification, elimination of storm water discharges associated with industrial activity means that all disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all storm water discharges associated with construction activities from the identified site that are authorized by a NPDES general permit have otherwise been eliminated.

2. All Notices of Termination are to be sent to the Agency to the mailing address in Part II.D.1, using the form provided by the Agency, or electronically if the permittee submitted a Notice of Intent by electronic means.

Part III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS**A. Prohibition on Non-Storm Water Discharges.**

1. Except as provided in Part I paragraph B.2 and paragraphs 2, 3 or 4 below, all discharges covered by this permit shall be comprised entirely of storm water.
2.
 - a. Except as provided in paragraph b below, discharges of materials other than storm water must be in compliance with a NPDES permit (other than this permit) issued for the discharge.
 - b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharges is in compliance with Part IV.D.5 (Non-Storm Water Discharges): discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; waters used to control dust; potable water sources including uncontaminated waterline flushings; landscape irrigation drainages; routine external building washdown which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; uncontaminated air conditioning condensate; uncontaminated spring water; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.
3. The following non-storm water discharges are prohibited by this permit: concrete and wastewater from washout of concrete (unless managed by an appropriate control), wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, soaps, solvents, or detergents, toxic or hazardous substances from a spill or other release, or any other pollutant that could cause or tend to cause water pollution.
4. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are allowable if managed by appropriate controls.
 - a. Dewatering discharges shall be treated or controlled to minimize discharges of pollutants;
 - b. The discharge shall not include visible floating solids or foam;
 - c. An oil-water separator or suitable filtration device shall be used to treat oil, grease, or other similar products if dewatering water is found to contain these materials;
 - d. To the extent feasible, use vegetated, upland areas of the site to infiltrate dewatering water before discharge;
 - e. Backwash water (water used to backwash/clean any filters used as part of stormwater treatment) must be properly treated or hauled off-site for disposal; and
 - f. Dewatering treatment devices shall be properly maintained.

B. Discharges into Receiving Waters with an Approved Total Maximum Daily Load (TMDL):

Discharges to waters for which there is a TMDL allocation for sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) are not eligible for coverage under this permit unless the owner/operator develops and certifies a SWPPP that is consistent with wasteload allocations in the approved TMDL. To be eligible for coverage under this general permit, operators must incorporate into their SWPPP any conditions and/or Best Management Practices applicable to their discharges necessary for consistency with the TMDL within any timeframes established in the TMDL. If a specific numeric waste load allocation has been established that would apply to the project's discharges, the operator must incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation.

Please refer to the Agency website at: <http://www.epa.ilinois.gov/topic/water-quality/watershed-management/tmdls/reports/index>

- C. In the absence of information demonstrating otherwise, it is expected that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Part IV.D.5 of this Permit. Discharges covered by this permit, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard.

Part IV. STORM WATER POLLUTION PREVENTION PLANS

A storm water pollution prevention plan shall be developed for each construction site covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction site activity from the facility. In addition, the plan shall describe and ensure the implementation of best management practices which will be used to reduce the pollutants in storm water discharges associated with construction site activity and to assure compliance with the terms and conditions of this permit. The permittee must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. Deadlines for Plan Preparation and Compliance.

The plan shall:

1. Be completed prior to the start of the construction activities to be covered under this permit and submitted electronically to the Agency at the time the Notice of Intent is submitted; and
2. Provide for compliance with the terms and schedules of the plan beginning with the initiation of construction activities.

B. Signature, Plan Review and Notification.

NPDES Permit No. ILR10

1. The plan shall be signed in accordance with Part VI.G (Signatory Requirements), and be retained at the construction site which generates the storm water discharge in accordance with Part VI.E (Duty to Provide Information) of this permit. If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of the construction site.
 2. Prior to commencement of construction, the permittee shall provide the plan to the Agency.
 3. The permittee shall make plans available upon request from this Agency or a local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system. A list of permitted municipal separate storm sewer systems is available at: <http://www.epa.state.il.us/water/permits/storm-water/ms4-status-report.pdf>
 4. The Agency may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 7 days from receipt of notification from the Agency, the permittee shall make the required changes to the plan and shall submit to the Agency a written certification that the requested changes have been made. Failure to comply shall terminate authorization under this permit.
 5. A copy of the letter of notification of coverage along with the General NPDES Permit for Storm Water Discharges from Construction Site Activities or other indication that storm water discharges from the site are covered under an NPDES permit shall be posted at the site in a prominent place for public viewing (such as alongside a building permit).
 6. All storm water pollution prevention plans and all completed inspection forms/reports required under this permit are considered reports that shall be available to the public at any reasonable time upon request. However, the permittee may claim any portion of a storm water pollution prevention plan as confidential in accordance with 40 CFR Part 2.
- C. **Keeping Plans Current.** The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to Waters of the United States and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under paragraph D.2 below, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with construction site activity. In addition, the plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the storm water pollution prevention plan. Amendments to the plan may be reviewed by the Agency in the same manner as Part IV.B above. The SWPPP and site map must be modified within 7 days for any changes to construction plans, stormwater controls or other activities at the site that are no longer accurately reflected in the SWPPP. Any revisions of the documents for the storm water pollution prevention plan shall be kept on site at all times.
- D. **Contents of Plan.** The storm water pollution prevention plan shall include the following items:
1. **Site Description.** Each plan shall provide a description of the following:
 - a. A description of the nature of the construction activity or demolition work;
 - b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. clearing, grubbing, excavation, grading, on-site or off-site stockpiling of soils, on-site or off-site storage of materials);
 - c. An estimate of the total area of the site and the total area of the site that is expected to be disturbed by clearing, grubbing, excavation, grading, on-site or off-site stockpiling of soils and storage of materials, or other activities;
 - d. An estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
 - e. A site map indicating drainage patterns and approximate slopes anticipated before and after major grading activities, locations where vehicles enter or exit the site and controls to prevent offsite sediment tracking, areas of soil disturbance, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, locations of on-site or off-site soil stockpiling or material storage, surface waters (including wetlands), and locations where storm water is discharged to a surface water; and
 - f. The name of the receiving water(s) and the ultimate receiving water(s), and areal extent of wetland acreage at the site.
 2. **Controls.** Each plan shall include a description of appropriate controls that will be implemented at the construction site and any off-site stockpile or storage area unless already authorized by a separate NPDES permit. The plan shall include details or drawings that show proper installation of controls and BMPs. The Illinois Urban Manual <http://www.stswcd.org/illinois-urban-manual/> or other similar documents shall be used for developing the appropriate management practices, controls or revisions of the plan. The plan will clearly describe for each major activity identified in paragraph D.1 above, appropriate controls and the timing during the construction process that the controls will be implemented. For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained and/or repaired until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization. The description of controls shall address as appropriate the following minimum components:
 - a. **Erosion and Sediment Controls.** The permittee shall design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:
 - (i) Control storm water volume and velocity within the site to minimize soil erosion;
 - (ii) Control storm water discharges, including both peak flowrates and total storm water volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion;
 - (iii) Minimize the amount of soil exposed during construction activity through the use of project phasing or other appropriate techniques;
 - (iv) Minimize the disturbance of steep slopes;
 - (v) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address

NPDES Permit No. ILR10

- factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
- (vi) Provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration, unless infeasible; and
 - (vii) Minimize soil compaction and, unless infeasible, preserve topsoil.
 - (viii) Minimize sediment track-out. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S.
 - (ix) Minimize dust. On areas of exposed soils, minimize the generation of dust through the appropriate application of water or other dust suppression techniques.
- b. **Stabilization Practices.** The storm water pollution prevention plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where practicable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporarily seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, staged or staggered development, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated, shall be included in the plan. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization of disturbed areas must be initiated within 1 working day of permanent or temporary cessation of earth disturbing activities and shall be completed as soon as possible but not later than 14 days from the initiation of stabilization work in an area. Exceptions to these time frames are specified as provided in paragraphs (i) and (ii) below:
- (i) Where the initiation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
 - (ii) On areas where construction activity has temporarily ceased and will resume after 14 days, a temporary stabilization method can be used. Temporary stabilization techniques and materials shall be described in the SWPPP.
 - (iii) Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls are implemented to minimize sediment track-out.
- c. **Structural Practices.** A description of structural practices utilized to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree practicable. The installation of these devices may be subject to Section 404 of the CWA.
- (i) The following design requirements apply to sediment basins if such structural practices will be installed to reduce sediment concentrations in storm water discharges:
 - a. When discharging from the sediment basin, utilize outlet structures that withdraw water from the surface in order to minimize the discharge.
 - b. Prevent erosion of the sediment basin using stabilization controls (e.g., erosion control blankets), at the inlet and outlet using erosion controls and velocity dissipation devices.
 - c. Sediment basins shall be designed to facilitate maintenance, including sediment removal from the basins, as necessary.
 - (ii) The following requirements apply to protecting storm drain inlets:
 - a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a water of the U.S., provided you have authority to access the storm drain inlet; and
 - b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.
- d. **Use of Treatment Chemicals.** Identify the use of all polymer flocculants or treatment chemicals at the site. Dosage of treatment chemicals shall be identified along with any information from any Material Safety Data Sheet. Describe the location of all storage areas for chemicals. Include any information from the manufacturer's specifications. Treatment chemicals must be stored in areas where they will not be exposed to precipitation. The SWPPP must describe procedures for use of treatment chemicals and staff responsible for use/application of treatment chemicals must be trained on the established procedures.
- e. **Best Management Practices for Impaired Waters.** For any site which discharges directly to an impaired water identified on the Agency's website for 303(d) listing for suspended solids, turbidity, or siltation the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations or the Illinois Urban Manual, the storm water pollution prevention plan shall adhere to a more restrictive design criteria. Please refer to the Agency's website at: <http://www.epa.illinois.gov/topics/water-quality/watershed-management/indisr/303-d-list/index>
- f. **Pollution Prevention.** The permittee shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:
- (i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - (ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to storm water. Minimization to exposure is not required for any products or materials where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or when exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use);
 - (iii) Minimize the exposure of fuel, oil, hydraulic fluid and other petroleum products by storing in covered areas or containment areas; and

NPDES Permit No. ILR10

(iv) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

g. Other Controls.

- (i) Waste Disposal. No solid materials, including building materials, shall be discharged to Waters of the United States, except as authorized by a Section 404 permit.
- (ii) The plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.
- (iii) For construction sites that receive concrete or asphalt from off-site locations, the plan must identify and include appropriate controls and measures to reduce or eliminate discharges from these activities.
- (iv) The plan shall include spill response procedures and provisions for reporting if there are releases in excess of reportable quantities.
- (v) The plan shall ensure that regulated hazardous or toxic waste must be stored and disposed in accordance with any applicable State and Federal regulations.

h. **Best Management Practices for Post-Construction Storm Water Management.** Describe the measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are responsible for only the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site.

- (i) While not mandatory, it is advisable that the permittee consider including in its storm water pollution prevention plan and design and construction plans methods of post-construction storm water management to retain the greatest amount of post-development storm water run-off practicable, given the site and project constraints. Such practices may include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). Technical information on many post-construction storm water management practices is included in the Illinois Urban Manual (2017).

The storm water pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where post-construction flows will exceed predevelopment levels.

- (ii) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. maintenance of hydrologic conditions, such as the hydroperiod and hydrodynamics present prior to the initiation of construction activities).
- (iii) Unless otherwise specified in the Illinois Urban Manual (2017), the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event.

i. Approved State or Local Plans.

- (i) The management practices, controls and other provisions contained in the storm water pollution prevention plan must be at least as protective as the requirements contained in the Illinois Urban Manual, (2017). Construction activities which discharge storm water must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion control plans or storm water management plans approved by local officials. Requirements specified in sediment and erosion control plans or site permits or storm water management site plans or site permits approved by local officials that are applicable to protecting surface water resources are, upon submittal of an NOI to be authorized to discharge under this permit, incorporated by reference and are enforceable under this permit. The plans shall include all requirements of this permit and include more stringent standards required by any local approval. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the construction site.
- (ii) Dischargers seeking alternative permit requirements are not authorized by this permit and shall submit an individual permit application in accordance with 40 CFR 122.26 at the address indicated in Part II.D (Where to Submit) of this permit, along with a description of why requirements in approved local plans or permits should not be applicable as a condition of an NPDES permit.

j. **Natural Buffers.** For any stormwater discharges from construction activities within 50 feet of a Waters of the United States, except for activities for water-dependent structures authorized by a Section 404 permit, the permittee shall:

- (i) Provide a 50-foot undisturbed natural buffer between the construction activity and the Waters of the United States; or
- (ii) Provide additional erosion and sediment controls within that area.

3. Maintenance.

- a. The plan shall include a description of procedures to maintain in good and effective operating conditions, all erosion and sediment control measures and other Best Management Practices, including vegetation and other protective measures identified in the Storm Water Pollution Prevention Plan.
- b. Where a basin has been installed to control sediment during construction activities, the Permittees shall keep the basin(s) in effective operating condition and remove accumulated sediment as necessary. Sediment shall be removed in accordance with the Illinois Urban Manual (2017) or more frequently. Maintenance of any sediment basin shall include a post construction clean out of accumulated sediment if the basin is to remain in place.
- c. Other erosion and sediment control structures shall be maintained and cleaned as necessary to keep structure(s) in effective operating condition, including removal of excess sediment as necessary.

4. **Inspections.** Qualified personnel (provided by the permittee) shall inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm or by the end of the following business or work day that is 0.50 inches or greater. Qualified personnel means a person knowledgeable in the principles and practices of erosion and sediment controls measures, such as a licensed Professional Engineer (P.E.), a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Erosion Sediment and Storm Water Inspector (CESSWI), a Certified Stormwater Inspector (CSI) or other knowledgeable person who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activities. Areas inaccessible during inspections due to flooding or other unsafe conditions shall be inspected within 72 hours of becoming accessible.
- a. Inspections may be reduced to once per month when construction activities have ceased due to frozen conditions (when ground and/or air temperatures are at or below 32 degrees Fahrenheit). Weekly inspections will recommence when construction activities are conducted, or if there is a 0.50 inches or greater rain event, or a discharge due to snowmelt occurs.
 - b. Disturbed areas, areas used for storage of materials that are exposed to precipitation and all areas where stormwater typically flows within the site shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. All locations where stabilization measures have been implemented shall be observed to ensure that they are still stabilized. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
 - c. Based on the results of the inspection, the description of potential pollutant sources identified in the storm water pollution prevention plan in accordance with Part IV.D.1 (Site Description) of this permit and the pollution prevention control measures identified in the plan in accordance with Part IV.D.2 (Controls) of this permit shall be revised as appropriate as soon as practicable after such inspections to minimize the potential for such discharges. Such modifications shall provide for timely implementation of any changes to the plan and pollution prevention control measures within 7 calendar days following the inspection.
 - d. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph b above shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the permit coverage expires or is terminated. All inspection reports shall be retained at the construction site. The report shall be signed in accordance with Part VI.G (Signatory Requirements) of this permit. Any flooding or other unsafe conditions that delay inspections shall be documented in the inspection report.
 - e. The permittee shall notify the appropriate Agency Field Operations Section office by email at: epa.swnoncomp@illinois.gov, telephone or fax (see Attachment A) within 24 hours of any incidence of noncompliance for any violation of the storm water pollution prevention plan observed during any inspection conducted, or for violations of any condition of this permit. The permittee shall complete and submit within 5 days an "Incidence of Noncompliance" (ION) report for any violation of the storm water pollution prevention plan observed during any inspection conducted, or for violations of any condition of this permit. Submission shall be on forms provided by the Agency and include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance. Corrective actions must be undertaken immediately to address the identified non-compliance issue(s).
 - f. All reports of noncompliance shall be signed by a responsible authority as defined in Part VI.G (Signatory Requirements).
 - g. After the initial contact has been made with the appropriate Agency Field Operations Section Office, all reports of noncompliance shall be mailed to the Agency at the following address:

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

5. **Corrective Actions.** You must take corrective action to address any of the following conditions identified at your site:
- a. A stormwater control needs repair or replacement; or
 - b. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
 - c. Your discharges are causing an exceedance of applicable water quality standards; or
 - d. A prohibited discharge has occurred.

Corrective Actions shall be completed as soon as possible and documented within 7 days in an Inspection Report or report of noncompliance. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe.

6. **Non-Storm Water Discharges.** Except for flows from fire fighting activities, sources of non-storm water listed in Part III.A.2 of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
- E. **Additional requirements for storm water discharges from industrial activities other than construction, including dedicated asphalt plants, and dedicated concrete plants.** This permit may only authorize any 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:

NPDES Permit No. ILR10

1. The industrial source other than construction is located on the same site as the construction activity;
2. 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
3. Storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm water discharges from dedicated asphalt plants [other than asphalt emulsion facilities] and dedicated concrete plants) are in compliance with the terms, including applicable NOI or application requirements, of a different NPDES general permit or individual permit authorizing such discharges.

F. Contractors.

1. The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractor(s) or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in paragraph 2 below in accordance with Part VI.G (Signatory Requirements) of this permit. All certifications must be included in the storm water pollution prevention plan except for owners that are acting as contractors.
2. Certification Statement. All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with paragraph 1 above shall sign a copy of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan:

"I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit (ILR10) that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification."

The certification must include the name and title of the person providing the signature in accordance with Part VI.G of this permit: the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

Part V. RETENTION OF RECORDS

- A. The permittee shall retain copies of storm water pollution prevention plans and all reports and notices required by this permit, records of all data used to complete the Notice of Intent to be covered by this permit and the Agency Notice of Permit Coverage letter for a period of at least three years from the date that the permit coverage expires or is terminated. This period may be extended by request of the Agency at any time.
- B. The permittee shall retain a copy of the storm water pollution prevention plan and any revisions to said plan required by this permit at the construction site from the date of project initiation to the date of final stabilization. Any manuals or other documents referenced in the SWPPP shall also be retained at the construction site.

Part VI. STANDARD PERMIT CONDITIONS

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Illinois Environmental Protection Act and the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. Failure to obtain coverage under this permit or an individual permit for storm water releases associated with construction activities is a violation of the Illinois Environmental Protection Act and the CWA.
- B. Continuation of the Expired General Permit. This permit expires five years from the date of issuance. An expired general permit continues in force and effect until a new general permit or an individual permit is issued. Only those construction activities authorized to discharge under the expiring general permit are covered by the continued permit.
- C. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Duty to Provide Information. The permittee shall furnish within a reasonable time to the Agency or local agency approving sediment and erosion control plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system, any information which is requested to determine compliance with this permit. Upon request, the permittee shall also furnish to the Agency or local agency approving sediment and erosion control plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system, copies of all records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Agency, he or she shall promptly submit such facts or information.
- G. Signatory Requirements. All Notices of Intent, storm water pollution prevention plans, reports, certifications or information either submitted to the Agency or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed.

1. All Notices of Intent shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) any person authorized to sign documents that has been assigned or delegated said authority in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. All reports required by the permit and other information requested by the Agency shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Agency.
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
 - c. **Changes to Authorization.** If an authorization under Part I.C (Authorization) is no longer accurate because a different individual or position has responsibility for the overall operation of the construction site, a new authorization satisfying the requirements of Part I.C must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
 - d. **Certification.** Any person signing documents under this Part shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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 submitting false information, including the possibility of fine and imprisonment for knowing violations."
- H. **Penalties for Falsification of Reports.** Section 309(c)(4) of the Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. Section 44(j)(4) and (5) of the Environmental Protection Act provides that any person who knowingly makes any false statement, representation, or certification in an application form, or form pertaining to a NPDES permit commits a Class A misdemeanor, and in addition to any other penalties provided by law is subject to a fine not to exceed \$10,000 for each day of violation.
- I. **Penalties for Falsification of Monitoring Systems.** The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Section 309 of the CWA. The Environmental Protection Act provides that any person who knowingly renders inaccurate any monitoring device or record required in connection with any NPDES permit or with any discharge which is subject to the provisions of subsection (f) of Section 12 of the Act commits a Class A misdemeanor, and in addition to any other penalties provided by law is subject to a fine not to exceed \$10,000 for each day of violation.
- J. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.
- K. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- L. **Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- M. **Transfers.** This permit is not transferable to any person except after notice to the Agency. The Agency may require the discharger to apply for and obtain an individual NPDES permit as stated in Part I.C (Authorization).
- N. **Requiring an Individual Permit or an Alternative General Permit.**
 1. The Agency may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Agency to take action under this paragraph. Where the Agency requires a discharger authorized to discharge under this permit to apply for an individual NPDES permit, the Agency shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the Agency indicated in Part II.D (Where to Submit) of this permit. The Agency may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual NPDES permit application as required by the Agency under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified by the Agency for application submittal. The Agency may require an individual NPDES permit based on:
 - a. Information received which indicates the receiving water may be of particular biological significance pursuant to 35 Ill. Adm. Code 302.105(d)(6);
 - b. whether the receiving waters are impaired waters for suspended solids, turbidity or siltation as identified by the Agency's 303(d) listing;

NPDES Permit No. ILR10

c. size of construction site, proximity of site to the receiving stream, etc.

The Agency may also require monitoring of any storm water discharge from any site to determine whether an individual permit is required.

2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.28(c)(1)(i), with reasons supporting the request, to the Agency at the address indicated in Part II.D (Where to Submit) of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
 3. When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to a discharger otherwise subject to this permit or the discharger is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee remains in effect, unless otherwise specified by the Agency.
- Q. State/Environmental Laws.** No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
- P. Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all construction activities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.
- Q. Inspection and Entry.** The permittee shall allow the IEPA, or an authorized representative upon presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated construction activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.
- R. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- S. Bypasses and Upsets.** The provisions of 40 CFR Section 122.41(m) & (n) are applicable and are hereby incorporated by reference.

Part VII. REOPENER CLAUSE

- A. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with Part I.C (Authorization) of this permit or the permit may be modified to include different limitations and/or requirements.
- B. Permit modification or revocation will be conducted according to provisions of 35 Ill. Adm. Code, Subtitle C, Chapter I and the provisions of 40 CFR 122.62, 122.63, 122.64 and 124.5 and any other applicable public participation procedures.
- C. The Agency will reopen and modify this permit under the following circumstances:
 1. the U.S. EPA amends its regulations concerning public participation;
 2. a court of competent jurisdiction binding in the State of Illinois or the 7th Circuit Court of Appeals issues an order necessitating a modification of public participation for general permits; or
 3. to incorporate federally required modifications to the substantive requirements of this permit.

Part VIII. DEFINITIONS

"Agency" means the Illinois Environmental Protection Agency.

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

"Commencement of Construction or Demolition Activities" The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction or demolition activities.

"Construction Activities" Earth disturbing activities, such as clearing, grading and excavation of land. For purposes of this permit, construction activities also means construction site, construction site activities, or site. Construction activities also include any demolition activities at a site.

"Contractor" means a person or firm that undertakes a contract to provide materials or labor to perform a service or do a job related to construction of the project authorized by this permit.

"CWA" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et seq.).

"Dedicated portable asphalt plant" A portable asphalt plant that is located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to. The term dedicated portable asphalt plant does not include facilities that are subject to the asphalt emulsion effluent limitation guideline at 40 CFR 443.

"Dedicated portable concrete plant" A portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.

"Dedicated sand or gravel operation" An operation that produces sand and/or gravel for a single construction project.

"Director" means the Director of the Illinois Environmental Protection Agency or an authorized representative.

"Final Stabilization" means that all soil disturbing activities at the site have been completed, and either of the two following conditions are met:

- (i) A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
- (ii) Equivalent permanent stabilization measures (such as the use of riprap, gablons, or geotextiles) have been employed.

For individual lots in residential construction, final stabilization means that either:

- (i) The homebuilder has completed final stabilization as specified above, or
- (ii) The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

"Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

- (i) Located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
- (ii) Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or
- (iii) Owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

"NOI" means notice of intent to be covered by this permit (see Part II of this permit.)

"NOTI" means notice of termination of coverage by this permit (See Part II of this permit.)

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm Water Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in subparagraphs (i) through (x) of this subsection, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subparagraph (xi), the term includes only storm water discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated that meet the description of the facilities listed in this paragraph (i)-(x)) include those facilities designated under 40 CFR 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (d) of this paragraph);
- (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28, 29, 311, 32, 33, 3441, 373;

NPDES Permit No. ILR10

- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(i)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42, 44, and 45 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under subparagraphs (i)-(vii) or (ix)-(xi) of this subsection are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;
- (x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than one acre of total land area which are not part of a larger common plan of development or sale unless otherwise designated by the Agency pursuant to Part I.B.1.
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (i)-(x)).

"Waters" mean all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon the State of Illinois, except that sewers and treatment works are not included except as specially mentioned; provided, that nothing herein contained shall authorize the use of natural or otherwise protected waters as sewers or treatment works except that in-stream aeration under Agency permit is allowable.

"Work day" for the purpose of this permit, a work day is any calendar day on which construction activities will take place.

Attachment A

**Division of Water Pollution Control
Regions by County**

Rockford Region (FOS 1) Manager 815/987-7760

Boone Lee	Bureau Ogle	Carroll Putnam	DeKalb Stephenson	Jo Daviess Whiteaide	LaSalle Winnebago
----------------------	------------------------	---------------------------	------------------------------	---------------------------------	------------------------------

Des Plaines Region (FOS 2) Manager 847/294-4000

Cook Lake	DuPage McHenry	Grundy Will	Kane	Kankakee	Kendall
----------------------	---------------------------	------------------------	-------------	-----------------	----------------

Peoria Region (FOS 3) Manager 309/671-3022

Fulton McDonough Warren	Hancock Mercer Woodford	Henderson Peoria	Henry Rock Island	Knox Stark	Marshall Tazewell
--	--	-----------------------------	------------------------------	-----------------------	------------------------------

Champaign Region (FOS 4) Manager 217/278-5800

Champaign Douglas Livingston Vermilion	Clark Edger Macon	Coles Effingham McLean	Crawford Ford Moutrie	Cumberland Iroquois Piatt	DeWitt Jasper Shelby
---	----------------------------------	---------------------------------------	--------------------------------------	--	-------------------------------------

Springfield Region (FOS 5) Manager 217/557-8761

Adams Jersey Morgan	Brown Logan Pike	Calhoun Macoupin Sangamon	Cass Mason Schuyler	Christian Menard Scott	Green Montgomery
------------------------------------	---------------------------------	--	------------------------------------	---------------------------------------	-----------------------------

Collinsville Region (FOS 6) Manager 618/346-5120

Bond Randolph	Clinton St. Clair	Fayette Washington	Madison	Marion	Monroe
--------------------------	------------------------------	-------------------------------	----------------	---------------	---------------

Marion Region (FOS 7) Manager 618/993-7200

Alexander Hardin Perry Wabash	Clay Jackson Pope Wayne	Edwards Jefferson Pulaski White	Franklin Johnson Richard Williamson	Gallatin Lawrence Saline	Hamilton Massac Union
--	--	--	--	---	--------------------------------------

**Attachment H
Standard Conditions**

Definitions.

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) **Monitoring and records.**

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
- (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

(11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.

- (a) **Application.** All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a

person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a); and
 - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility; and
 - (3) The written authorization is submitted to the Agency.
- (c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

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

(12) **Reporting requirements.**

- (a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or
 - (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).
 - (3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- (b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
- (d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

- (e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
 - (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (f) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24-hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The following shall be included as information which must be reported within 24-hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (2) Any upset which exceeds any effluent limitation in the permit.
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.
The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.
- (g) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12) (d), (e), or (f), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12) (f).
- (h) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- (13) **Bypass.**
- (a) **Definitions.**
 - (1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).
- (c) **Notice.**
- (1) **Anticipated bypass.** If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
 - (2) **Unanticipated bypass.** The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).
- (d) **Prohibition of bypass.**
- (1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The permittee submitted notices as required under paragraph (13)(c).
 - (2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).
- (14) **Upset.**
- (a) **Definition.** Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - (b) **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - (c) **Conditions necessary for a demonstration of upset.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).
 - (4) The permittee complied with any remedial measures required under paragraph (4).
 - (d) **Burden of proof.** In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

- (15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:
- (a) **Transfers by modification.** Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
- (b) **Automatic transfers.** As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:
- (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
 - (3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
- (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
 - (4) The level established by the Agency in this permit.
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204 (b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
 - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
 - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (19) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (20) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (21) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (22) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).
- (23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- (24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (25) Collected screening, sludges, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.
- (28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

2018 ILR10 General NPDES Permit for Storm Water Discharges From Construction Site Activities
Public Comments and Responses Fact Sheet

COMMENT 1: Please include the following language in the reissued General National Pollutant Discharge Elimination System (NPDES) Permit No. ILR10, per the Federal NPDES CGP: *If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of the construction site.*

RESPONSE 1: *The Agency has revised Part IV(B)(1) of the permit as requested.*

COMMENT 2: Please revise the post-rain inspection threshold to 0.5-inch rain event or include the following language in the reissued General National Pollutant Discharge Elimination System (NPDES) Permit No. ILR10, to coincide with the Federal NPDES CGP: *At a minimum, qualified personnel (provided by the permittee) shall inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site in accordance with one of the two schedules listed below:*

- *At least once every seven (7) calendar days; or*
- *Once every 14 calendar days and within 24 hours of the end of a rain event, or by the end of the following business or work day that is 0.25 inches or greater*

RESPONSE 2: *The Agency has revised the post-rain inspection threshold back to a 0.5-inch rain event. The Agency has determined that the ILR10 permit contains requirements to design systems for larger rain events than 0.25 inch and therefore any discharges after a 0.25 inch rain event should be properly treated. The required weekly inspections will record any malfunctions, improperly installed BMPs, etc. that would lead to an unacceptable discharge after a 0.25 inch rain event and require corrective actions.*

COMMENT 3: Please replace the word "remove" with "minimize" as noted above in Paragraph a, of the reissued General National Pollutant Discharge Elimination System (NPDES) Permit No. ILR10. The word "remove" implies absolute removal of sediment from storm water via inlet protection. The current best available technology related to inlet protection cannot fully remove suspended sediments associated with Illinois soils from storm water.

RESPONSE 3: *The Agency has not revised the language in Part IV (D)(2)(c)(ii)(a). The language is consistent with the Federal EPA's 2017 Construction General Permit (Section 2.2.10 (a) on page 10). The requirement is not intended to require absolute removal of sediment, but rather requires installation of protective measures that do remove an adequate amount of sediment to protect water quality.*

COMMENT 4: Please revise the Part IV(D)(2)(c)(ii) paragraph b, in the reissued General National Pollutant Discharge Elimination System (NPDES) Permit No. ILR10 to: *Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited*

Page No. 2

2018 ILR10 public comments and responses

sediment as soon as possible, but in no case longer than seven (7) calendar days. If it is infeasible to complete the maintenance within 7 calendar days, you must document in your records why it is infeasible to complete the maintenance within the 7-day timeframe and document your schedule for maintaining the inlet protection after the 7-day timeframe.

RESPONSE 4: The Agency has not revised the language in Part IV (D)(2)(c)(II)(b). The language is consistent with the Federal EPA's 2017 Construction General Permit (Section 2.2.10 (b) on page 10). The language refers to maintenance activities, not incidences of non-compliance or corrective actions. The Agency considers the required time frame for maintaining inlet protection measures as reasonable and attainable.

COMMENT 5: Please revise the Part VI(Q) of the reissued General NPDES Permit No. ILR10 to include the following language or language similar to:
IEPA, or their authorized representative, shall comply with all site specific, construction site safety protocols. Prior to entering construction site covered by an active General NPDES Permit No. ILR10, IEPA, or their authorized representative, shall attempt to contact the permittee via phone and email, per information provided in the "Owner Information" section of the NOI kept on file with IEPA.

RESPONSE 5: The Agency has not revised the language in Part VI (Q). The Agency is not required to notify the permittee prior to an inspection.

COMMENT 6: *Please expand the definition of initial disturbance of soils in a vegetated area to include text related to a "disturbance of the root zone".*

RESPONSE 6: The Agency has not revised or expanded the definition of "Commencement of Construction or Demolition Activities" as it is consistent with definitions in the Federal EPA's 2017 Construction General Permit (Page A-2 of 13).

COMMENT 7: The draft reissued NPDES Permit No. ILR10 does not deter utility companies from violating a permittee's SWPPP or damaging permittee owned best BMPs, nor does it require utility companies to install or maintain their own BMPs (i.e. track out controls). Please include language in the reissued General NPDES Permit No. ILR10 that specifically binds utility companies to a permittee's SWPPP and compliance program, or requires utility companies to obtain a separate General NPDES Permit No. ILR10 as part of a larger common plan of development.

RESPONSE 7: As the Agency's construction general permit is derived from USEPA's corresponding construction general permit, and USEPA reviews and approves the Agency's permit, the requirements in the Agency's permit are modeled after those in the federal counterpart. The requirement in the Agency's construction general permit relating to subcontractors is therefore based on the requirement found in the USEPA's permit.

COMMENT 8: Please include a forgiveness clause or waiver in the reissued General NPDES Permit No. ILR10 that can be applied by permittees when good cause exists, such as an act of God, labor strike, or flood.

RESPONSE 8: *Part VI (S) of permit ILR10, by reference to 40 CFR 122.41(n), allows for provisions during upsets such as acts of God.*

COMMENT 9: *Land-disturbing activities associated with construction of the following agricultural operations must obtain General NPDES Permit No. ILR10 permit coverage:*

(A) Barns.

(B) Buildings to house livestock.

(C) Roads associated with infrastructure.

(D) Agricultural waste lagoons and other facilities.

(E) Lake, ponds and impoundments.

(F) Wetlands constructed voluntarily or as mitigation.

(G) Other infrastructure

RESPONSE 9: *The Agency has not included the requested language. The ILR10 permit covers all agricultural structures disturbing over 1 acre of land that are not covered by the exemption in 40 CFR 122.3(e).*

COMMENT 10: Please include the following language in Part IV(D)(2)(a)(viii) of the reissued General NPDES Permit No. ILR10, per Section 2.2.4 of the Federal NPDES CGP:

Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls are implemented to minimize sediment track-out.

RESPONSE 10: *The Agency has added Part IV(D)(2)(b)(iii) as requested which includes requirements for implementation of other exit point controls if stabilization is not complete.*

COMMENT 11: We suggest the Agency amend the last sentence in Section I.B.1 as follows: 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.

RESPONSE 11: *The Agency has revised Section I.B.1 as requested.*

COMMENT 12: Inconsistencies exist in requirements for notice of intent for when a new contractor is selected in Section I.C.2 and II.C.9. It is unclear what the practical difference is between a "new" notice of intent as required in Section I.C.2 and a "revised" notice of intent as required in Section II.C.9. We recommend the Agency state either a new notice of intent is required in both instances when a new contractor is named or that the permittee must submit a revised notice of intent.

RESPONSE 12: *The Agency has revised Section II.C.9 to state "New notice of intents shall be submitted for any substantial modifications to the project such as: address changes, new contractors, area coverage, additional discharges to Waters of the United States, or other substantial modifications."*

Page No. 4

2018 ILR10 public comments and responses

COMMENT 13: The certified mail requirement seems unnecessarily restrictive as alternative means such as private courier or hand delivery would be equally satisfactory. We recommend the Agency amend the permit language in section II.D.2 to include the following: "Submit a copy of the signed NOI and appropriate fee by means that would provide a receipt of delivery to the Agency at the address above."

RESPONSE 13: *The Agency has revised Section II.D.2 to state "Submit a copy of the signed NOI and appropriate fee by registered or certified mail, return receipt requested, to the Agency at the address above. NOIs and fees that are hand delivered shall be delivered to and receipted for by an authorized person employed in the Permit Section of the Agency's Division of Water Pollution Control." pursuant to 35 Ill. Adm. Code 309.223.*

COMMENT 14: We suggest the Agency amend the language in section II.F.1.d to include the following: "The date when construction was completed and the site was stabilized and when you have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following termination of permit coverage; and..."

RESPONSE 14: *The Agency has revised Section II.F.1.d and added "Any items to remain at the site shall be clearly described in the NOT including the long-term purpose and a brief description indicating how the items will be maintained to protect water quality."*

COMMENT 15: We suggest the Agency clarify section III.A.4.c with the following language: "An oil-water separator or suitable filtration device shall be used to treat oil, grease, or other similar products if dewatering water is found to contain these materials;"

RESPONSE 15: *The Agency has revised Section III.A.4.c as requested.*

COMMENT 16: We suggest the Agency revise section III.A.4.e to state the following: "backwash water must be properly treated or hauled off-site for disposal...."

RESPONSE 16: *The Agency has revised Section III.A.4.e as requested.*

COMMENT 17: Section IV.D.1.c and IV.D.2 require controls at off-site stockpiles and storage of materials. It is unclear whether such "off-site" activities, including discharges from such locations, are included within the scope of the permit as described in section I.B.1. If the Agency intends for such activities and discharges to be within the scope of the permit, then we recommend section I.B.1 be revised to make that clear. If the Agency does not intend to authorize such discharge via this permit, then we recommend removing the requirements of IV.D.1 and IV.D.2 regarding off-site activities, as if there is a discharge associated with that location, it should be permitted separately.

RESPONSE 17: *The Agency intends to require controls for off-site stockpiles and storage areas as stated in the permit. USEPA's Construction General Permit considers off-site stockpiles as "construction support activities" that require*

Page No. 5

2018 ILR10 public comments and responses

coverage under the permit. The ILR10 permit definition for "Storm Water Associated with Industrial Activity" includes "material handling sites" and "storage areas for raw materials." The Agency has added "...unless already authorized by a separate NPDES permit." after "...any off-site stockpile or storage area." in Section IV.D.2.

COMMENT 18: We recommend adding the following language to Section IV.D.2.f.ii: "Minimize the exposure of building materials that have the potential for storm water pollution, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to storm water."

RESPONSE 18: *The Agency has added the following language to Section IV.D.2.f.ii consistent with the Federal EPA's 2017 Construction General Permit (footnote 36 on page 14): Minimization to exposure is not required for any products or materials where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).*

COMMENT 19: Section IV.D.2.e and IV.D.2.h.iii require the SWPPP be designed for storm events equal to or greater than a 25-year 24-hour rainfall event. It is unclear what is intended by this language. It could be read to mean that the SWPPP not include any requirement for any storm events smaller than a 25-year 24-hour event and that only events of that size or greater need be designed for. This requirement would be prohibitively expensive and relatively unnecessary since these rainfall events are uncommon.

RESPONSE 19: *The Agency has not revised this language. Designing for storm events equal to or greater than a 25-year 24-hour rainfall event will result in a system designed for a minimum of 25-year 24-hour storm event as the Agency intends. A system designed for a 25-year 24-hour storm event will also handle any storm events less than the 25-year 24-hour storm event. Section IV.D.2.h.iii also references the Illinois Urban Manual which may include BMPs requiring designs for smaller storm events.*

COMMENT 20: Section IV.D.2.h.i states, "while not mandatory..." for including a storm water pollution prevention plan and design. The provisions within this subsection are not intended to impose a legally binding requirement, according to the language in the permit and therefore may be more appropriately placed within the Fact Sheet.

RESPONSE 20: *The Agency has retained this language in the permit in order to highlight post-construction storm water controls that will provide water quality benefits.*

COMMENT 21: Part IV.6. Section D.4 includes very specific qualifications for performing inspections required by the permit. The professional qualification listed as examples (P.E., CPESC or CESSWI) are suitable for someone writing a SWPPP but are perhaps too comprehensive for those required to inspect the controls specified in the plan.

Page No. 6

2018 ILR10 public comments and responses

We recommend the Agency provide guidance or a recommendation of specific training that could be given to an "other knowledgeable person" who will be performing the inspection.

RESPONSE 21: *The Agency has defined "other knowledgeable person" within the permit language as a person knowledgeable in the principles and practices of erosion and sediment controls and who possesses the skills to assess conditions at the construction site that could impact water quality and assess the effectiveness of any sediment and erosion control measures. Any training that expands a person's knowledge of the principles and practices of erosion and sediment controls is acceptable.*

COMMENT 22: We recommend defining "contractor" as it is used within Part II.C and elsewhere in the permit.

RESPONSE 22: *The Agency has added the following definition to ILR10: "Contractor" means a person or firm that undertakes a contract to provide materials or labor to perform a service or do a job related to construction of the project authorized by this permit.*

COMMENT 23: Section IV(D)(4) should be revised to include the designation Certified Stormwater Inspector (CSI). The other organizations that are listed in Section IV are no different than the National Stormwater Center.

The National Stormwater Center requests a public hearing on the proposed permit for the purpose of assuring the permit does not provide inappropriate [sp?] financial and other benefits to specific business interest.

RESPONSE 23: *The Agency has added Certified Stormwater Inspector (CSI) to the list in Section IV(D)(4) as requested. The Agency has developed the General ILR10 NPDES permit to meet pertinent regulations and protect water quality. The permit does not provide financial or other benefits to any specific business interest. Therefore, the Agency has determined that a public hearing is not necessary.*

COMMENT 24: For submittal of the NOT, you not only need to stabilize the site, but all construction activities need to cease and materials and equipment need to be removed from the site. It is completely normal that multi-phase projects would have nonperishable materials and supplies remain on the site to support future phases. This can include pre-cast concrete pipe, pre-cast structures, aggregate stockpiles, etc. which, if left on site, will not contribute to the potential for pollution. Not allowing the NOT to be filed based on these materials remaining will contribute to increased costs for continued inspections for no reason at all.

RESPONSE 24: *Please see Response 14.*

COMMENT 25: The comment period should be extended to at least 90 days in total with IEPA holding at least 1 public meeting in each region to allow stakeholders to learn about and then respond to these changes.

Page No. 7

2018 ILR10 public comments and responses

RESPONSE 25: Numerous stakeholders have provided comments to the Agency regarding the stormwater permit and the Agency has considered those comments. The Agency has and will continue to participate in workshops/meetings throughout the State regarding stormwater permit requirements to inform stakeholders and answer questions.

COMMENT 26: In response to the proposed change to Part II F(d) regarding material and equipment removal, we recommend the following language change:

"The date(s) when construction was completed, the site was stabilized, and when all materials, waste, waste handling devices, and construction equipment was removed from the site..."

RESPONSE 26: The Agency has revised Part II(F)(1)(d) to state "The date(s)..."

COMMENT 27: In response to the proposed change to Part IV D(2)(a)(ix) regarding dust minimization, we support this change.

RESPONSE 27: Thank you for your comment.

COMMENT 28: Clarification for what the term "frozen conditions" means would be helpful. In the northern part of the state, it is likely very clear what is meant by frozen conditions. However, when you apply it to the southern portion of the state, many contractors and engineers translate that to mean that the winter months only require monthly inspections.

RESPONSE 28: Frozen conditions means when ground and/or air temperatures are at or below 32 degrees Fahrenheit. The Agency has added this clarification to the permit.

COMMENT 29: A good SWPPP is only as good as the contractor who is implementing it. I feel that any deviation from the plan by the contractor, which provides less protection, should require a written explanation or approval by an engineer. Many times a contractor will over rule the engineer without the proper knowledge or just out to save a penny. The signature on the contractor certification is seemingly not enough.

RESPONSE 29: The ILR10 permit requires proper implementation of the SWPPP. Any deviation from the SWPPP is considered not in compliance with the permit. SWPPPs shall be maintained and updated as appropriate.

COMMENT 30: When engineers reference another manual in the SWPPP, such as an IDOT manual, the referenced material should be required to be onsite.

RESPONSE 30: The Agency has added "Any manuals or other documents referenced in the SWPPP shall also be retained at the construction site." to Part V (B).

COMMENT 31: SWPPP requirements should include details or drawings that show proper installation of BMPs.

Page No. 8

2018 ILR10 public comments and responses

RESPONSE 31: The Agency has added "The plan shall include details or drawings that show proper installation of controls and BMPs." to Part IV (D)(2).

COMMENT 32: Sediment basin information should also include post construction clean out.

RESPONSE 32: The Agency has added "Maintenance of any sediment basin shall include a post construction clean out of accumulated sediment if the basin is to remain in place." to Part IV (D)(3)(b).

COMMENT 33: The agricultural exemption is abused by contractors who haul out their spoil to agricultural fields and then claim it does not need to be stabilized.

RESPONSE 33: 40 CFR 122.3(e) exempts storm water runoff from agricultural fields, including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands, from NPDES requirements.

COMMENT 34: Can clarification be provided regarding which projects actually require application of the native buffer section? As worded, Section 2.j appears to require 50-foot native buffers for construction activities within 50-feet of Water of the US that cause a discharge. Is this statement requiring projects whose discharge is within 50 feet of the WOUS or those where the activity is within 50-feet of the WOUS to have a native buffer?

RESPONSE 34: Part IV (D)(2)(j) applies to any construction activities that are within 50 feet of a Waters of the United States.

COMMENT 35: Part IV(D)(3) should be revised to require maintenance cleaning of a basin when 50% of the basin's capacity is lost due to accumulated sediment.

RESPONSE 35: Part IV(D)(3) of the permit was revised to specify requirements for removing sediment and requires that sediment control structures are maintained and cleaned to be in effective operating condition.

COMMENT 36: Would it be possible to include a definition of Backwash water in the new permit?

RESPONSE 36: The Agency has added "...(water used to backwash/clean any filters used as part of stormwater treatment)..." to Part III(A)(4)(e).

COMMENT 37: Please consider presenting and publicly discussing the supporting data and the decision making process prior to the proposed change [to a 0.25-inch inspection threshold] to significantly increase the buy-in and success of its implementation.

RESPONSE 37: Please see Responses 2 and 25. The Agency has kept the 0.5 inch rainfall event threshold for requiring inspections.

WATERSHED MANAGEMENT PERMIT
METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO
 111 EAST ERIE, CHICAGO, ILLINOIS, 60611

Watershed Management Permit No.

www.mwrdd.org

INSTRUCTIONS FOR COMPLETING PERMIT FORM: Submit two original signed copies of this permit application (nine pages) and any required WMO schedules listed below; do not leave any blank spaces; use "X" for checking applicable information. Also submit two copies of location map and plans. Address all correspondence to the Local Sewer Systems Section; for any inquiries or assistance, telephone (312) 751-3255.

NAME AND LOCATION:

Name of Project (as shown on plans): Proposed Commercial Development

Location of Project (street address or with respect to two major streets): South West Corner - Willow & Pfingsten

Municipality (Township, if unincorporated) Glenview

Section 20, Township 42 N, Range 12 E

PIN (include all PINs for project, use additional sheets if more than two): 04 20 201 006; - - - -

Check type of sewer area for project: Combined Sewer Area Separate Sewer Area

<input checked="" type="checkbox"/> Project Information (Required in all cases)	WMO Schedule A	(Page 5 of 9)
<input checked="" type="checkbox"/> Sewer Summary (Required in all cases)	WMO Schedule B	(Page 6 of 9)
<input checked="" type="checkbox"/> Sewer Connections (Required in all cases)	WMO Schedule C	(Page 7 of 9)
<input checked="" type="checkbox"/> Detention & Stormwater Management Facilities (WMO)	WMO Schedule D	(3 Pages)
<input type="checkbox"/> Detention & Stormwater Management Facilities (Legacy)	WMO Schedule D _{Legacy}	(4 Pages)
<input type="checkbox"/> Lift Station and/or Force Main	WMO Schedule E	(2 Pages)
<input type="checkbox"/> Characteristics of Waste Discharge	WMO Schedule F	(2 Pages)
<input type="checkbox"/> Treatment or Pretreatment Facilities	WMO Schedule G	(2 Pages)
<input type="checkbox"/> Hazard Areas (Floodplain / Floodway / Riparian Areas)	WMO Schedule H	(2 Pages)
<input type="checkbox"/> Affidavit Relative to Compliance with Article 7	WMO Schedule J	(1 Page)
<input checked="" type="checkbox"/> Affidavit of Disclosure of Property Interest	WMO Schedule K	(2 Pages)
<input type="checkbox"/> Notice of Requirements for Storm Water Detention	WMO Schedule L	(2 Pages)
<input type="checkbox"/> Current Survey of Property Interests (Attachment for Schedule K or L)	Exhibit A	
<input type="checkbox"/> Outfall, Direct Connection, District Owned or Leased Property	WMO Schedule O	(1 Page)
<input checked="" type="checkbox"/> Soil Erosion and Sediment Control	WMO Schedule P	(2 Pages)
<input checked="" type="checkbox"/> Recording and Maintenance	WMO Schedule R	(2 Pages)
<input checked="" type="checkbox"/> Recording Exhibit (Attachment for Schedule K or L)	Exhibit R	
<input type="checkbox"/> Wetlands and Wetland Buffer Areas	WMO Schedule W	(2 Pages)

Refer to Table 1 of § 201 of Article 2 of Watershed Management Ordinance for applicable Permitting Authority.

OTHER DOCUMENTS: Indicate title, number of pages and originator Civil Engineering Plans by Design Studio 24 and Survey by Others, Total 27 Sheets.

NOTE: ATTACH FEE PAYMENT VOUCHER AND PAYMENT IF APPLICABLE

DISTRICT USE ONLY

Application received: _____ WMO Permit issued: _____ WRP: _____

Issued by: DISTRICT Authorized Municipality

Exhibit
C

GENERAL CONDITIONS OF THE PERMIT

1. **Definitions.** The definitions of Appendix A of the Watershed Management Ordinance are incorporated into this Watershed Management Permit by reference. Additionally, the following words and phrases shall be defined as follows:
 - a) **Building and Occupancy Permit.** Building and Occupancy Permit issued by the Municipality.
 - b) **Design Engineer.** A Professional Engineer who prepares plans and specifications for the project, and signs the Watershed Management Permit Application.
 - c) **Inspection Engineer.** A Professional Engineer who inspects the development to ensure compliance with the design plans, specifications, a Watershed Management Permit, and the Watershed Management Ordinance.
 - d) **Permit.** Watershed Management Permit.
 - e) **General Conditions.** General Conditions contained in a Watershed Management Permit.
 - f) **Special Conditions.** Special conditions of this Watershed Management Permit.
2. **Adequacy of Design.** The schedules, plans, specifications and all other data and documents submitted for this Permit are made a part hereof. The Permit shall not relieve the Design Engineer of the sole responsibility for the adequacy of the design. The issuance of this Permit shall not be construed as approval of the concept or construction details of the proposed facilities and shall not absolve the Permittee, Co-Permittee or Design Engineer of their respective responsibilities.
3. **Joint Construction and Operation Permits.** Unless otherwise stated by the Special Conditions, the issuance of this Permit shall be a joint construction and operation permit, provided that the Permittee or Co-Permittee has complied with all General and Special Conditions.
4. **Allowable Discharges.** Discharges into the Sanitary Sewer system constructed under this Permit shall consist of sanitary Sewage only. Unless otherwise stated by the Special Conditions, there shall be no discharge of industrial wastes under this Permit. Stormwater shall not be permitted to enter the Sanitary Sewer system. Without limiting the general prohibition of the previous sentence, roof and footing drains shall not be connected to the Sanitary Sewer system.
5. **Construction Inspection.** All erosion and sediment control facilities, Stormwater Facilities, Detention Facilities, and Qualified Sewer Construction shall be inspected and approved by an Inspection Engineer acting on behalf of the Permittee or the Owner of the project, or by a duly authorized and competent representative of the Inspection Engineer. No sewer trenches shall be backfilled except as authorized by the Inspection

Engineer after having inspected and approved the sewer installation.

6. **Maintenance.** Stormwater Facilities, Detention Facilities, Qualified Sewer Construction, Sanitary Sewer lines, systems or facilities constructed hereunder or serving the facilities constructed hereunder shall be properly maintained and operated at all times in accordance with all applicable requirements. It is understood that the responsibility for maintenance shall run as a joint and several obligation against the Permittee, the Co-Permittee, the property served, the Owner and the operator of the facilities, and said responsibility shall not be discharged nor in any way affected by change of ownership of said property, unless the District has authorized assignment of the permit.
7. **Indemnification.** The Permittee shall be solely responsible for and shall defend, indemnify and hold harmless the Metropolitan Water Reclamation District of Greater Chicago ("District", "MWRD", or "MWRDGC") and its Commissioners, officers, employees, servants, and agents from liabilities of every kind, including losses, damages and reasonable costs, payments and expenses (such as, but not limited to, court costs and reasonable attorneys' fees and disbursements), claims, demands, actions, suits, proceedings, judgments or settlements, any or all of which are asserted by any individual, private entity, or public entity against the District and its Commissioners, officers, employees, servants, or agents and arise out of or are in any way related to the issuance of this Permit. Without limiting the generality of the preceding sentence, the provisions of this paragraph shall extend to indemnify and hold harmless the District and its Commissioners, officers, employees, servants, and agents from any claims or damages arising out of or in connection with the termination or revocation of this Permit.

The Permittee shall be solely responsible for and shall defend, indemnify and hold harmless an Authorized Municipality and its elected officials, officers, employees, servants, and agents from liabilities of every kind, including losses, damages and reasonable costs, payments and expenses (such as, but not limited to, court costs and reasonable attorneys' fees and disbursements), claims, demands, actions, suits, proceedings, judgments or settlements, any or all of which are asserted by any individual, private entity, or public entity against the Authorized Municipality and its elected officials, officers, employees, servants, or agents and arise out of or are in any way related to the issuance of this Permit. Without limiting the generality of the preceding sentence, the provisions of this paragraph shall extend to indemnify and hold harmless the Authorized Municipality and its elected officials, officers, employees, servants, and agents from any claims or damages arising out of or in connection with the termination or revocation of this Permit.

8. **Sewer Construction by District.** Permittee understands and acknowledges that the District has the right and power to construct and extend sewer service facilities and render such services within the area to be served by the project for which this Permit is issued, and that by the District constructing and extending such sewer service facilities and rendering such services, the facilities constructed by the Permittee under this Permit may decrease in value, become useless or of no value whatsoever, the Permittee may also sustain a loss of business, income and profits.

Therefore, by accepting this Permit and acting thereon, the Permittee, for itself, its successors and assigns, does remise, release and forever discharge the District and its Commissioners, officers, employees, servants, and agents of any and all claims whatsoever which Permittee may now have or hereafter acquire and which Permittee's successors and assigns hereafter can, shall, or may have against the District and its Commissioners, officers, employees, servants, and agents for all losses and damages, either direct or indirect, claimed to have been incurred by reason of the construction or extension at any time hereafter by the District of sewer service facilities in the service area contemplated by this Permit, the rendering of such services, which District facilities and services decrease the value of the facilities constructed by the Permittee under this Permit, make same useless or of no value whatsoever, including but not limited to, any and all damages arising under 70 ILCS 2605/19; the taking of private property for public use without due compensation; the interference with the contracts of Permittee; the interference with Permittee's use and enjoyment of its land; and the decrease in value of Permittee's land.

9. **Third Parties.** Regarding Qualified Sewer Construction, this Permit does not grant the right or authority to the Permittee: (a) to construct or encroach upon any lands of the District or of any other parties, (b) to construct outside of the territorial boundaries of the District except as allowed under an extraterritorial service agreement, (c) to construct or encroach upon the territorial boundaries of any units of local government within the District, (d) to connect to or discharge into or be served by (directly or indirectly) any sewer or sewer system owned or operated by third parties.
10. **Costs.** It is expressly stipulated and clearly understood that the Stormwater Facilities, Detention Facilities, Qualified Sewer Construction, or facilities for which the Permit is issued shall be constructed, operated and maintained at no cost to the District.
11. **Other Sewer Construction.** The District reserves the right, privilege and authority to permit others to reconstruct, change, alter and replace all sewers and appurtenances thereto at the point of connection of any sewerage system to a District interceptor and/or in public

right-of-ways of District easements, and to introduce additional Sewage flow through this connection into the intercepting sewer of said District.

12. **Change of Use.** This Permit shall be incorporated in the Building and Occupancy Permit for the Building or Buildings served under this Permit. The Owner or occupant of any Building served under this Permit shall not cause, or permit, a change of use of the Building to a use other than that indicated in this Permit without first having obtained a written permission from the Executive Director of the District.
13. **Interceptors Overloading.** The District hereby serves notice that its interceptors may flow full and may surcharge, and flooding of the proposed system may occur. The Permittee agrees that the proposed systems shall be constructed, operated and maintained at the sole risk of the Permittee.
14. **Transferability.** This Permit may not be assigned or transferred without the written consent of the Executive Director of the District or Enforcement Officer of an Authorized Municipality. However, a Sole Permittee may be required to assign or transfer the Permit when divesting itself of ownership to a third-party and should notify the District prior to such divestment so that the District may determine whether assignment to the new owner is necessary.
15. **Termination.** The District has the right to enforce or revoke a Permit issued by either the District or an Authorized Municipality as outlined in Article 12 of the Watershed Management Ordinance.

It is understood and agreed that in the event the Permittee shall default on or fail to perform and carryout any of the covenants, conditions or provisions of this Permit and such default or violation shall continue for sixty (60) days after receipt of notice thereof in writing given by the Executive Director of the District, then it shall be lawful for the District at or after the expiration of said sixty (60) days to declare said Permit terminated. The Permittee agrees that immediately upon receipt of written notice of such termination it will stop all operations, discontinue any discharges and disconnect the sewerage system or facilities constructed under this Permit. If the Permittee fails to do so, the District shall have the right to disconnect said system. The Permittee hereby agrees to pay for any costs incurred by the District for said disconnection.

16. **Rights and Remedies.** The various rights and remedies of the District contained in this Permit shall be construed as cumulative, and no one of them shall be construed as exclusive of any one or more of the others or exclusive of any other rights or remedies allowed by applicable rules, regulations, ordinances and laws. An election by the District to enforce any one or more of its rights or

remedies shall not be construed as a waiver of the rights of the District to pursue any other rights or remedies provided under the terms and provisions of this Permit or under any applicable rules, regulations, ordinances or laws.

17. **Expiration.** This Permit shall expire if construction has not started within one (1) year from the date of issue. Construction under an expired Permit is deemed construction without a Permit. All construction under this Permit shall be completed within two (2) years after start of construction. If conditions so warrant, an extension may be granted. For publicly financed projects (e.g. special assessments) the one (1) year period indicated will be considered from the date of final court action.

18. **Revocation.** In issuing this Permit, the District or Authorized Municipality has relied upon the statements and representations made by the Permittee or his agent. Any incorrect statements or representations shall be cause for revocation of this Permit, and all the rights of the Permittee hereunder shall immediately become null and void.

19. **Advance Notice.** The Permittee shall give the District or Authorized Municipality advance notice of at least two working days prior to the following: mobilization and installation of Erosion and Sediment Control Practices; commencement of construction; excavation for Qualified Sewer Construction; Major Stormwater Systems and Detention Facilities under this Permit; and completion of construction. When advance notice is given, the Permittee shall provide the Permit number, municipality and location.

20. **Compliance with Plans and Specifications.** All construction shall be in accordance with the plans and specifications submitted for this Permit and made a part hereof. No changes in, or deviation from the plans and specifications which affect capacity, maintenance, design requirements, service area or Permit requirements shall be permitted unless revised plans have been submitted to, and approved by the District or Authorized Municipality. The Permit together with a set of the plans and specifications (revised plans and specifications, if any) shall be kept on the jobsite at all times during construction and until final inspection and approval by the District or Authorized Municipality.

21. **Testing and Approval.** All construction under this Permit shall be subject to inspection, testing and approval by the District. All testing shall be made, or caused to be made, by the Permittee at no cost to the District and in the presence of the District representative. Upon satisfactory completion of construction, the Permittee and the owner shall submit, or cause to be submitted, a completion certificate and request for approval on the form prescribed by the District. No sewer

or other facilities shall be put in service until all the conditions of the Permit have been satisfactorily met.

22. **Record Drawings.** Before final inspection and approval by the District or an Authorized Municipality, the Permittee shall furnish, or cause to be furnished to the District or an Authorized Municipality, a set of Record drawings and Schedule R for the site stormwater plan, Detention Facilities, Stormwater Facilities, and Qualified Sewer Construction, or a statement that the project was constructed in accordance with the original plans and specifications.

23. **Compliance with Rules and Regulations.** The Permittee hereby expressly assumes all responsibilities for meeting the requirements of all applicable rules, regulations, ordinances and laws of Local, State and Federal authorities. Issuance of this Permit shall not constitute a waiver of any applicable requirements.

24. **Severability.** The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit, is held invalid, the remaining provisions of this Permit shall continue in full force and effect.

25. **Property Rights.** This Permit does not convey any property rights of any sort, or any exclusive privilege.

26. **Conflict with Other Conditions.** In the case of conflict between these General Conditions and any other condition(s) in this permit, the more stringent condition(s) shall govern.

**WMO SCHEDULE A
PROJECT INFORMATION**

Watershed Management Permit No.

1. NAME OF PROJECT Proposed Commercial Development

(as shown on the plans)

2. APPURTENANCES (check all applicable items)

- Siphon Drop Manholes Public Lift Station Outfalls
- (Submit Sch. E) (Submit Sch. C)
- Stream Crossing Direct Connections to District → Describe _____

3. RECEIVING SANITARY/COMBINED SEWER SYSTEM

A. System that project will connect to is:

- Existing Proposed /Under Construction → District Permit # _____

List owners of all sewers from project to District interceptor Village of Glenview

4. RECEIVING STORM SEWER SYSTEM TRIBUTARY TO WATERWAY

A. System that project will connect to is:

- Existing Proposed /Under Construction → District Permit # _____

List owners of all sewers from project to waterway Illinois Department of Transportation

5. EXISTING LIFT STATION

- No Yes → Receiving system includes existing lift station

If yes, indicate location _____

6. FLOOD PROTECTION AREAS

Does any part of the project area impact the following? (check all applicable items)

- Floodplain/Floodway/Riparian Wetlands/Riparian
- (Schedule F) (Schedule W)

7. SIZE OF PROJECT

Impervious area within project

- | | | | | | |
|-------------------------------|-------------|-------|-----------------------|-------------|-------|
| A. Total contiguous ownership | <u>8.55</u> | acres | C. Before development | <u>0.84</u> | acres |
| B. Development Area | <u>8.55</u> | acres | D. After development | <u>4.74</u> | acres |

8. STORMWATER MANAGEMENT

A. Is project in the service area of an existing District permitted detention facility?

- No Yes → District Permit No. _____

B. Is stormwater management provided under this permit?

- No Yes → Required by: District Other
- (Submit Sch. D)

C. Type of stormwater management

- Runoff Control Volume Control Detention Storage

**WMO SCHEDULE B
SEWER SUMMARY**

Watershed Management Permit No.

PROJECT NAME: Proposed Commercial Development

(as shown on the plans)

1. **SEWER SUMMARY:** Include all qualified sewer construction sewers (Sanitary sewers in combined and separate sewer areas and Storm sewers in combined sewer area) and their tributary type:
Sanitary (San), Combined (C), Storm to Combined (SC), Storm to Waterway (SW), or Storm part of Volume Control (SVC)

Tributary Type	Choose an San	Choose an San	Choose an San	Choose an Choose one	Choose Choose one	Choose an Choose one	Choose Choose one
Pipe Size (in.)	6	8	4				
Total Length (ft.)	198	1041	9				
Min. slope used (%)	1	0.4	16.8				
Pipe Material *	PVC	PVC	PVC				
Total Manholes	2	6	1				
Total Cleanouts							
Catch Basin/Inlets	2	1					

* Pipe material and joint specifications must be shown on plans. See Technical Guidance Manual for acceptable specifications.

Sewer construction in floodplain: No Yes → FPE _____ ft.

Sanitary Manholes in floodplain n/a

Note: All structures shall have lids located above the FPE or be constructed with watertight, bolt down covers/lids.

2. **NATURE OF PROJECT** (Check all that apply)

Brief description Sanitary Sewer Connection to service an 8.55 Acre Commercial Development

- Publicly financed Sewer extension to serve future development
- Sewer system serving a subdivision Storm sewers in combined sewer area
- Off-site trunk sewer to serve subdivision Service connections to serve buildings (Sch. C)
- Other _____

3. **SEWER EXTENSIONS**

Identify proposed project designed to service future connections (not included in Schedule C). Check the appropriate box and submit service area map and estimate of population equivalent (PE) to be served.

- NO YES → Service area map
- P.E. estimate submitted

WMO SCHEDULE C Watershed Management Permit No.
SEWER CONNECTIONS
 (FILL OUT ALL SECTIONS THAT APPLY)

1. BUILDING CONNECTION DATA

A. RESIDENTIAL BUILDINGS

<input type="checkbox"/> Single Family	Total dwelling units *		
	Number of sewer connections *		PE**
<input type="checkbox"/> Multi Family	Total dwelling units *		
	Number of sewer connections *		PE**

B. COMMERCIAL & RECREATIONAL BUILDINGS

<input checked="" type="checkbox"/> Number of sewer connections		4	PE**	45.5
---	--	---	------	------

C. INDUSTRIAL BUILDINGS

<input type="checkbox"/> Number of sewer connections			PE**	
--	--	--	------	--

* Each sanitary line exiting a building is a connection
 ** Population Equivalent (Submit calculations for each connection and total from all connections)

2. BUILDING USE - (Check all that apply)

A. COMMERCIAL & RECREATIONAL

Describe use of buildings, including principal product(s) or activities Grocery Store, Doctor & Dentist
Office, Restaurant, Beauty Shop & Wellness Center

- | | |
|---|--|
| <input checked="" type="checkbox"/> Food preparation or processing (install grease separator) | <input type="checkbox"/> Laundromat (install lint basin) |
| <input type="checkbox"/> Swimming pool (provide pool plans) | <input type="checkbox"/> Auto service (install triple basin) |
| <input type="checkbox"/> Manufacturing (describe) <u>N/A</u> | <input type="checkbox"/> Auto wash (install mud basin) |
| <input checked="" type="checkbox"/> Other <u>N/A</u> | |

B. INDUSTRIAL BUILDINGS

Describe use of buildings, including principal product(s) or activities _____
N/A

- Sewer connections will receive domestic sewage only
 Industrial waste is produced

NOTE: If industrial waste is produced, submit [WMO Schedule F](#) & [WMO Schedule G](#) and plumbing plans along with flow diagram for pretreatment system.

ENGINEERING CERTIFICATIONS

Watershed Management Permit No.

CERTIFICATE BY DESIGN ENGINEER: I hereby certify that the project described herein has been designed in accordance with the requirements set forth in this application and all applicable ordinances, rules, regulations, local, state and federal laws, and design criteria of the issuing authority; that the storm drainage and sanitary sewer system designed for this project are proper and adequate; that where the design involves one or more connections to an existing local sewer system, the capacity of said system has been examined and the system is found to be adequate to transport the stormwater and/or wastewater that will be added through the proposed sewer without violating any provisions of the Illinois Environmental Protection Act or the rules and regulations thereunder.

Comments, if any: _____

Engineering Firm: Design Studio 24 LLC **Telephone:** (847) 885 - 8300

Address: 2211 N. Elston, Suite 304 **City:** Chicago **Zip:** 60614

Signature: *Mark Chertow* **Date:** 5/12/20
(Name and Title)

Email Address: mchertow@comcast.net



CERTIFICATE BY MUNICIPAL OR SYSTEM ENGINEER: The application and the drawings, together with other data, being submitted with this application, have been examined by me and are found to be in compliance with all applicable requirements. The manner of drainage is satisfactory and proper in accordance with local requirements. The existing local sewer system to which the project discharges has been examined and the system is found to be adequate to transport the stormwater and/or wastewater that will be added through the proposed sewer without violating any provisions of the Illinois Environmental Protection Act or the rules and regulations thereunder.

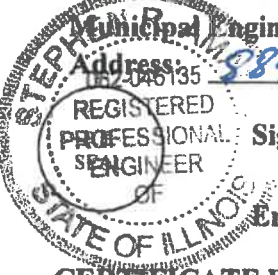
I hereby certify that the project area is within the municipal corporate limits. YES NO

Owner of Local Sewer System: Village of Glenview

Municipal Engineer: Baxter & Woodman, Inc. **Telephone:** 815-444-3345
Address: 19840 W. 192nd St. **City:** Mokena **Zip:** 60448

Signature: *Stephan J. Samann Sr.* **Date:** 5-13-20
(Name and Title) Civil Engr.

Email Address: samann@baxwood.com



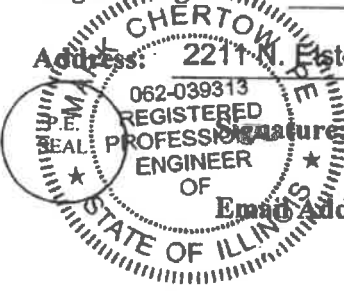
CERTIFICATE BY INSPECTION ENGINEER: I hereby certify that construction of the project will be in substantial compliance with the data and the plans submitted with this application; that approval will be obtained from the issuing authority prior to making any changes that would affect capacity, maintenance, design requirements, service area or the Permit requirements; that a set of RECORD drawings, signed and sealed by the undersigned Engineer will be furnished to the District or an Authorized Municipality before testing and approval by the District or Authorized Municipality of the completed work.

Engineering Firm: Design Studio 24 LLC **Telephone:** 847-885-8300

Address: 2211 N. Elston, Suite 304 **City:** Chicago **Zip:** 60614

Signature: *Mark Chertow* **Date:** 5/12/20
(Name and Title)

Email Address: mchertow@comcast.net



SPECIAL CONDITIONS

Watershed Management Permit No.

This Permit is issued subject to the General Conditions and the attached Special Conditions.

If Permit is granted:

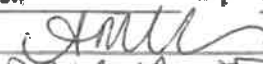

- Please return two (2) copies of the Permit to the Permittee; or
- Please mail one (1) copy to Permittee and one (1) copy to the person designated below;

Name: Mitch Goltz

Address : 2211 N. Elston, Suite 304, Chicago, IL 60614

Email : mitch@qwpproperties.com

CERTIFICATE BY APPLICANTS: We have read and thoroughly understand the conditions and requirements of this Permit application, and agree to conform to the Permit conditions and other applicable requirements of the District. It is understood that construction hereunder, after the Permit is granted, shall constitute acceptance by the applicants of any Special Conditions that may be placed hereon by the District or an Authorized Municipality. It is further understood that this application shall not constitute a Permit until it is approved, signed and returned by the Director of Engineering of the District or Enforcement Officer of an Authorized Municipality.

PERMITTEE	CO-PERMITTEE
The project area is within municipal corporate limits. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	(Co-Permittee is Property Owner) Title to property is held in a land trust: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, Co-Permittee shall be beneficiary with Power of Direction
Municipality <u>Village of Glenview</u>	Owner <u>BCL-GW Glenview JV LLC</u>
Address <u>2500 E. Lake Avenue</u>	Address <u>2211 N. Elston</u>
City <u>Glenview</u> Zip <u>60026</u>	City <u>Chicago</u> Zip <u>60614</u>
Signature 	Signature 
Name <u>ADRIANA WEBB</u> <small>(Print)</small>	Name <u>Mitch Goltz</u> <small>(Print)</small>
Title <u>ENG. DIVISION MANAGER</u>	Title <u>Principal</u>
Date <u>5-13-2020</u> Phone <u>6479044414</u>	Date <u>5/11/2020</u> Phone <u>773-382-0445</u>
Email <u>awebb@glenview.il.us</u>	Email <u>mitch@qwpproperties.com</u>

REVIEW AND APPROVAL BY THE DISTRICT OR AUTHORIZED MUNICIPALITY

Reviewed by: _____	Date _____
<small>(Local Sewer Systems) or (Professional Engineer)</small>	
Approved for Issue	
Approved by: _____	Date _____
<small>(For the Director of Engineering) or (Enforcement Officer)</small>	

SCHEDULE D
STORMWATER MANAGEMENT FACILITIES

WMO Permit Number: _____

NAME OF PROJECT: Proposed Commercial Development

(Submit a separate Schedule D for each stormwater facility, as needed)

1. RUNOFF REQUIREMENTS: Submit calculations and an exhibit that delineates the 100-year critical storm conveyed by the major stormwater system including cross-sections indicating the HGL at critical points (e.g. overflow weirs)

- A. Method used to calculate the 100-year peak design runoff rate:
 Hydrologic model Rational Method → $I_{100-year}$ 10.8 in/hr
- B. Onsite tributary area to the major stormwater system, C or CN 0.68 , 8.55 acres
- C. Offsite tributary area to the major stormwater system, C or CN 0.45 , 0.0802 acres
- D. Total tributary area to the major stormwater system, C or CN 0.68 , 8.6302 acres
- E. Ratio of offsite to onsite tributary area000001
- F. Time-of-concentration 10 minutes
- G. 100-year peak design runoff rate 7.344 cfs
- H. Capacity of major stormwater system discharging offsite 51.14 cfs
- I. Offsite discharge location of the major stormwater system:
 ROW/drainage easement Adjacent property *(submit calculations to comply with §502.3.B)*
- J. Type and location of major stormwater system: Control Structure - East Side of Detention Pond
- K. Building lowest entry elevation(s) are located at least 1 foot above the adjacent HGL;
(Submit calculations and cross-sections showing the lowest entry elevation(s) and adjacent HGL)
 Yes No *(for existing buildings located within the property holdings, submit acknowledgment)*

2. VOLUME CONTROL REQUIREMENTS: Submit calculations and a detail for the volume control facility including a cross-section indicating relevant elevations and the seasonal high groundwater table (SHGWT).

- A. Does the site have any restrictive covenants related to environmental conditions (e.g., NFR letter)?
 No Yes → Explain: _____
- B. Site constraint(s) that precludes the use of onsite retention-based practices *(submit documentation)*:
 None SHGWT Contaminated Soil Other: n/a
- C. Proposed impervious area of development 4.74 acres
- D. Gross volume control storage (2.C / 12) 0.395 ac-ft
- E. The onsite gross volume control storage may be reduced when a site constraint is present:
 1. Existing impervious area within development, 0.935 acres
 2. VC storage reduction (S)(2.D)[1 - (2.C / 2.E.1)] n/a ac-ft
- F. Required volume control storage (2.D - 2.E.2) 0.395 ac-ft
- G. Provided volume within retention-based practice 0.495 ac-ft
- H. Volume control facility *(only when a site constraint is present)*
 Retention-based practice → Type of practice: Storage Below Outlet of Deten Pond
 Flow-through practice* → Type of practice: _____
 Detention Storage* → Type of facility: _____
 Offsite retention-based practice* → WMO Permit Number: _____
- I. Designed as an offsite retention-based practice:
 No Yes → Impervious runoff volume tributary to facility _____ ac-ft

SCHEDULE D

WMO Permit Number: _____

STORMWATER MANAGEMENT FACILITIES

3. **DETENTION REQUIREMENTS:** Submit calculations and an exhibit that includes a cross-section of the detention facility and a detail of the control structure, and delineates the tributary, unrestricted, depressional storage, and bypass areas with the acreage and curve number indicated.

A. Watershed specific release rate (<i>Appendix B</i>)	0.15	cfs/ac
B. Detention service area	8.55	acres
C. Gross allowable release rate	1.282	cfs
D. Unrestricted area _____ <i>CN</i> _____		acres
E. Unrestricted release rate (<i>100-year, 24-hour storm</i>)		cfs
F. Depressional storage release rate adjustment (<i>100-year, 24-hour storm</i>)...		cfs
G. Net allowable release rate (<i>3.C - 3.E - 3.F</i>)	1.282	cfs
H. Control structure (restrictor) information:		
1. Diameter _____ 4.7 in	2. Actual Release Rate _____	1.22 cfs
3. <i>C_d</i> _____ 0.61	4. HWL _____	675.6 ft
5. Type _____ Orifice	6. Invert elevation _____	670.89 ft
I. Method used to determine the required detention volume:		
<input type="checkbox"/> Hydrologic Model	<input type="checkbox"/> Nomograph	
J. Time-of-concentration _____		minutes
K. Area detained (<i>include trade areas</i>) _____ <i>CN</i> _____		acres
L. Adjusted <i>CN</i> (<i>when onsite retention-based practices are provided</i>) _____	0.68(C)	
M. Required detention volume at actual release rate (<i>3.H.2</i>)	2.55(MR)	ac-ft
N. Provided detention volume at HWL. (<i>3.H.4</i>)	3.36	ac-ft
O. Drawdown time _____	39	hours
P. Type of stormwater detention facility: <u>Pond</u>		
Q. Designed as an offsite detention facility:		
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes → Runoff volume tributary to facility _____		ac-ft

4. **OFFSITE DETENTION REQUIREMENTS:** This item is only applicable when the development utilizes an offsite detention facility to comply with the detention requirements.

A. Site limitation(s) that precludes the use of an onsite detention facility (<i>submit justification</i>):			
<input type="checkbox"/> Floodway	<input type="checkbox"/> Shallow Bedrock	<input type="checkbox"/> Other: <u>n/a</u>	
B. Area requiring detention _____	<i>CN</i> _____	<u>n/a</u>	acres
C. Runoff volume from area to be detained offsite _____		<u>n/a</u>	ac-ft
D. <i>MO Permit Number</i> for offsite detention facility _____		<u>n/a</u>	



Name: Mark Chertow Phone: 312-502-0570
 Title: Civil Engineer Email: mchertow@comcast.net
 Signature: [Handwritten Signature] Date: 5/13/20

Watershed Management Permit No.

**WMO SCHEDULE K
AFFIDAVIT OF DISCLOSURE OF PROPERTY INTEREST**

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

Name of Project: Proposed Commercial Development

A. Mitch Goltz after first being duly sworn under oath, states that
(Name of Affiant -Type or Print)
the above-named is (the owner and record title holder), (a principal beneficiary of Land Trust No. N/A
held by N/A as Trustee), (an officer N/A
(Name of Trust Holder) (Official Capacity)
of N/A Corporation), (a General Partner of N/A
(Name of Corporation) (Name of Partnership)
Partnership), (a Managing Member of BCL-GW GLENVIEW JV LLC Limited Liability Company), which is the record title
(Name of Limited Liability Company)
holder of the property which is the subject of a certain watershed management permit application (covering the project indicated and
designated by the number shown above) filed with the Metropolitan Water Reclamation District of Greater Chicago (District), which
property is shown on the attached plat of survey which together with the legal description of the property are attached hereto as Exhibit
"A" and specifically incorporated by reference herein.

B. Affiant further states that said property described, in Exhibit "A" (Plat of Survey with legal description) has a total area, including
project area, of 8.55 acres and constitutes the total contiguous ownership of the owner, and that the portion of the property
currently proposed for development (as defined by the Watershed Management Ordinance (WMO)) consists of 8.55 acres,
and the property is intended for use as described hereinafter: RETAIL DEVELOPMENT

*C. Affiant further states that, because of its size and intended use, the property described in Exhibit "A" comes under the requirements
of the District with respect to the establishment of site storm water management, which requirements are summarized on the
attached table which is attached hereto as Attachment "WMO Schedule-K Attachment" and specifically incorporated by reference
herein, and that storm water management facilities will be provided as part of the project in accordance with the design and calculations
furnished to satisfy said requirements with respect to the property described in Exhibit "A", and further states that:

1. The owner of the property or any beneficiary of a land trust, if any, which is the record title holder of the property has no
present interest, nor had any interest at any time during the previous two years, in any lands contiguous to said property if
such interest is or was held, stormwater management requirements must be met for the total).
2. No owner of any lands contiguous to the property and no beneficiary of a land trust, if any, which is the record title holder of
any land contiguous to the property has any interest in the property (if such interest is held, storm water management requirements
must be met for the total).
3. Affiant understands and agrees that any permit issued by District in reliance upon this affidavit shall be deemed to contain
a special condition that if, within two years after the issuance of the permit, the owner or any beneficiary of a land trust, if
any, which is the record title holder of the property, acquires any interest in lands contiguous to the property, the owner shall
provide for storm water management facilities for such lands in which an interest is acquired, regardless of the size of such lands.

* Delete paragraph C if exemption is claimed
* Delete paragraph D if no exemption is claimed.

WMO SCHEDULE K (Continued) Watershed Management Permit No.

*D. ~~Affiant further states that, because of its size and intended use, the property described in Exhibit "A" is exempt from the requirements of the District with respect to the establishment of site storm water management, which requirements are summarized on the attached table which is attached hereto as Attachment "WMO Schedule K Attachment" and specifically incorporated by reference herein, and further states that:~~

- ~~1. The owner of the property or any beneficiary of a land trust, if any, which is the record title holder of the property has no present interest, nor had any interest at any time during the previous two years, in any lands contiguous to said property, such that the aggregate total area of the property and the contiguous lands equals or exceeds the acreages summarized on the said attachment for site storm water management requirements. (if such interest is held, storm water management requirements must be met for the total.)~~
- ~~2. No owner of any lands contiguous to the property and no beneficiary of a land trust, if any, which is the record title holder of any land contiguous to the property has any interest in the property, such that the aggregate total area of the property and the contiguous lands equals or exceeds the acreages summarized on the said attachment for site storm water management requirements. (if such interest is held, storm water management requirements must be met for the total.)~~
- ~~3. Affiant understands and agrees that any permit issued by District in reliance upon this affidavit shall be deemed to contain a special condition that if, within two years after the issuance of the permit, the owner or any beneficiary of a land trust, if any, which is the record title holder of the property acquires any interest in lands contiguous to the property such that the aggregate area of the property and the contiguous lands equals or exceeds the acreages summarized on the said attachment for site storm water management requirements, the owner shall provide for storm water management facilities for the entire aggregate area to fulfill the said requirements.~~

~~This affidavit is given to induce the District to issue its Watershed Management Permit with respect to the aforescribed property and to exempt said property from any present requirements to provide and maintain storm water management facilities thereon.~~

E. Affiant further states, that for the purpose of this affidavit, the following terms have the meanings indicated:

- Owner:** means record title holder or a beneficiary of a land trust which is the record title holder, and includes singular and plural; if the owner is other than an individual, the term includes beneficiaries, agents, shareholders, officers and directors.
- Ownership:** means holding of record title or any beneficial interest.
- Interest:** means property interest or contractual interest, legal or equitable, directly or indirectly, in part or in full, and includes option to buy. In the case of shareholder interest, the shareholder shall be deemed to have interest if he owns or controls 5% or more of the shares.
- Contiguous:** means adjacent to and touching at one point or more; if the lands are separated by an easement or a dedicated right-of-way, it shall be considered contiguous.



F. Affiant understands and agrees that in the event that any of the aforementioned information is incorrect, erroneous, false or misleading, the District may immediately terminate any permit issued based on the above information.

Dated this 21 day of May 2020

Mitch Galyon
(Affiant)

SUBSCRIBED and SWORN to before me this 21 day of May 2020

Natalie Renee Acerto
(Notary Public)

* Delete paragraph C if exemption is claimed. 
* Delete paragraph D if no exemption is claimed. 



SCHEDULE P
SOIL EROSION AND SEDIMENT CONTROL

WMO Permit Number: _____

NAME OF PROJECT: Proposed Commercial Development

1. TYPE OF DEVELOPMENT (check one below):

- Single-Family Home Residential Subdivision Multi-Family Residential
 Non-Residential Right-of-Way Open Space

2. DISTURBANCE AREA

Proposed disturbed area: 8.55 acre

3. STORMWATER DISCHARGE

Site stormwater discharges directly to:

- Storm Sewer Combined Sewer Waters of the State
 Receiving water body: _____

4. SOIL EROSION AND SEDIMENT CONTROL PRACTICE SUMMARY

			Area Controlled (sq ft)	Permanent (P), Temporary (T), or Both (B)
Silt fence	<u>1500</u>	(ft)	<u>375,000</u>	T
Entrance/exit control	<u>1</u>	(quantity)	<u>375,000</u>	T
Vegetative control	<u>166,000</u>	(sq ft)	<u>375,000</u>	B
Interceptor ditches	_____	(ft)	_____	_____
Berms	_____	(ft)	_____	_____
Inlet control	_____	(quantity)	_____	_____
Sediment basins	<u>3</u>	(cu yd)	<u>180,000</u>	T
Volume Control Protection	_____	(indicate)	_____	_____
Volume Control Cleaning	_____	(indicate)	_____	_____
Concrete Washout	<u>1</u>	(quantity)	<u>180,000</u>	T
Debris basins	<u>1000</u>	(cu ft)	<u>375,000</u>	T
Desilting basins	_____	(cu ft)	_____	_____
Silt traps	<u>200</u>	(cu ft)	<u>375,000</u>	T
Mulching and matting	_____	(cu ft/sq ft)	_____	_____
Other	_____	(indicate)	_____	_____

SCHEDULE P
SOIL EROSION AND SEDIMENT CONTROL

WMO Permit Number: _____

5. SPECIAL CIRCUMSTANCES

A. Do any of the following special circumstances apply? (*check all conditions that apply*):

- Floodplain Wetland/Buffer Riparian Environment
 New Outfall MWRD Facility Tributary to Lake Michigan
 Volume Control Facility

B. If any special conditions from Item 5.A apply, describe how the indicated area(s) will be protected from erosion and sedimentation: Planting & Upstream Planting & Matting.

6. EROSION CONTROL MAPS

Provide topographical or plan maps of construction area and indicate erosion control practices, including a sequence of major construction activities.

7. DRAINAGE AREA

Drainage area (above and including construction site): 8.55 acres

8. SLOPE CATEGORIES OF CONSTRUCTION SITE

	Area (acres)	Disposition of Collected Sediment
8.1 0 – 2 % Slope	<u>0.23</u>	<u>Place On-Site</u>
8.2 2 – 4 % Slope	<u>4</u>	<u>Place On-Site</u>
8.3 4 – 6 % Slope	<u>4</u>	<u>Place On-Site</u>
8.4 ≥ 6% Slope	<u>0.32</u>	<u>Place On-Site</u>

9. EROSION CONTROL PRACTICES

Check the following conditions that apply:

- Erosion control practices identified above will be constructed in accordance with the Illinois Urban Manual, 2012
 Plans or specifications for the above referenced erosion control practices are attached

Co-Permittee: Mitch Goltz

Title: Principal Company/Agency: BCL-GW Glenview JV LLC

Signature: *Mitch Goltz* Date: 5/21/2020

WMO SCHEDULE R

Watershed Management Permit No. []

OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY

NOTICE OF WATERSHED MANAGEMENT PERMIT REQUIREMENTS AND OBLIGATIONS OF PERPETUAL MAINTENANCE & OPERATION

SPACE RESERVED
PLACE STICKER HERE
PROOF OF EXECUTED
RECORDATION DOC#

Name of Project: Proposed Commercial Development

Attach Legal Description

A. NOTICE IS HEREBY GIVEN that the undersigned is (select one) (the owner and record title holder),(a principal beneficiary of Land Trust No. N/A held by N/A (Name of Trust Holder) as Trustee), (an Officer N/A (Official capacity) of N/A Corporation), (a General Partner N/A (Name of Partnership) partnership),

(a Managing Member of BCL-GW Glenview JV Limited Liability Company ("LLC")), which is the record title holder of the property (Name of Partnership)

is the record title holder of the property or properties shown on the attached plat of survey and legally described on the attached sheet(s); said recordation document and or record plans, attached hereto as Exhibit "R" and specifically incorporated by reference herein; said property being developed and built up for the benefit or use of more than one owner or user, is subject to the rules and regulations of the Metropolitan Water Reclamation District of Greater Chicago ("District") governing stormwater maintenance and operation requirements.

B. NOTICE IS FURTHER GIVEN that a Watershed Management Permit ("Permit") District Permit No.: [] (covering the project indicated and designated by the number shown above) has been granted by the District with respect to the property described in Exhibit "R", for the development and/or redevelopment and/or construction of a qualified sewer system as shown on the permit and accompanying documents on file with the District.

*C. NOTICE IS FURTHER GIVEN that the following facilities contemplated for construction under the permit on file with the District requires perpetual maintenance and operation by the co-permittee and / or the current property owner, to meet the requirements of the watershed management permit:

- A) Volume Control Facilities [x] Yes [] No
B) Detention Facilities (Existing and Proposed) [x] Yes [] No
C) Offsite or Trade-off Detention Facilities [] Yes [] No
D) Stormwater Management System(s) Component(s) [x] Yes [] No
E) Native Planting Conservation Area(s) [] Yes [] No
F) Compensatory Storage Area(s) [] Yes [] No
G) Wetland/Buffer Mitigation Area(s) [] Yes [] No
H) Riparian Environment Mitigation Area(s) [] Yes [] No
I) Qualified Sewer Construction [x] Yes [] No
J) Other [] Yes [] No (Include attachments as necessary)

D. THIS NOTICE, after it has been recorded, shall not be withdrawn, rescinded or removed, except after the District requirements relative to obligation of perpetual maintenance and operation of facilities have been satisfied with respect to the entire property described in Exhibit "R", and a written release from the obligations hereunder is obtained from the District.

Schedule R is to be executed by owner and furnished to District for proof of recordation. Owner is to pay all expenses for recording after construction and as-built survey is complete and prior to RFI to obtain return on deposit. Submit one original and one copy of the executed and recorded Schedule R along with record drawings, maximum size 30"x 36". The information provided on the record drawings must be legible when it is recorded (microfilmed). All documents submitted for filing must comply with the Illinois Plat Act and additional requirements as set forth by the County Recorder of Deeds.



WMO Schedule R (Continued) Watershed Management Permit No.

This notice is intended to be given to any party or parties hereinafter acquiring any interest in the aforescribed property, or dealing with said property in any manner whatsoever, notifying them of the requirements for obligation of perpetual maintenance and operation for facilities for said property as provided herein. The owner hereby certifies that the property is recorded in the office of the Cook County Recorder of Deeds.

Signed by owner and record title holder dated this ___ day of ___ 20__.

Impress

CHOOSE A, B, C, or D

Corporate

Seal Here

- A (for individual owner) Owner
B (for Partnership) General Partner
C (for Limited Liability Company) Managing Member
D (for Corporation) President
E (for property in a land trust) Individual holding power of direction

NOTARIZATION OF OWNER'S SIGNATURE

NOTE: (For individual, Partnership or Corporation) (if title to property is held in land trust, the trust officer must countersign in space provided.)

CHOOSE A, B, C, D, or E, same as above

State of IL
County of Cook ss.

A INDIVIDUAL OWNER

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that N/A personally known to me to be the same person(s) whose name (s) (is) (are) subscribed to the foregoing instrument appeared before me this day in person, and acknowledged that (he) (she) signed, sealed and delivered the said instrument as (his) (her) free and voluntary act, for the uses and purposes therein set forth, or,

B PARTNERSHIP

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that N/A personally known to me to be a general partner of the N/A partnership, personally known to me to be the same person(s) whose name (s) (is) (are) subscribed to the foregoing instrument appeared before me this day in person, and acknowledged that (he) (she) signed, sealed and delivered the said instrument as (his) (her) free and voluntary act, for the uses and purposes therein set forth, or,

C Limited Liability Company (LLC)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Mitch Goltz, Managing Member of BCL-GW Glenview JV LLC, is personally known to me to be the same person whose name is subscribed to the preceding instrument as Managing Member, appeared before me this day in person, and acknowledged that (he) (she) signed, sealed and delivered the said instrument as Managing Member of the LLC, as (his) (her) free and voluntary act, and the free and voluntary act of the LLC, for the uses and purposes therein set forth, or,

D CORPORATION

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Secretary of the corporation, are personally known to me to be the same persons whose names are subscribed to the preceding instrument as President and Secretary respectively, appeared before me this day in person and acknowledged that they signed and delivered the instrument as President and Secretary of the corporation, and affixed the corporate seal of the corporation, pursuant to authority given by the Board of Directors of the corporation, as their free and voluntary act, and as the free and voluntary act of the corporation, for the uses and purposes there stated.

Given under my hand and official seal, this 21 day of May 2020

Commission expires

8/14/2020

Natalie Renee Acerto

(Notary Public)

E LAND TRUST

COUNTERSIGNATURE



held by

as Trustee.

(Trust Officer)

(Trust No.)

(Name of Trustee)

**WATERSHED MANAGEMENT PERMIT
METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO
111 EAST ERIE, CHICAGO, ILLINOIS, 60611**

Watershed Management Permit No. 20-119

www.mwrtd.org

INSTRUCTIONS FOR COMPLETING PERMIT FORM: Submit two original signed copies of this permit application (nine pages) and any required WMO schedules listed below; do not leave any blank spaces; use "X" for checking applicable information. Also submit two copies of location map and plans. Address all correspondence to the Local Sewer Systems Section; for any inquiries or assistance, telephone (312) 751-3255.

NAME AND LOCATION:

Name of Project (as shown on plans): Proposed Commercial Development

Location of Project (street address or with respect to two major streets): South West Corner - Willow & Pfingsten

Municipality (Township, if unincorporated) Glenview

Section 20, Township 42 N, Range 12 E

PIN (include all PINs for project, use additional sheets if more than two): 04 . 20 . 201 006 ; - - - -

Check type of sewer area for project: Combined Sewer Area Separate Sewer Area

<input checked="" type="checkbox"/> Project Information (Required in all cases)	WMO Schedule A	(Page 5 of 9)
<input checked="" type="checkbox"/> Sewer Summary (Required in all cases)	WMO Schedule B	(Page 6 of 9)
<input checked="" type="checkbox"/> Sewer Connections (Required in all cases)	WMO Schedule C	(Page 7 of 9)
<input checked="" type="checkbox"/> Detention & Stormwater Management Facilities (WMO)	WMO Schedule D	(3 Pages)
<input type="checkbox"/> Detention & Stormwater Management Facilities (Legacy)	WMO Schedule D _{Legacy}	(4 Pages)
<input type="checkbox"/> Lift Station and/or Force Main	WMO Schedule E	(2 Pages)
<input type="checkbox"/> Characteristics of Waste Discharge	WMO Schedule F	(2 Pages)
<input type="checkbox"/> Treatment or Pretreatment Facilities	WMO Schedule G	(2 Pages)
<input type="checkbox"/> Hazard Areas (Floodplain / Floodway / Riparian Areas)	WMO Schedule H	(2 Pages)
<input type="checkbox"/> Affidavit Relative to Compliance with Article 7	WMO Schedule J	(1 Page)
<input checked="" type="checkbox"/> Affidavit of Disclosure of Property Interest	WMO Schedule K	(2 Pages)
<input type="checkbox"/> Notice of Requirements for Storm Water Detention	WMO Schedule L	(2 Pages)
<input type="checkbox"/> Current Survey of Property Interests (Attachment for Schedule K or L)	Exhibit A	
<input type="checkbox"/> Outfall, Direct Connection, District Owned or Leased Property	WMO Schedule O	(1 Page)
<input checked="" type="checkbox"/> Soil Erosion and Sediment Control	WMO Schedule P	(2 Pages)
<input checked="" type="checkbox"/> Recording and Maintenance	WMO Schedule R	(2 Pages)
<input checked="" type="checkbox"/> Recording Exhibit (Attachment for Schedule K or L)	Exhibit R	
<input type="checkbox"/> Wetlands and Wetland Buffer Areas	WMO Schedule W	(2 Pages)

Refer to Table 1 of § 201 of Article 2 of Watershed Management Ordinance for applicable Permitting Authority.

OTHER DOCUMENTS: Indicate title, number of pages and originator CME Engineering Plans by Design Studio 24 and Survey by Others, Total 27 Sheets.

**NOTE: ATTACH FEE PAYMENT VOUCHER AND PAYMENT IF APPLICABLE
DISTRICT USE ONLY**

Application received: 22 MAY 2020 WMO Permit issued: 07/01/2020 WRP: North Side (O'Brien)

Issued by: DISTRICT Authorized Municipality

Exhibit
D

GENERAL CONDITIONS OF THE PERMIT

1. **Definitions.** The definitions of Appendix A of the Watershed Management Ordinance are incorporated into this Watershed Management Permit by reference. Additionally, the following words and phrases shall be defined as follows:
 - a) **Building and Occupancy Permit.** Building and Occupancy Permit issued by the Municipality.
 - b) **Design Engineer.** A Professional Engineer who prepares plans and specifications for the project, and signs the Watershed Management Permit Application.
 - c) **Inspection Engineer.** A Professional Engineer who inspects the development to ensure compliance with the design plans, specifications, a Watershed Management Permit, and the Watershed Management Ordinance.
 - d) **Permit.** Watershed Management Permit.
 - e) **General Conditions.** General Conditions contained in a Watershed Management Permit.
 - f) **Special Conditions.** Special conditions of this Watershed Management Permit.
2. **Adequacy of Design.** The schedules, plans, specifications and all other data and documents submitted for this Permit are made a part hereof. The Permit shall not relieve the Design Engineer of the sole responsibility for the adequacy of the design. The issuance of this Permit shall not be construed as approval of the concept or construction details of the proposed facilities and shall not absolve the Permittee, Co-Permittee or Design Engineer of their respective responsibilities.
3. **Joint Construction and Operation Permits.** Unless otherwise stated by the Special Conditions, the issuance of this Permit shall be a joint construction and operation permit, provided that the Permittee or Co-Permittee has complied with all General and Special Conditions.
4. **Allowable Discharges.** Discharges into the Sanitary Sewer system constructed under this Permit shall consist of sanitary Sewage only. Unless otherwise stated by the Special Conditions, there shall be no discharge of industrial wastes under this Permit. Stormwater shall not be permitted to enter the Sanitary Sewer system. Without limiting the general prohibition of the previous sentence, roof and footing drains shall not be connected to the Sanitary Sewer system.
5. **Construction Inspection.** All erosion and sediment control facilities, Stormwater Facilities, Detention Facilities, and Qualified Sewer Construction shall be inspected and approved by an Inspection Engineer acting on behalf of the Permittee or the Owner of the project, or by a duly authorized and competent representative of the Inspection Engineer. No sewer trenches shall be backfilled except as authorized by the Inspection

Engineer after having inspected and approved the sewer installation.

6. **Maintenance.** Stormwater Facilities, Detention Facilities, Qualified Sewer Construction, Sanitary Sewer lines, systems or facilities constructed hereunder or serving the facilities constructed hereunder shall be properly maintained and operated at all times in accordance with all applicable requirements. It is understood that the responsibility for maintenance shall run as a joint and several obligation against the Permittee, the Co-Permittee, the property served, the Owner and the operator of the facilities, and said responsibility shall not be discharged nor in any way affected by change of ownership of said property, unless the District has authorized assignment of the permit.
7. **Indemnification.** The Permittee shall be solely responsible for and shall defend, indemnify and hold harmless the Metropolitan Water Reclamation District of Greater Chicago ("District", "MWRD", or "MWRDGC") and its Commissioners, officers, employees, servants, and agents from liabilities of every kind, including losses, damages and reasonable costs, payments and expenses (such as, but not limited to, court costs and reasonable attorneys' fees and disbursements), claims, demands, actions, suits, proceedings, judgments or settlements, any or all of which are asserted by any individual, private entity, or public entity against the District and its Commissioners, officers, employees, servants, or agents and arise out of or are in any way related to the issuance of this Permit. Without limiting the generality of the preceding sentence, the provisions of this paragraph shall extend to indemnify and hold harmless the District and its Commissioners, officers, employees, servants, and agents from any claims or damages arising out of or in connection with the termination or revocation of this Permit.

The Permittee shall be solely responsible for and shall defend, indemnify and hold harmless an Authorized Municipality and its elected officials, officers, employees, servants, and agents from liabilities of every kind, including losses, damages and reasonable costs, payments and expenses (such as, but not limited to, court costs and reasonable attorneys' fees and disbursements), claims, demands, actions, suits, proceedings, judgments or settlements, any or all of which are asserted by any individual, private entity, or public entity against the Authorized Municipality and its elected officials, officers, employees, servants, or agents and arise out of or are in any way related to the issuance of this Permit. Without limiting the generality of the preceding sentence, the provisions of this paragraph shall extend to indemnify and hold harmless the Authorized Municipality and its elected officials, officers, employees, servants, and agents from any claims or damages arising out of or in connection with the termination or revocation of this Permit.

8. **Sewer Construction by District.** Permittee understands and acknowledges that the District has the right and power to construct and extend sewer service facilities and render such services within the area to be served by the project for which this Permit is issued, and that by the District constructing and extending such sewer service facilities and rendering such services, the facilities constructed by the Permittee under this Permit may decrease in value, become useless or of no value whatsoever, the Permittee may also sustain a loss of business, income and profits.

Therefore, by accepting this Permit and acting thereon, the Permittee, for itself, its successors and assigns, does remise, release and forever discharge the District and its Commissioners, officers, employees, servants, and agents of any and all claims whatsoever which Permittee may now have or hereafter acquire and which Permittee's successors and assigns hereafter can, shall, or may have against the District and its Commissioners, officers, employees, servants, and agents for all losses and damages, either direct or indirect, claimed to have been incurred by reason of the construction or extension at any time hereafter by the District of sewer service facilities in the service area contemplated by this Permit, the rendering of such services, which District facilities and services decrease the value of the facilities constructed by the Permittee under this Permit, make same useless or of no value whatsoever, including but not limited to, any and all damages arising under 70 ILCS 2605/19; the taking of private property for public use without due compensation; the interference with the contracts of Permittee; the interference with Permittee's use and enjoyment of its land; and the decrease in value of Permittee's land.

9. **Third Parties.** Regarding Qualified Sewer Construction, this Permit does not grant the right or authority to the Permittee: (a) to construct or encroach upon any lands of the District or of any other parties, (b) to construct outside of the territorial boundaries of the District except as allowed under an extraterritorial service agreement, (c) to construct or encroach upon the territorial boundaries of any units of local government within the District, (d) to connect to or discharge into or be served by (directly or indirectly) any sewer or sewer system owned or operated by third parties.
10. **Costs.** It is expressly stipulated and clearly understood that the Stormwater Facilities, Detention Facilities, Qualified Sewer Construction, or facilities for which the Permit is issued shall be constructed, operated and maintained at no cost to the District.
11. **Other Sewer Construction.** The District reserves the right, privilege and authority to permit others to reconstruct, change, alter and replace all sewers and appurtenances thereto at the point of connection of any sewerage system to a District interceptor and/or in public

right-of-ways of District easements, and to introduce additional Sewage flow through this connection into the intercepting sewer of said District.

12. **Change of Use.** This Permit shall be incorporated in the Building and Occupancy Permit for the Building or Buildings served under this Permit. The Owner or occupant of any Building served under this Permit shall not cause, or permit, a change of use of the Building to a use other than that indicated in this Permit without first having obtained a written permission from the Executive Director of the District.

13. **Interceptors Overloading.** The District hereby serves notice that its interceptors may flow full and may surcharge, and flooding of the proposed system may occur. The Permittee agrees that the proposed systems shall be constructed, operated and maintained at the sole risk of the Permittee.

14. **Transferability.** This Permit may not be assigned or transferred without the written consent of the Executive Director of the District or Enforcement Officer of an Authorized Municipality. However, a Sole Permittee may be required to assign or transfer the Permit when divesting itself of ownership to a third-party and should notify the District prior to such divestment so that the District may determine whether assignment to the new owner is necessary.

15. **Termination.** The District has the right to enforce or revoke a Permit issued by either the District or an Authorized Municipality as outlined in Article 12 of the Watershed Management Ordinance.

It is understood and agreed that in the event the Permittee shall default on or fail to perform and carryout any of the covenants, conditions or provisions of this Permit and such default or violation shall continue for sixty (60) days after receipt of notice thereof in writing given by the Executive Director of the District, then it shall be lawful for the District at or after the expiration of said sixty (60) days to declare said Permit terminated. The Permittee agrees that immediately upon receipt of written notice of such termination it will stop all operations, discontinue any discharges and disconnect the sewerage system or facilities constructed under this Permit. If the Permittee fails to do so, the District shall have the right to disconnect said system. The Permittee hereby agrees to pay for any costs incurred by the District for said disconnection.

16. **Rights and Remedies.** The various rights and remedies of the District contained in this Permit shall be construed as cumulative, and no one of them shall be construed as exclusive of any one or more of the others or exclusive of any other rights or remedies allowed by applicable rules, regulations, ordinances and laws. An election by the District to enforce any one or more of its rights or

remedies shall not be construed as a waiver of the rights of the District to pursue any other rights or remedies provided under the terms and provisions of this Permit or under any applicable rules, regulations, ordinances or laws.

17. **Expiration.** This Permit shall expire if construction has not started within one (1) year from the date of issue. Construction under an expired Permit is deemed construction without a Permit. All construction under this Permit shall be completed within two (2) years after start of construction. If conditions so warrant, an extension may be granted. For publicly financed projects (e.g. special assessments) the one (1) year period indicated will be considered from the date of final court action.

18. **Revocation.** In issuing this Permit, the District or Authorized Municipality has relied upon the statements and representations made by the Permittee or his agent. Any incorrect statements or representations shall be cause for revocation of this Permit, and all the rights of the Permittee hereunder shall immediately become null and void.

19. **Advance Notice.** The Permittee shall give the District or Authorized Municipality advance notice of at least two working days prior to the following: mobilization and installation of Erosion and Sediment Control Practices; commencement of construction; excavation for Qualified Sewer Construction; Major Stormwater Systems and Detention Facilities under this Permit; and completion of construction. When advance notice is given, the Permittee shall provide the Permit number, municipality and location.

20. **Compliance with Plans and Specifications.** All construction shall be in accordance with the plans and specifications submitted for this Permit and made a part hereof. No changes in, or deviation from the plans and specifications which affect capacity, maintenance, design requirements, service area or Permit requirements shall be permitted unless revised plans have been submitted to, and approved by the District or Authorized Municipality. The Permit together with a set of the plans and specifications (revised plans and specifications, if any) shall be kept on the jobsite at all times during construction and until final inspection and approval by the District or Authorized Municipality.

21. **Testing and Approval.** All construction under this Permit shall be subject to inspection, testing and approval by the District. All testing shall be made, or caused to be made, by the Permittee at no cost to the District and in the presence of the District representative. Upon satisfactory completion of construction, the Permittee and the owner shall submit, or cause to be submitted, a completion certificate and request for approval on the form prescribed by the District. No sewer

or other facilities shall be put in service until all the conditions of the Permit have been satisfactorily met.

22. **Record Drawings.** Before final inspection and approval by the District or an Authorized Municipality, the Permittee shall furnish, or cause to be furnished to the District or an Authorized Municipality, a set of Record drawings and Schedule R for the site stormwater plan, Detention Facilities, Stormwater Facilities, and Qualified Sewer Construction, or a statement that the project was constructed in accordance with the original plans and specifications.

23. **Compliance with Rules and Regulations.** The Permittee hereby expressly assumes all responsibilities for meeting the requirements of all applicable rules, regulations, ordinances and laws of Local, State and Federal authorities. Issuance of this Permit shall not constitute a waiver of any applicable requirements.

24. **Severability.** The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit, is held invalid, the remaining provisions of this Permit shall continue in full force and effect.

25. **Property Rights.** This Permit does not convey any property rights of any sort, or any exclusive privilege.

26. **Conflict with Other Conditions.** In the case of conflict between these General Conditions and any other condition(s) in this permit, the more stringent condition(s) shall govern.

**WMO SCHEDULE A
PROJECT INFORMATION**

Watershed Management Permit No. 20-119

1. **NAME OF PROJECT** Proposed Commercial Development
(as shown on the plans)

2. **APPURTENANCES** (check all applicable items)
 Siphon Drop Manholes Public Lift Station (Submit Sch. E) Outfalls (Submit Sch. E)
 Stream Crossing Direct Connections to District → Describe _____

3. **RECEIVING SANITARY/COMBINED SEWER SYSTEM**
A. System that project will connect to is:
 Existing Proposed /Under Construction → District Permit # _____
List owners of all sewers from project to District interceptor Village of Glenview

4. **RECEIVING STORM SEWER SYSTEM TRIBUTARY TO WATERWAY**
A. System that project will connect to is:
 Existing Proposed /Under Construction → District Permit # _____
List owners of all sewers from project to waterway Illinois Department of Transportation

5. **EXISTING LIFT STATION**
 No Yes → Receiving system includes existing lift station
If yes, indicate location _____

6. **FLOOD PROTECTION AREAS**
Does any part of the project area impact the following? (check all applicable items)
 Floodplain/Floodway/Riparian (Schedule H) Wetlands/Riparian (Schedule W)

7. **SIZE OF PROJECT**

		<u>Impervious area within project</u>
A. Total contiguous ownership	<u>8.55</u> acres	C. Before development <u>0.84</u> acres
B. Development Area	<u>8.55</u> acres	D. After development <u>4.74</u> acres

8. **STORMWATER MANAGEMENT**
A. Is project in the service area of an existing District permitted detention facility?
 No Yes → District Permit No. _____
B. Is stormwater management provided under this permit?
 No Yes → Required by: District (Submit Sch. D) Other
C. Type of stormwater management
 Runoff Control Volume Control Detention Storage

WMO SCHEDULE B
SEWER SUMMARY

Watershed Management Permit No.

20-119

PROJECT NAME: Proposed Commercial Development

(as shown on the plans)

1. **SEWER SUMMARY:** Include all qualified sewer construction sewers (Sanitary sewers in combined and separate sewer areas and Storm sewers in combined sewer area) and their tributary type: Sanitary (San), Combined (C), Storm to Combined (SC), Storm to Waterway (SW), or Storm part of Volume Control (SVC)

Tributary Type	Choose an San	Choose an San	Choose an San	Choose an Choose one	Choose Choose one	Choose an Choose one	Choose Choose one
Pipe Size (in.)	6	8	4				
Total Length (ft.)	198	1041	9				
Min. slope used (%)	1	0.4	16.8				
Pipe Material *	PVC	PVC	PVC				
Total Manholes	2	6	1				
Total Cleanouts							
Catch Basin/Inlets	2	1					

* Pipe material and joint specifications must be shown on plans. See Technical Guidance Manual for acceptable specifications.

Sewer construction in floodplain: No Yes → FPE _____ ft.

Sanitary Manholes in floodplain n/a

Note: All structures shall have lids located above the FPE or be constructed with watertight, bolt down covers/lids.

2. **NATURE OF PROJECT** (Check all that apply)

Brief description Sanitary Sewer Connection to service an 8.55 Acre Commercial Development

- Publicly financed Sewer extension to serve future development
- Sewer system serving a subdivision Storm sewers in combined sewer area
- Off-site trunk sewer to serve subdivision Service connections to serve buildings (Sch. C)
- Other _____

3. **SEWER EXTENSIONS**

Identify proposed project designed to service future connections (not included in Schedule C). Check the appropriate box and submit service area map and estimate of population equivalent (PE) to be served.

- NO YES → Service area map
- P.E. estimate submitted

**WMO SCHEDULE C
SEWER CONNECTIONS**

Watershed Management Permit No. 20-119

(FILL OUT ALL SECTIONS THAT APPLY)

1. BUILDING CONNECTION DATA

A. RESIDENTIAL BUILDINGS

<input type="checkbox"/> Single Family	Total dwelling units *		
	Number of sewer connections *		PE**
<input type="checkbox"/> Multi Family	Total dwelling units *		
	Number of sewer connections *		PE**

B. COMMERCIAL & RECREATIONAL BUILDINGS

<input checked="" type="checkbox"/> Number of sewer connections		4	PE**	45.5
---	--	---	------	------

C. INDUSTRIAL BUILDINGS

<input type="checkbox"/> Number of sewer connections			PE**	
--	--	--	------	--

* Each sanitary line exiting a building is a connection
 ** Population Equivalent (Submit calculations for each connection and total from all connections)

2. BUILDING USE - (Check all that apply)

A. COMMERCIAL & RECREATIONAL

Describe use of buildings, including principal product(s) or activities Grocery Store, Doctor & Dentist Office, Restaurant, Beauty Shop & Wellness Center

- | | |
|---|--|
| <input checked="" type="checkbox"/> Food preparation or processing (install grease separator) | <input type="checkbox"/> Laundromat (install lint basin) |
| <input type="checkbox"/> Swimming pool (provide pool plans) | <input type="checkbox"/> Auto service (install triple basin) |
| <input type="checkbox"/> Manufacturing (describe) <u>N/A</u> | <input type="checkbox"/> Auto wash (install mud basin) |
| <input checked="" type="checkbox"/> Other <u>N/A</u> | |

B. INDUSTRIAL BUILDINGS

Describe use of buildings, including principal product(s) or activities N/A

- Sewer connections will receive domestic sewage only
 Industrial waste is produced

NOTE: If industrial waste is produced, submit [WMO Schedule F](#) & [WMO Schedule G](#) and plumbing plans along with flow diagram for pretreatment system.

SCHEDULE D

WMO Permit Number: 20-119

STORMWATER MANAGEMENT FACILITIES

NAME OF PROJECT: Proposed Commercial Development

(Submit a separate Schedule D for each stormwater facility, as needed)

1. RUNOFF REQUIREMENTS: Submit calculations and an exhibit that delineates the 100-year critical storm conveyed by the major stormwater system including cross-sections indicating the HGL at critical points (e.g. overflow weirs)

- A. Method used to calculate the 100-year peak design runoff rate:
 Hydrologic model Rational Method → $i_{100\text{-year}}$ 10.8 in/hr
- B. Onsite tributary area to the major stormwater system..... C or CN 0.68 , 8.55 acres
- C. Offsite tributary area to the major stormwater system..... C or CN 0.45 , 0.0802 acres
- D. Total tributary area to the major stormwater system..... C or CN 0.68 , 8.6302 acres
- E. Ratio of offsite to onsite tributary area..... .000001
- F. Time-of-concentration..... 10 minutes
- G. 100-year peak design runoff rate..... 7.344 cfs
- H. Capacity of major stormwater system discharging offsite..... 51.14 cfs
- I. Offsite discharge location of the major stormwater system:
 ROW/drainage easement Adjacent property (submit calculations to comply with §502.3.B)
- J. Type and location of major stormwater system: Control Structure - East Side of Detention Pond
- K. Building lowest entry elevation(s) are located at least 1 foot above the adjacent HGL:
 (Submit calculations and cross-sections showing the lowest entry elevation(s) and adjacent HGL)
 Yes No (for existing buildings located within the property holdings, submit acknowledgment)

2. VOLUME CONTROL REQUIREMENTS: Submit calculations and a detail for the volume control facility including a cross-section indicating relevant elevations and the seasonal high groundwater table (SHGWT).

- A. Does the site have any restrictive covenants related to environmental conditions (e.g., NFR letter)?
 No Yes → Explain: _____
- B. Site constraint(s) that precludes the use of onsite retention-based practices (submit documentation):
 None SHGWT Contaminated Soil Other: n/a
- C. Proposed impervious area of development..... 4.74 acres
- D. Gross volume control storage (2.C / 12)..... 0.395 ac-ft
- E. The onsite gross volume control storage may be reduced when a site constraint is present:
 - 1. Existing impervious area within development..... 0.935 acres
 - 2. VC storage reduction (5)(2.D)[1 - (2.C / 2.E.1)]..... n/a ac-ft
- F. Required volume control storage (2.D - 2.E.2)..... 0.395 ac-ft
- G. Provided volume within retention-based practice..... 0.495 ac-ft
- H. Volume control facility (*only when a site constraint is present)
 Retention-based practice → Type of practice: Storage Below Outlet of Deten Pond
 Flow-through practice* → Type of practice: _____
 Detention Storage* → Type of facility: _____
 Offsite retention-based practice* → WMO Permit Number: _____
- I. Designed as an offsite retention-based practice:
 No Yes → Impervious runoff volume tributary to facility..... _____ ac-ft

SCHEDULE D

WMO Permit Number: 20-119

STORMWATER MANAGEMENT FACILITIES

3. DETENTION REQUIREMENTS: Submit calculations and an exhibit that includes a cross-section of the detention facility and a detail of the control structure, and delineates the tributary, unrestricted, depressional storage, and bypass areas with the acreage and curve number indicated.

- A. Watershed specific release rate (*Appendix B*)..... 0.3 cfs/ac 0.15 (Local)
- B. Detention service area 8.55 acres
- C. Gross allowable release rate 2.565 cfs 1.282 (Local)
- D. Unrestricted area..... CN 80 , 0.137 acres
- E. Unrestricted release rate (*100-year, 24-hour storm*)..... 0.9616 cfs
- F. Depressional storage release rate adjustment (*100-year, 24-hour storm*)..... cfs
- G. Net allowable release rate (*3.C - 3.E - 3.F*)..... 1.603 cfs
- H. Control structure (restrictor) information:
 - 1. Diameter..... 4.65 in
 - 2. Actual Release Rate..... 1.23 cfs
 - 3. C_d 0.61
 - 4. HWL..... 675.70 ft
 - 5. Type Orifice Restrictor Plate
 - 6. Invert elevation..... 670.89 ft
- I. Method used to determine the required detention volume:
 - Hydrologic Model
 - Nomograph
- J. Time-of-concentration 15 minutes
- K. Area detained (*include trade areas*)..... CN 88 , 8.55 acres
- L. Adjusted CN (*when onsite retention-based practices are provided*)..... 81.77
- M. Required detention volume at actual release rate (*3.H.2*) 3.353 ac-ft
- N. Provided detention volume at HWL (*3.H.4*) 5.465 ac-ft
- O. Drawdown time 39 hours
- P. Type of stormwater detention facility: Pond
- Q. Designed as an offsite detention facility:
 - No
 - Yes → Runoff volume tributary to facility..... ac-ft

4. OFFSITE DETENTION REQUIREMENTS: This item is only applicable when the development utilizes an offsite detention facility to comply with the detention requirements.

- A. Site limitation(s) that precludes the use of an onsite detention facility (*submit justification*):
 - Floodway
 - Shallow Bedrock
 - Other: n/a
- B. Area requiring detention..... CN n/a , n/a acres
- C. Runoff volume from area to be detained offsite..... n/a ac-ft
- D. WMO Permit Number for offsite detention facility..... n/a



Engineering 3018: Design Studio 24 LLC
 REGISTERED PROFESSIONAL ENGINEER OF ILLINOIS
 Name: Mark Chertow Phone: 312-502-0570
 Title: Civil Engineer Email: mchertow@comcast.net
 Signature: Mark Chertow Date: 6/16/20

Watershed Management Permit No.

20-119

WMO SCHEDULE K

AFFIDAVIT OF DISCLOSURE OF PROPERTY INTEREST

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

Name of Project: Proposed Commercial Development

A. Mitch Goltz after first being duly sworn under oath, states that
(Name of Affiant -Type or Print)
the above-named is (the owner and record title holder), (a principal beneficiary of Land Trust No. N/A
held by N/A as Trustee), (an officer N/A
(Name of Trust Holder) (Official Capacity)
of N/A Corporation), (a General Partner of N/A
(Name of Corporation) (Name of Partnership)
Partnership), (a Managing Member of BCL-GW GLENVIEW JV LLC Limited Liability Company), which is the record title
(Name of Limited Liability Company)
holder of the property which is the subject of a certain watershed management permit application (covering the project indicated and
designated by the number shown above) filed with the Metropolitan Water Reclamation District of Greater Chicago (District), which
property is shown on the attached plat of survey which together with the legal description of the property are attached hereto as Exhibit
"A" and specifically incorporated by reference herein.

B. Affiant further states that said property described, in Exhibit "A" (Plat of Survey with legal description) has a total area, including
project area, of 8.55 acres and constitutes the total contiguous ownership of the owner, and that the portion of the property
currently proposed for development (as defined by the Watershed Management Ordinance (WMO)) consists of 8.55 acres,
and the property is intended for use as described hereinafter: RETAIL DEVELOPMENT

*C. Affiant further states that, because of its size and intended use, the property described in Exhibit "A" comes under the requirements
of the District with respect to the establishment of site storm water management, which requirements are summarized on the
attached table which is attached hereto as Attachment "WMO Schedule-K Attachment" and specifically incorporated by reference
herein, and that storm water management facilities will be provided as part of the project in accordance with the design and calculations
furnished to satisfy said requirements with respect to the property described in Exhibit "A", and further states that:

- 1. The owner of the property or any beneficiary of a land trust, if any, which is the record title holder of the property has no
present interest, nor had any interest at any time during the previous two years, in any lands contiguous to said property if
such interest is or was held, stormwater management requirements must be met for the total).
2. No owner of any lands contiguous to the property and no beneficiary of a land trust, if any, which is the record title holder of
any land contiguous to the property has any interest in the property (if such interest is held, storm water management requirements
must be met for the total).
3. Affiant understands and agrees that any permit issued by District in reliance upon this affidavit shall be deemed to contain
a special condition that if, within two years after the issuance of the permit, the owner or any beneficiary of a land trust, if
any, which is the record title holder of the property, acquires any interest in lands contiguous to the property, the owner shall
provide for storm water management facilities for such lands in which an interest is acquired, regardless of the size of such lands.

* Delete paragraph C if exemption is claimed
* Delete paragraph D if no exemption is claimed.

WMO SCHEDULE K (Continued) Watershed Management Permit No.

20-119

*D. ~~Affiant further states that, because of its size and intended use, the property described in Exhibit "A" is exempt from the requirements of the District with respect to the establishment of site storm water management, which requirements are summarized on the attached table which is attached hereto as Attachment "WMO Schedule K Attachment" and specifically incorporated by reference herein, and further states that:~~

~~1. The owner of the property or any beneficiary of a land trust, if any, which is the record title holder of the property has no present interest, nor had any interest at any time during the previous two years, in any lands contiguous to said property, such that the aggregate total area of the property and the contiguous lands equals or exceeds the acreages summarized on the said attachment for site storm water management requirements. (if such interest is held, storm water management requirements must be met for the total.)~~

~~2. No owner of any lands contiguous to the property and no beneficiary of a land trust, if any, which is the record title holder of any land contiguous to the property has any interest in the property, such that the aggregate total area of the property and the contiguous lands equals or exceeds the acreages summarized on the said attachment for site storm water management requirements. (if such interest is held, storm water management requirements must be met for the total.)~~

~~3. Affiant understands and agrees that any permit issued by District in reliance upon this affidavit shall be deemed to contain a special condition that if, within two years after the issuance of the permit, the owner or any beneficiary of a land trust, if any, which is the record title holder of the property acquires any interest in lands contiguous to the property such that the aggregate area of the property and the contiguous lands equals or exceeds the acreages summarized on the said attachment for site storm water management requirements, the owner shall provide for storm water management facilities for the entire aggregate area to fulfill the said requirements.~~

~~This affidavit is given to induce the District to issue its Watershed Management Permit with respect to the aforescribed property and to exempt said property from any present requirements to provide and maintain storm water management facilities thereon.~~

E. Affiant further states, that for the purpose of this affidavit, the following terms have the meanings indicated:

Owner: means record title holder or a beneficiary of a land trust which is the record title holder, and includes singular and plural; if the owner is other than an individual, the term includes beneficiaries, agents, shareholders, officers and directors.

Ownership: means holding of record title or any beneficial interest.

Interest: means property interest or contractual interest, legal or equitable, directly or indirectly, in part or in full, and includes option to buy. In the case of shareholder interest, the shareholder shall be deemed to have interest if he owns or controls 5% or more of the shares.

Contiguous: means adjacent to and touching at one point or more; if the lands are separated by an easement or a dedicated right-of-way, it shall be considered contiguous.



F. Affiant understands and agrees that in the event that any of the aforementioned information is incorrect, erroneous, false or misleading, the District may immediately terminate any permit issued based on the above information.

Dated this 21 day of May 2020

Mitch Galyon
(Affiant)

SUBSCRIBED and SWORN to before me this 21 day of May 2020

Natalie Renee Acerto
(Notary Public)

* Delete paragraph C if exemption is claimed. 
* Delete paragraph D if no exemption is claimed. 



SCHEDULE P
SOIL EROSION AND SEDIMENT CONTROL

WMO Permit Number: _____

NAME OF PROJECT: Proposed Commercial Development

1. TYPE OF DEVELOPMENT (*check one below*):

- Single-Family Home Residential Subdivision Multi-Family Residential
 Non-Residential Right-of-Way Open Space

2. DISTURBANCE AREA

Proposed disturbed area: 8.55 acre

3. STORMWATER DISCHARGE

Site stormwater discharges directly to:

- Storm Sewer Combined Sewer Waters of the State
 Receiving water body: _____

4. SOIL EROSION AND SEDIMENT CONTROL PRACTICE SUMMARY

			Area Controlled (sq ft)	Permanent (P), Temporary (T), or Both (B)
Silt fence	<u>1500</u>	(ft)	<u>375,000</u>	<u>T</u>
Entrance/exit control	<u>1</u>	(quantity)	<u>375,000</u>	<u>T</u>
Vegetative control	<u>166,000</u>	(sq ft)	<u>375,000</u>	<u>B</u>
Interceptor ditches	_____	(ft)	_____	_____
Berms	_____	(ft)	_____	_____
Inlet control	_____	(quantity)	_____	_____
Sediment basins	<u>3</u>	(cu yd)	<u>180,000</u>	<u>T</u>
Volume Control Protection	_____	(indicate)	_____	_____
Volume Control Cleaning	_____	(indicate)	_____	_____
Concrete Washout	<u>1</u>	(quantity)	<u>180,000</u>	<u>T</u>
Debris basins	<u>1000</u>	(cu ft)	<u>375,000</u>	<u>T</u>
Desilting basins	_____	(cu ft)	_____	_____
Silt traps	<u>200</u>	(cu ft)	<u>375,000</u>	<u>T</u>
Mulching and matting	_____	(cu ft/sq ft)	_____	_____
Other	_____	(indicate)	_____	_____

**SCHEDULE P
SOIL EROSION AND SEDIMENT CONTROL**

WMO Permit Number: _____

5. SPECIAL CIRCUMSTANCES

A. Do any of the following special circumstances apply? (check all conditions that apply):

- Floodplain Wetland/Buffer Riparian Environment
 New Outfall MWRD Facility Tributary to Lake Michigan
 Volume Control Facility

B. If any special conditions from Item 5.A apply, describe how the indicated area(s) will be protected from erosion and sedimentation: Planting & Upstream Planting & Matting.

6. EROSION CONTROL MAPS

Provide topographical or plan maps of construction area and indicate erosion control practices, including a sequence of major construction activities.

7. DRAINAGE AREA

Drainage area (above and including construction site): 8.55 acres

8. SLOPE CATEGORIES OF CONSTRUCTION SITE

	Area (acres)	Disposition of Collected Sediment
8.1 0 - 2 % Slope	<u>0.23</u>	<u>Place On-Site</u>
8.2 2 - 4 % Slope	<u>4</u>	<u>Place On-Site</u>
8.3 4 - 6 % Slope	<u>4</u>	<u>Place On-Site</u>
8.4 ≥ 6% Slope	<u>0.32</u>	<u>Place On-Site</u>

9. EROSION CONTROL PRACTICES

Check the following conditions that apply:

- Erosion control practices identified above will be constructed in accordance with the Illinois Urban Manual, 2012
 Plans or specifications for the above referenced erosion control practices are attached

Co-Permittee: Mitch Goltz

Title: Principal Company/Agency: BCL-GW Glenview JV LLC

Signature: Mitch Goltz Date: 5/21/2020

WMO SCHEDULE R

Watershed Management Permit No.

OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY

NOTICE OF WATERSHED MANAGEMENT PERMIT REQUIREMENTS AND OBLIGATIONS OF PERPETUAL MAINTENANCE & OPERATION

SPACE RESERVED
PLACE STICKER HERE
PROOF OF EXECUTED
RECORDATION DOC#

Name of Project: Proposed Commercial Development

Attach Legal Description

A. NOTICE IS HEREBY GIVEN that the undersigned is (select one) (the owner and record title holder), (a principal beneficiary of Land Trust No. N/A held by N/A (Name of Trust Holder) as Trustee), (an Officer N/A (Official capacity) of N/A Corporation), (a General Partner N/A partnership), (Name of Partnership)

(a Managing Member of BCL-GW Glenview JV Limited Liability Company ("LLC")), which is the record title holder of the property (Name of Partnership)

is the record title holder of the property or properties shown on the attached plat of survey and legally described on the attached sheet(s); said recordation document and or record plans, attached hereto as Exhibit "R" and specifically incorporated by reference herein; said property being developed and built up for the benefit or use of more than one owner or user, is subject to the rules and regulations of the Metropolitan Water Reclamation District of Greater Chicago ("District") governing stormwater maintenance and operation requirements.

B. NOTICE IS FURTHER GIVEN that a Watershed Management Permit ("Permit") District Permit No.: () (covering the project indicated and designated by the number shown above) has been granted by the District with respect to the property described in Exhibit "R", for the development and/or redevelopment and/or construction of a qualified sewer system as shown on the permit and accompanying documents on file with the District.

*C. NOTICE IS FURTHER GIVEN that the following facilities contemplated for construction under the permit on file with the District requires perpetual maintenance and operation by the co-permittee and / or the current property owner, to meet the requirements of the watershed management permit:

Table with 3 columns: Facility Name, Yes, No. Rows include Volume Control Facilities, Detention Facilities, Offsite or Trade-off Detention Facilities, Stormwater Management System(s) Component(s), Native Planting Conservation Area(s), Compensatory Storage Area(s), Wetland/Buffer Mitigation Area(s), Riparian Environment Mitigation Area(s), Qualified Sewer Construction, and Other.

D. THIS NOTICE, after it has been recorded, shall not be withdrawn, rescinded or removed, except after the District requirements relative to obligation of perpetual maintenance and operation of facilities have been satisfied with respect to the entire property described in Exhibit "R", and a written release from the obligations hereunder is obtained from the District.

Schedule R is to be executed by owner and furnished to District for proof of recordation. Owner is to pay all expenses for recording after construction and as-built survey is complete and prior to RFI to obtain return on deposit. Submit one original and one copy of the executed and recorded Schedule R along with record drawings, maximum size 30"x 36". The information provided on the record drawings must be legible when it is recorded (microfilmed). All documents submitted for filing must comply with the Illinois Plat Act and additional requirements as set forth by the County Recorder of Deeds.

20-119

WMO Schedule R (Continued) Watershed Management Permit No.

This notice is intended to be given to any party or parties hereinafter acquiring any interest in the aforescribed property, or dealing with said property in any manner whatsoever, notifying them of the requirements for obligation of perpetual maintenance and operation for facilities for said property as provided herein. The owner hereby certifies that the property is recorded in the office of the Cook County Recorder of Deeds.

Signed by owner and record title holder dated this ___ day of ___ 20__.

Impress

CHOOSE A, B, C, or D

Corporate

- A (for individual owner) Owner Seal Here
B (for Partnership) General Partner
C (for Limited Liability Company) Managing Member
D (for Corporation) President
Corporate Secretary
E (for property in a land trust) Individual holding power of direction

NOTARIZATION OF OWNER'S SIGNATURE

NOTE: (For individual, Partnership or Corporation) (if title to property is held in land trust, the trust officer must countersign in space provided.)

CHOOSE A, B, C, D, or E, same as above

State of IL
County of Cook ss.

A INDIVIDUAL OWNER

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that N/A personally known to me to be the same person(s) whose name (s) (is) (are) subscribed to the foregoing instrument appeared before me this day in person, and acknowledged that (he) (she) signed, sealed and delivered the said instrument as (his) (her) free and voluntary act, for the uses and purposes therein set forth, or,

B PARTNERSHIP

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that N/A personally known to me to be a general partner of the N/A partnership, personally known to me to be the same person(s) whose name (s) (is) (are) subscribed to the foregoing instrument appeared before me this day in person, and acknowledged that (he) (she) signed, sealed and delivered the said instrument as (his) (her) free and voluntary act, for the uses and purposes therein set forth, or,

C Limited Liability Company (LLC)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Mitch Goltz, Managing Member of BCL-GW Glenview JV LLC, is personally known to me to be the same person whose name is subscribed to the preceding instrument as Managing Member, appeared before me this day in person, and acknowledged that (he) (she) signed, sealed and delivered the said instrument as Managing Member of the LLC, as (his) (her) free and voluntary act, and the free and voluntary act of the LLC, for the uses and purposes therein set forth, or,

D CORPORATION

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that ___ President of ___ and ___ Secretary of the corporation, are personally known to me to be the same persons whose names are subscribed to the preceding instrument as President and Secretary respectively, appeared before me this day in person and acknowledged that they signed and delivered the instrument as President and Secretary of the corporation, and affixed the corporate seal of the corporation, pursuant to authority given by the Board of Directors of the corporation, as their free and voluntary act, and as the free and voluntary act of the corporation, for the uses and purposes there stated.

Given under my hand and official seal, this 21 day of May 2020

Commission expires

8/4/2020

Natalie Renee Acerto

(Notary Public)

E LAND TRUST

COUNTERSIGNATURE



held by

as Trustee.

(Trust Officer)

(Trust No.)

(Name of Trustee)

ENGINEERING CERTIFICATIONS

Watershed Management Permit No. 20-119

CERTIFICATE BY DESIGN ENGINEER: I hereby certify that the project described herein has been designed in accordance with the requirements set forth in this application and all applicable ordinances, rules, regulations, local, state and federal laws, and design criteria of the issuing authority; that the storm drainage and sanitary sewer system designed for this project are proper and adequate; that where the design involves one or more connections to an existing local sewer system, the capacity of said system has been examined and the system is found to be adequate to transport the stormwater and/or wastewater that will be added through the proposed sewer without violating any provisions of the Illinois Environmental Protection Act or the rules and regulations thereunder.

Comments, if any: _____

Engineering Firm: Design Studio 24 LLC Telephone: (847) 885 - 8300

Address: Elston, Suite 304 City: Chicago Zip: 60614

Signature: *Mark Chertow* Date: 5/12/20
(Name and Title)

Email Address: mchertow@comcast.net



CERTIFICATE BY MUNICIPAL OR SYSTEM ENGINEER: The application and the drawings, together with other data, being submitted with this application, have been examined by me and are found to be in compliance with all applicable requirements. The manner of drainage is satisfactory and proper in accordance with local requirements. The existing local sewer system to which the project discharges has been examined and the system is found to be adequate to transport the stormwater and/or wastewater that will be added through the proposed sewer without violating any provisions of the Illinois Environmental Protection Act or the rules and regulations thereunder.

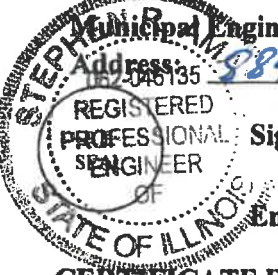
I hereby certify that the project area is within the municipal corporate limits. YES NO

Owner of Local Sewer System: Village of Glenview

Municipal Engineer: Barter & Woodman, Inc. Telephone: 815-444-3345
Address: 1486135 9840 W. 192nd St. City: Mokena Zip: 60448

Signature: *Stephan J. Samana Sr.* Date: 5-13-20
(Name and Title) Civil Engr.

Email Address: samana@barwood.com



CERTIFICATE BY INSPECTION ENGINEER: I hereby certify that construction of the project will be in substantial compliance with the data and the plans submitted with this application; that approval will be obtained from the issuing authority prior to making any changes that would affect capacity, maintenance, design requirements, service area or the Permit requirements; that a set of RECORD drawings, signed and sealed by the undersigned Engineer will be furnished to the District or an Authorized Municipality before testing and approval by the District or Authorized Municipality of the completed work.

Engineering Firm: Design Studio 24 LLC Telephone: 847-885-8300

Address: 2211 N. Elston, Suite 304 City: Chicago Zip: 60614

Signature: *Mark Chertow* Date: 5/12/20
(Name and Title)

Email Address: mchertow@comcast.net



SPECIAL CONDITIONS

Watershed Management Permit No.

20-119

This Permit is issued subject to the General Conditions and the attached Special Conditions.

If Permit is granted:

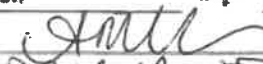
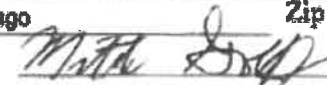
- Please return two (2) copies of the Permit to the Permittee; or
- Please mail one (1) copy to Permittee and one (1) copy to the person designated below:

Name: Mitch Goltz

Address : 2211 N. Elston, Suite 304, Chicago, IL 60614

Email : mitch@qwdproperties.com

CERTIFICATE BY APPLICANTS: We have read and thoroughly understand the conditions and requirements of this Permit application, and agree to conform to the Permit conditions and other applicable requirements of the District. It is understood that construction hereunder, after the Permit is granted, shall constitute acceptance by the applicants of any Special Conditions that may be placed hereon by the District or an Authorized Municipality. It is further understood that this application shall not constitute a Permit until it is approved, signed and returned by the Director of Engineering of the District or Enforcement Officer of an Authorized Municipality.

PERMITTEE	CO-PERMITTEE
The project area is within municipal corporate limits. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	(Co-Permittee is Property Owner) Title to property is held in a land trust: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, Co-Permittee shall be beneficiary with Power of Direction
Municipality <u>Village of Glenview</u>	Owner <u>BCL-GW Glenview JV LLC</u>
Address <u>2500 E. Lake Avenue</u>	Address <u>2211 N. Elston</u>
City <u>Glenview</u> Zip <u>60026</u>	City <u>Chicago</u> Zip <u>60614</u>
Signature 	Signature 
Name <u>ADRIANA WEBB</u> <small>(Print)</small>	Name <u>Mitch Goltz</u> <small>(Print)</small>
Title <u>ENG. DIVISION MANAGER</u>	Title <u>Principal</u>
Date <u>5-13-2020</u> Phone <u>0479044414</u>	Date <u>5/11/2020</u> Phone <u>773-382-0445</u>
Email <u>awebb@glenview.il.us</u>	Email <u>mitch@qwdproperties.com</u>

REVIEW AND APPROVAL BY THE DISTRICT OR AUTHORIZED MUNICIPALITY	
Reviewed by: <u>Charlie Jackson via email on</u>	Date <u>06/30/2020</u>
<small>(Local Sewer Systems) or (Professional Engineer)</small>	
Approved for Issue	Digitally signed by Daniel M. Feltes
Approved by: <u>Daniel M. Feltes</u>	Date: 2020.07.01 15:11:47 -05'00' Date <u>07/01/2020</u>
<small>(For the Director of Engineering) or (Enforcement Officer)</small>	

Electronic approval due to COVID-19 pandemic remote work