BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Paul Christian Pratapas,)		
)		
Complainant,)		
)		
V.)	No:	PCB 2023-057
)		
Chelsea Manor by M/I Homes,)	(Enfo	orcement – Water)
)		
Respondent.)		

Notice of Electronic Filing

PLEASE TAKE NOTICE that I have electronically filed today with the Illinois Pollution Control Board RESPONDENT CHELSEA MANOR BY M/I HOMES' MOTION THAT THE BOARD DETERMINE THAT THE FORMAL COMPLAINT IS FRIVOLOUS OR, IN THE ALTERNATIVE, TO DISMISS THE COMPLAINT PURSUANT TO 735 ILCS 5/2-619(a)(9) and MEMORANDUM OF LAW IN SUPPORT of same, copies of which are attached hereto and hereby served upon you.

Respectfully submitted,

By: /s/ David J. Scriven-Young
David J. Scriven-Young

Date: December 16, 2022

David J. Scriven-Young Counsel for Respondent Peckar & Abramson, P.C. 30 North LaSalle Street, #4126 Chicago, Illinois 60602

Tel: 312-881-6309

Email: dscriven-young@pecklaw.com

Anne E. Viner Counsel for Respondent Corporate Law Partners, PLLC 140 South Dearborn Street, 7th Floor Chicago, Illinois 60603

Tel: 312-470-2266

Email: aviner@corporatelawpartners.com

Certificate of Service

The undersigned, an attorney, hereby certifies that the above Notice and any attached documents were served via email transmission to the Clerk and all other parties listed below at the addresses indicated on <u>December 16</u>, 2022.

Illinois Pollution Control Board Don Brown – Clerk of the Board 100 W. Randolph St., #11-500 Chicago, IL 60601

Email: don.brown@illinois.gov

Paul Christian Pratapas (Complainant) 1330 E. Chicago Avenue, #110 Naperville, IL 60540 Email: paulpratapas@gmail.com

Respectfully submitted,

By: /s/ David J. Scriven-Young
David J. Scriven-Young

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS,)
Complainant,)
v.) No. PCB 2023-057
CHELSEA MANOR BY M/I HOMES,) (Enforcement – Water)
Respondent.)

RESPONDENT CHELSEA MANNOR BY M/I HOMES' MOTION THAT THE BOARD DETERMINE THAT THE FORMAL COMPLAINT IS FRIVOLOUS OR, IN THE ALTERNATIVE, TO DISMISS THE COMPLAINT PURSUANT TO 735 ILCS 5/2-619(a)(9)

NOW COMES the Respondent, CHELSEA MANOR BY M/I HOMES ("M/I"), by and through its attorneys, Corporate Law Partners, PLLC and Peckar & Abramson, P.C., and for their Motion that the Board Determine that the Formal Complaint ("Complaint") of the Complainant, PAUL CHRISTIAN PRATAPAS ("Pratapas"), is Frivolous pursuant to 35 Ill. Admin. Code § 103.212(a) or, in the Alternative, to Dismiss the Complaint pursuant to 35 Ill. Admin. Code § 101.500 and 735 ILCS 5/2-619(a)(9), does hereby state as follows:

- 1. On November 16, 2022, Pratapas filed a Complaint alleging that M/I violated 415 ILCS 5/12(a) and (d) and 35 Ill. Admin. Code § 304.141(b).
- 2. The Board should determine that the Complaint is frivolous pursuant to 35 III. Admin. Code § 103.212(a) because it fails to state a cause of action upon which the Board can grant relief, for four reasons. First, the Complaint fails to allege, as required, the extent, duration, or strength of the offending event. Second, the photographs attached to the Complaint show clear evidence that M/I is using best management practices onsite and, therefore, contradict the material allegations of the Complaint. Third, the Complaint relies solely on legal conclusions that are not

based upon any facts contained in the Complaint. Fourth, the Complaint seeks relief that the Board does not have authority to grant.

- 3. Alternatively, this Board should dismiss the Complaint pursuant to 35 III. Admin. Code § 101.500 and 735 ILCS 5/2-619(a)(9) because Pratapas's claims are barred by affirmative matter avoiding the legal effect of or defeating the claims. Specifically, the concrete washout is "managed by appropriate control" in compliance with the NPDES permit and negates any possible finding of a violation of 35 ILCS 304.141(b). The undisputed facts, including Pratapas' own photographs attached to the Complaint, clearly evidence that no concrete wash water, slurry sediment, or sediment laden water was discharged on November 13, 2022, or created a water pollution hazard in violation of 415 ILCS 5/12(a) and (d).
- 4. This motion is supported by M/I's Memorandum of Law and Jason Polakow's Affidavit and exhibits thereto, which are being filed contemporaneously herewith.

WHEREFORE, Respondent CHELSEA MANOR BY M/I HOMES respectfully requests that the Board enter an order (a) determining that Complainant Paul Christian Pratapas' Formal Complaint is frivolous, or (b) in the alternative, dismissing the Formal Complaint with prejudice pursuant to 35 Ill. Admin. Code § 101.500 and 735 ILCS 5/2-619(a)(9), and (c) providing any other relief that this Board deems just.

Respectfully submitted,

CHELSEA MANOR BY M/I HOMES

Dne of its Attorneys

Anne E. Viner CORPORATE LAW PARTNERS, PLLC 140 South Dearborn Chicago, IL 60603 (847) 421-4933

Email: Aviner@CorporateLawPartners.com

David J. Scriven-Young PECKAR & ABRAMSON, P.C. 30 North LaSalle Street, Suite 4126 Chicago, IL 60602 (312) 881-6309

Email: Dscriven-young@pecklaw.com

Attorneys for Respondent Chelsea Manor by M/I Homes

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS,)
Complainant,)
v.) No. PCB 2023-057
CHELSEA MANOR BY M/I HOMES,) (Enforcement – Water)
Respondent.)

RESPONDENT CHELSEA MANOR BY M/I HOMES' MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION THAT THE BOARD DETERMINE THAT THE FORMAL COMPLAINT IS FRIVOLOUS OR, IN THE ALTERNATIVE, TO DISMISS THE COMPLAINT PURSUANT TO 735 ILCS 5/2-619(a)(9)

INTRODUCTION

Complainant Paul Christian Pratapas ("Pratapas") is a serial filer of complaints before this Board. Since July 2022, Pratapas has filed twenty similar complaints against developers and municipal entities alleging water pollution violations at construction sites near his home in Naperville. Two of those complaints were filed against entities associated with developments built by M/I Homes (including the respondent in this action, Chelsea Manor by M/I Homes ("M/I")). (See PCB Case Nos. 2023-057 and 2023-075.) Pratapas' modus operandi appears to be that he goes to construction sites on rainy days, takes a couple of photographs, and then files a template complaint before this Board against the developer and (sometimes) the municipal entities that own the sites. Bizarrely, each of the twenty complaints (including a recent complaint filed against Naperville Mayor Steve Chirico in PCB Case No. 2023-077) also allege that the respondents "likely" committed "fraud" associated with "inspection reports and contractor certifications" as

well as "[f]raudulent submission/approval of boiler plate $[sic]^1$ SWPPP with no intent/ability to comply"

In this case, Pratapas has filed one of his boilerplate complaints against M/I, which is a developer of a new townhome community in Aurora, Illinois. The Formal Complaint ("Complaint"), which is attached hereto as Exhibit A, alleges (as most of Pratapas' complaints do) that, on November 13, 2022 ("a Sunday afternoon"), he observed a water pollution violation, *i.e.*, "toxic concrete washout and slurry" not being managed on the site. Pratapas attaches several photographs to the Complaint; however, those photographs actually show that M/I was using best management practices onsite and that, consequently, M/I did not commit any water pollution violations. Therefore, the Board should determine that the Complaint is frivolous, or in the alternative, dismiss the Complaint with prejudice pursuant to 35 Ill. Admin. Code § 101.500 and 735 ILCS 5/2-619(a)(9).

ARGUMENT

I. The Complaint Should Be Determined to Be Frivolous Pursuant to 35 Ill. Admin. Code § 103.212(a)

A. Legal Standard

The Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.* (the "Act") authorizes citizens to bring enforcement actions before the Board, alleging violations of the Act or Board regulations. Section 31(d) of the Act provides:

Any person may file with the Board a complaint, meeting the requirements of subsection (c) of this Section, against any person allegedly violating this Act or any rule or regulation thereunder Unless the Board determines that such complaint is duplicative or *frivolous*, it shall schedule a hearing....

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¹ It is ironic that Pratapas would accuse respondents of preparing boilerplate plans, given the fact that Pratapas has filed twenty boilerplate complaints before this Board. Moreover, since Pratapas apparently trespasses on construction sites in order to obtain the photographs for his complaints, it is ironic that he would accuse respondents of criminal misconduct.

415 ILCS 5/31(d) (emphasis supplied). Section 31(c), referred to in the above-quoted passage, in turn states that the complaint "shall specify the provision of the Act or the rule or regulation ... under which such person is said to be in violation, and a statement of the manner in, and the extent to which such person is said to violate the Act or such rule or regulation" 415 ILCS 5/31(c). The Board's procedural rules require that a complaint must include the "dates, location, events, nature, extent, duration, and strength of discharges or emissions and consequences alleged to constitute violations" and a "concise statement of the relief that the complainant seeks." 35 Ill. Adm. Code 103.204(c). Thus, the Act and the Board's procedural rules "provide for specificity in pleadings". *Rocke v. PCB*, 78 Ill. App. 3d 476, 481 (1st Dist. 1979).

In assessing the adequacy of pleadings in a complaint, the Board has accordingly stated that "Illinois is a fact-pleading state which requires the pleader to set out the ultimate facts which support his cause of action." *People v. Blick's Constr. Co.*, PCB No. 13-43, 2013 Ill. ENV LEXIS 151 *18 (May 16, 2013). "[L]egal conclusions unsupported by allegations of specific facts are insufficient." *La Salle Nat'l Trust, N.A. v. Vill. of Mettawa*, 249 Ill. App. 3d 550, 557 (2d Dist. 1993). *See also Foxfield Realty v. Kubala*, 287 Ill. App. 3d 519, 522 (2d Dist. 1997) ("a motion to dismiss does not admit conclusions of law or of fact that are not supported by allegations of specific facts which form the basis for such conclusions"). Exhibits attached to pleadings "are considered part of the pleadings, and allegations in the pleadings which conflict with facts disclosed in the exhibits are not admitted as true; rather, the exhibits control. *Foxfield Realty*, 287 Ill. App. 3d at 522.

Within 30 days after being served with a complaint, a respondent may file a motion with the Board to dismiss the complaint on the grounds that the complaint is frivolous or duplicative.

35 Ill. Adm. Code 103.212(b). "Frivolous" means a request for relief that the Board does not have

the authority to grant, or a complaint that fails to state a cause of action upon which the Board can grant relief. 35 Ill. Admin. Code 101.202. When ruling on a motion to dismiss, the Board takes all well-pled allegations as true and draws all inferences from them in favor of the non-movant. *Maracic v. TNT Logistics N. Am. Inc.*, PCB No. 05-212, 2007 Ill. ENV LEXIS 106, *6 (Mar. 15, 2007). Dismissal is proper only if it is clear that no set of facts could be proven that would entitle complainant to relief. *Id.* To determine whether a cause of action has been stated, the entire pleading must be considered. *Mahomet Valley Water Auth. v. Clinton Landfill, Inc.*, PCB No. 13-22, 2013 Ill. ENV LEXIS 283, *55 (Sept. 19, 2013).

B. Respondent's Complaint Must be Determined to be Frivolous Because It Fails to State a Cause of Action Upon Which the Board Can Grant Relief

With vague statements and conclusions unsupported by well-pled factual allegations, Pratapas purports to allege that M/I failed to manage or control concrete washout water in violation of Section 12 (a) and (d) of the Act and 35 Ill. Admin. Code 304.141(b). Section 12 of the Act provides in relevant part:

No person shall:

(a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, ... or so as to violate regulations or standards adopted by the Pollution Control Board

. . .

- (d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.
- 415 ILCS 5/12(a) & (d). The regulation set forth in 35 III. Admin. Code 304.141(b) states:

No person may discharge any pollutant subject to, or which contributes or threatens to cause a violation of, any applicable federal or state water quality standard, effluent standard, guideline or other limitation, promulgated pursuant to the CWA [Clean Water Act] or the Act, unless limitation for such a pollutant has been set forth in an applicable NPDES Permit.

Pratapas is required by the Board's procedural rules to include in the Complaint the "dates, location, events, nature, extent, duration, and strength of discharges or emissions and consequences alleged to constitute violations." 35 Ill. Admin. Code 103.204(c). While Pratapas has alleged a date ("November 13, 2022 on a Sunday afternoon") and a location (Commons Drive, Aurora, Illinois), he does not adequately plead the other required contents of the Complaint. The Complaint is completely devoid of any allegations – factual or otherwise – as to the required "extent, duration or strength" of the offending event. Instead, the Complaint makes legal conclusions, unsupported by any specific facts, regarding "[t]oxic concrete washout water and slurry prohibited from making contact with soil and migrating to surface waters or into the ground water not managed" and "sediment and sediment laden water freely allowed to enter the street and inlet." Moreover, the photographs attached to the Complaint contradict the allegation of nonmanagement and instead show clear evidence of a controlled concrete washout area in a containment area surrounded by silt fence and curb, with no inlets in the area, and no free flowing sediment or sediment laden water. These photographs are considered part of the pleadings and control over the conflicting allegations in the Complaint. Foxfield Realty v. Kubala, 287 III. App. 3d 519, 522 (2d Dist. 1997).

Pratapas' statements as to the "consequences" or "bad effects" of the alleged violations are also general, legal conclusions devoid of well-pled factual support. Pratapas first states that "[t]he negative environmental impacts of concrete washout and sediment laden water is widely documented and part of the reason for the NPDES permit program." This conclusion provides no specific facts in support of Pratapas' claims. Pratapas continues: "Likely fraud of inspection reports and contractor certifications. Fraudulent submission/approval of boiler plate SWPPP with no intent/ability to comply as approved poses immediate risk to Canadian Geese using the area

during migration." No facts in the Complaint support any claim of fraud (nor would such a claim be within the Board's jurisdiction). The conclusion that there is "immediate risk to Canadian Geese" and the statement that Canadian Geese were "using the area during migration" does not factually support Pratapas' claims as there is no allegation that geese were in contact with any concrete washout water or harmed in any way. Pratapas next states: "As well as, to the stormwater system and receiving water(s)", which is unintelligible and completely vague and, again, fails to meet the fact-pleading standard. Finally, Pratapas summarily asserts that there are "[n]eighborhood pets in adjacent occupied area. Farmer next to site was harvesting corn." These conclusions – like the ones discussed above – are not well-pled allegations, and the Board need not take them as true nor draw any inferences from them. *La Salle Nat'l Trust, N.A. v. Vill. of Mettawa*, 249 Ill. App. 3d 550, 557 (2d Dist. 1993). Indeed, the Board may strike such conclusions entirely. *Tarkowski v. Belli*, PCB No. 76-55, 1976 Ill. ENV LEXIS 621, *1-2 (Apr. 8, 1976) (striking legal conclusions on its own motion).

In addition, Pratapas' requests for relief #3 ("Investigation into fraudulent SWPP inspection reports and contractor certifications") and #6 ("Guarantee access to the SWPPP book for public review") must be stricken as frivolous, since the requests seek relief that the Board does not have the authority to grant. 35 Ill. Adm. Code 101.202; *United City of Yorkville v. Hamman Farms*, PCB No. 08-96, 2008 Ill. ENV LEXIS 352, *68 (Oct. 16, 2008). As an administrative agency, the Board is a creature of statute, and therefore has only the authority given to it by its enabling act. *Id.* at *66. The Board cannot grant prayers for relief absent explicit statutory authority. *Id.* at *67. *See also Vill. of Montgomery v. Aurora Sanitary Dist.*, PCB No. 79-269, PCB No. 79-269, 1980 Ill. ENV LEXIS 460, *1 (Mar. 20, 1980) (striking portion of prayers for relief requesting that the Board do things which are beyond its statutory authority); *Tarkowski v.*

Belli, PCB No. 76-55, 1976 Ill. ENV LEXIS 621, *1-2 (Apr. 08, 1976) (striking portion of prayers for relief that are not within its jurisdiction or scope of authority under the Act).

Given the above, Pratapas has failed to comply with 35 Ill. Admin. Code 103.204(c) by failing to adequately plead facts in support of any cause of action against M/I. Therefore, the Board should determine that the Complaint is frivolous.

II. <u>In the Alternative, the Complaint Should Be Dismissed Pursuant to 735 ILCS 5/2-619(a)(9)</u>

A. <u>Legal Standard</u>

Respondent moves also, in the alternative, to dismiss the Complaint pursuant to 735 ILCS 5/2-619(a)(9) on the grounds that "the claim asserted against the defendant is barred by other affirmative matter avoiding the legal effect of or defeating the claims." Pursuant to 35 III. Admin. Code 101.500, the Pollution Control Board "may entertain any motion the parties wish to file that is permissible under the Act or other applicable law, this Part, or the Code of Civil Procedure." Thus, the Board may entertain a motion to dismiss pursuant to 735 ILCS 5/2-619(a)(9). *See People v. Shell Oil Co.*, PCB No. 97-30, 1998 III. ENV LEXIS 480, *6 (Sept. 17, 1998) (granting motion to dismiss based upon affirmative matters contained outside the complaint).

The phrase "affirmative matter" encompasses "any defense other than a negation of the essential allegations of the plaintiff's cause of action." *Omega Demolition Corp. v. Ill. State Toll Highway Auth.*, 2022 IL App (1st) 210158, ¶ 45. The purpose of a section 2-619 motion to dismiss is to dispose of issues of law and easily proved issues of fact at the outset of litigation. *Jackson v. Kane Cty.*, 2021 IL App (2d) 210153, ¶ 10. Because a section 2-619 dismissal resembles the grant of a motion for summary judgment, the Board must determine whether a genuine issue of material

fact precludes the dismissal. See id. at ¶ 11. Once the respondent satisfies its initial burden of going forward on a section 2-619(a)(9) motion, the burden shifts to the complainant to establish that the defense is unfounded or that it requires the resolution of an essential element of material fact. Id. at ¶

In a Section 2-619 motion to dismiss, while the sufficiency of the complaint is admitted, the "facts asserted which are not of record in the proceeding shall be supported by affidavit." *See* 35 Ill. Admin. Code 101.242(a); 735 ILCS 5/2-619 (a)(9).

B. The Claim Asserted Against M/I is Barred by Other Affirmative Matter Avoiding the Legal Effect of or Defeating the Claim

Assuming for the sake of argument that the Complaint adequately alleges a cause of action for violations of Section 12 of the Act and 35 Ill. Admin. Code 304.141(b), those claims fail as a matter of law and are defeated by the undisputed "other affirmative matters" discussed below.

The alleged violating actions are that M/I has "not managed" concrete washout water and slurry "prohibited from making contact with soil and migrating to surface waters or into the ground water" and that Respondent has "freely allowed" sediment and sediment laden water to enter the street and inlets. The undisputed facts indicate just the opposite.

1. The undisputed facts show no violation of 35 Ill. Admin. Code 304.141(b)

The regulation cited in the Complaint, 35 Ill. Admin. Code 304.141(b), states in relevant part:

No person may discharge any pollutant subject to, or which contributes or threatens to cause a violation of, any applicable federal or state water quality standard, effluent standard, guideline or other limitation, promulgated pursuant to the CWA or the Act, *unless* limitation for such a pollutant has been set forth in an applicable NPDES Permit. (emphasis added).

In compliance with the Act and applicable regulations, M/I has a General Permit to Discharge Storm Water Associated with Construction Activities, NPDES Permit No: ILR10ZBGE, dated April 1, 2022, covering the Chelsea Manor development project (hereinafter, the "NPDES Permit"). (A copy of the NPDES Permit is attached as Ex. 1 to J. Polakow Aff., which is attached hereto as Ex. B. *See also* J. Polakow Aff., ¶ 3.) The NPDES Permit (Part III, A.3.) states: "The following non-storm water discharges are prohibited by this permit: concrete and wastewater from washout of concrete (unless managed by an appropriate control)" Thus, if there are appropriate controls of non-storm water discharge from concrete washout facilities, such discharges are *not* prohibited by the NPDES Permit and do not constitute a violation of Section 304.141(b) as alleged. *See* 415 ILCS 5/12(f) ("Compliance with the terms and conditions of any permit issued under Section 39(b) of this Act shall be deemed compliance with this subsection except that it shall not be deemed compliance with any standard or effluent limitation imposed for a toxic pollutant injurious to human health").

The undisputed facts – including the photographs attached to the Complaint by Pratapas – clearly establish that M/I has implemented and maintained appropriate controls for soil erosion and the management of concrete washout. These controls are set forth in its Stormwater Pollution Prevention Plan ("SWPPP") for the Chelsea Manor project. (A copy of the SWPPP is attached to the J. Polakow Aff.as Ex. 2. *See also* J. Polakow Aff., ¶ 4.) According to Jason Polakow, M/I's executive overseeing the Chelsea Manor project (J. Polakow Aff. at ¶ 2), the following types of controls are in place at the Chelsea Manor site:

At the Chelsea Manor project, after concrete is poured, the chutes of the ready-mix concrete trucks and hoppers of concrete pump trucks must be washed out to remove the remaining concrete before it hardens. The best management practice objectives of the SWPPP for concrete washout areas are to collect and retain all of the concrete washout water and solids in leak proof containers, which is a metal roll-off bin at the

Chelsea Manor site. The metal roll-off bin is designed to securely contain wash water and solids and is portable and reusable. Roll-off providers offer recycling services for the project, such as, picking up the roll-off bins after the wash water has evaporated or has been vacuumed off and the solids have hardened, replacing them with empty washout bins, and delivering the hardened concrete to a recycler rather than a landfill. The concrete washout facility is in a location that provides convenient access to concrete trucks near the area where concrete is being poured. The concrete washout container is a metal roll-off bin placed on a mix of three (3)-inch stone and gravel. The construction staging area, which includes the concrete washout container, is demarcated by silt-fence. The containment area is not located within fifty (50) feet of storm drains, open ditches, or waterbodies. The washout basin is located approximately sixty-two (62) feet away from the nearest storm inlet and two hundred and seventy-five (275) feet away from the detention basin at the adjacent Gramercy Square property.

(Id. at \P 6-7). Mr. Polakow has further testified and affirmed that:

The concrete washout container is inspected daily by M/I Homes Construction Managers and during the weekly stormwater pollution prevention program (SWPPP) inspections conducted by the M/I Homes third -party inspector, Gary R. Weber and Associates (GRWA). GRWA also inspects the site and containers after any rainfall event greater than a half-inch (0.50") of rain. All inspections check for leaks, identify potential damage to the containers from construction activities, and determine whether the washout container has been filled to over seventy-five (75) precent capacity. When the container is filled to over seventy-five (75) precent of its capacity, the wash water is vacuumed off or allowed to evaporate to avoid overflows. Then when the remaining solids have hardened, they are removed and recycled. Damages to the container are repaired promptly. Before heavy rains, the container's liquid levels are lowered, or the container is covered to avoid an overflow during a rainstorm.

(Id. at \P 6).

Thus, the concrete washout is "managed by appropriate control" in compliance with the NPDES permit and negates any possible finding of a violation of 35 ILCS 304.141(b). Moreover, as set forth below, the undisputed facts establish that no concrete washout water, slurry, sediment

or sediment laden water are discharged to the environment such to create water pollution in violation of the Act. Therefore, Pratapas' claims fail and must be dismissed.

2. The undisputed facts show no violation of Section 12(a) or (d) of the Act

In order to prevail on its claim that M/I violated Section 12(a) and (d) of the Act, Pratapas must be able to establish that M/I disregarded the above controls allowing an alleged discharge on November 13, 2022 to "cause or tend to cause water pollution in Illinois" or to be deposited on land "in such place and manner so as to create a water pollution hazard." The undisputed facts, which are supported by, among other things, Pratapas' own photographs, establish that no such outcome occurred or had the potential to occur.

First, based on its inspection of the site, the Kane-DuPage Soil Water Conservation District ("KDSWCD"), the local regulatory agency that provides information, consultation, and reviews for Soil Erosion and Sediment Control in partnership with the U.S. Army Corps of Engineers, the Illinois Environmental Protection Agency, and through a memorandum of understanding with the City of Aurora, concluded that "[o]verall – sediment is contained onsite" as required. (A copy of the Inspection Report is attached to the J. Polakow Aff.as Ex. 3. *See also* J. Polakow Aff., ¶ 5.) The NPDES Permit requires containment of sediments on-site, which the KDSWCD acknowledged had been established at the Chelsea Manor project. (NPDES Permit, Part III, A.3.) Next, Pratapas' photographs clearly contradict his own allegations, which is not surprising given the boilerplate nature of his numerous pleadings before the Board. The photographs show the best management practices concerning the control of water, slurry, sediment, and silt were implemented at the Site and were working as designed on November 13, 2022. (J. Polakow Aff., ¶ 8-15.) The

² Pratapas' has failed to allege any facts to support his conclusion that any washout water or slurry are "toxic."

photographs do not show any entry of concrete washwater, sediment or sediment laden water into inlets or water bodies or concrete washwater or slurry making contact with bare soil, surface waters or into groundwater. $(Id. \text{ at } \$ 15.)^3$ Rather, the photographs show that this did not occur, as well as the control measures that prevent such occurrence. (Id. at \$ 8-15.) The photographs completely fail to show any negative impacts caused by the site to geese, pets, or adjacent properties. (Id.).

The above undisputed other affirmative matters require dismissal of the Complaint pursuant to 735 ILCS 5/2-619 (a)(9).

CONCLUSION

For these reasons, M/I's Motion that the Board Determine that the Formal Complaint is Frivolous or, in the Alternative, to Dismiss the Complaint Pursuant to 735 ILCS 5/2-619(a)(9) should be granted.

Respectfully submitted,

CHELSEA MANOR BY M/I HOMES

Done of its Attorneys

Anne E. Viner CORPORATE LAW PARTNERS, PLLC 140 South Dearborn Chicago, IL 60603 (847) 421-4933

Email: Aviner@CorporateLawPartners.com

David J. Scriven-Young PECKAR & ABRAMSON, P.C. 30 North LaSalle Street, Suite 4126 Chicago, IL 60602 (312) 881-6309

Email: Dscriven-young@pecklaw.com

Attorneys for Respondent Chelsea Manor by M/I Homes

³ In fact, inlets and water bodies are quite distant from the concrete washout area. (J. Polakow Aff., ¶¶ 7.)

FORMAL COMPLAINT

Before the Illinois Pollution Control Board

	?
Paul Christian Pratapas)
Complainant,	
V.)) PCB 20 - [For Board use only]
Chelsea Manor by M/I Homes)
Respondent)

EXHIBIT •

1. Your Contact Information

 Name:
 Paul Christian Pratapas

 Street Address:
 1330 E. Chicago Ave. #110

 Naperville
 Naperville

 County:
 DuPage

 State:
 IL

 Phone Number:
 (630) 210 - 1637

2. Name and Address of the Respondent (Alleged Polluter)

Name: Chelsea Manor by M/I Homes

Street Address: Commons Drive (Required Signage Missing)

Aurora, IL 60504

County: DuPage

State: Illinois

Phone Number: (630) 426 - 1370

 Describe the type of business or activity that you allege is causing or allowing pollution (e.g., manufacturing company, home repair shop) and give the address of the pollution source if different than the address above.

M/I Homebuilders is building a new neighborhood of multifamily housing without adequate and required BMPs

- List specific sections of the Environmental Protection Act, Board regulations, Board order, or permit that you allege have been or are being violated.
 - 1. 415 ILCS 5.12(a)
 - 2. 415 ILCS 5/12 (d)
 - 3. IL Admin Code Title 35, 304.141(b)
- Describe the type of pollution that you allege (e.g., air, odor, noise, water, sewer back-ups, hazardous waste) and the location of the alleged pollution. Be as specific as you reasonably can in describing the alleged pollution.

Water. Toxic concrete washout water and slurry prohibited from making contact with soil and migrating to surface waters or into the ground water not managed. Sediment and sediment laden water freely allowed to enter the street and inlets. Many geese photographed immediately adjacent.

Describe the duration and frequency of the alleged pollution.
 Be as specific as you reasonably can about when you first noticed the alleged pollution, how frequently it occurs, and whether it is still continuing (include seasons of the year, dates, and times of day if known).

Photographed and reported to ILEPA November 13, 2022 on a Sunday afternoon.

 Describe any bad effects that you believe the alleged pollution has or has had on human health, on plant or animal life, on the environment, on the enjoyment of life or property, or on any lawful business or activity.

The negative environmental impacts of concrete washout and sediment laden water is widely documented and part of the reason for the NPDES permit program.

Likely fraud of inspection reports and contractor certifications. Fraudulent submission/approval of boiler plate SWPPP with no intent/ability to comply as approved poses immediate risk to Canadian Geese using the area during migration. As well as, to the stormwater system and receiving water(s). Neighborhood pets in adjacent occupied areas. Farmer next to site was harvesting corn.

- 8. Describe the relief that you seek from the Board.
 - 1. Find that Respondent has violated their permit
 - Assess a civil penalty of Fifty Thousand Dollars (\$ 50,000.00)
 against Respondent for each violation of the Act and Regulations,
 and an additional civil penalty of Ten Thousand Dollars
 (\$10,000.00) per day for each day of each violation
 - Investigation into fraudulent SWPPP inspection reports and contractor certifications
 - 4. Voiding the permit for the site until such time as the builder ceases to pollute the surrounding groundwater and surface water and any SWPPP deficiencies related to signage, certifications, inspections, material storage and designated concrete washout area design/implementation are fixed
 - An order stating SWPPP plan(s) for phasing and concrete washout areas must be implemented as presented and approved unless documented otherwise with standards being found in the Illinois Urban Manual.
 - 6. Guarantee access to the SWPPP book for public review

 Identify any identical or substantially similar case you know of brought before the Board or in another forum against this respondent for the same alleged pollution (note that you need not include any complaints made to the Illinois Environmental Protection Agency or any unit of local government).

No identical or substantially similar cases have been brought to The Board which I am aware of.

10. I am representing myself as an individual.

11. Paul Christian Protopos
Complainant's Signature

CERTIFICATION

I, PAUL CHRISTIAN PRATAPAS, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.
state that I have read the foregoing and that it is accurate to the best of my knowledge.
Paul Christian Fratages
Complainant's Signature
Subscribed to and sworn before me
this 15th day
of November, 2022
Notary Public
My Commission Expires: 5 21 2623
MARY JO MASCITTI
Official Seal Notary Public - State of Illinois

NOTICE OF FILING

Note to the Complainant: This Notice of Filing must accompany the Formal Complaint and the Documentation of Service. Once you have completed the Notice of Filing, the Formal Complaint, and the Documentation of Service, you must file these three documents with the Board's Clerk *and* serve a copy of each document on each respondent.

Please take notice that today I, <u>Paul Christian Pratapas</u>, filed with the Clerk of the Illinois Pollution Control Board (Board) a Formal Complaint, a copy of which is served on you along with this Notice of Filing. You may be required to attend a hearing on a date set by the Board.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney. 35 III. Adm. Code 103.204(f).

Complainant's Signature

Street: 1330 E Chicago Ave. #110

City/State/Zip: Naperville, IL 60540

Date: 11.15.2022

INFORMATION FOR RESPONDENT RECEIVING FORMAL COMPLAINT

The following information has been prepared by the Board for general informational purposes only and does not constitute legal advice or substitute for the provisions of any statute, rule, or regulation. Information about the Formal Complaint process before the Board is found in the Environmental Protection Act (Act) (415 ILCS 5) and the Board's procedural rules (35 III. Adm. Code 101, 103). These can be accessed on the Board's website (www.ipcb.state.il.us). The following is a summary of some of the most important points in the Act and the Board's procedural rules.

Board Accepting Formal Complaint for Hearing; Motions

The Board will not accept this Formal Complaint for hearing if the Board finds that it is either "duplicative" or "frivolous" within the meaning of Section 31(d)(1) of the Act (415 ILCS 5/31(d)(1)) and Section 101.202 of the Board's procedural rules (35 III. Adm. Code 101.202 (definitions of the terms "duplicative" and "frivolous")). "Duplicative" means the

complaint is identical or substantially similar to a case brought before the Board or another forum. See 35 III. Adm. Code 103.212(a) and item 10 of the Formal Complaint.

"Frivolous" means that the Formal Complaint seeks relief that the Board does not have the authority to grant or fails to state a cause of action upon which the Board can grant relief. For example, the Board has the authority to order a respondent to stop polluting and pay a civil penalty, to implement pollution abatement measures, or to perform a cleanup or reimburse cleanup costs. The Board does not have the authority, however, to award attorney fees to a citizen complainant. See 35 III. Adm. Code 103.212(a) and items 5 through 9 of the Formal Complaint.

If you believe that this Formal Complaint is duplicative or frivolous, you may file a motion with the Board, within 30 days after the date you received the complaint, requesting that the Board not accept the complaint for hearing. The motion must state the facts supporting your belief that the complaint is duplicative or frivolous. Memoranda, affidavits, and any other relevant documents may accompany the motion. See 35 III. Adm. Code 101.504, 103.212(b). If you need more than 30 days to file a motion alleging that the complaint is duplicative or frivolous, you must file a motion for an extension of time within 30 days after you received the complaint. A motion for an extension of time must state why you need more time and the amount of additional time you need. Timely filing a motion alleging that the Formal Complaint is duplicative or frivolous will stay the 60-day period for filing an Answer to the complaint. See 35 III. Adm. Code 103.204(e), 103.212(b); see also 35 III. Adm. Code 101.506 (generally, all motions to strike, dismiss, or challenge the sufficiency of any pleading must be filed within 30 days after service of the challenged document).

The party making a motion must "file" the motion with the Board's Clerk and "serve" a copy of the motion on each of the other parties to the proceeding. The Board's filing and service requirements are set forth in its procedural rules (35 III. Adm. Code 101.300, 101.302, 101.304), which are located on the Board's website (pcb.illinois.gov).

If you do not file a motion with the Board within 30 days after the date on which you received the Formal Complaint, the Board may find that the complaint is not duplicative or frivolous and accept the case for hearing without any input from you. The Board will then assign a hearing officer who will contact you to schedule times for holding telephone status conferences and a hearing. See 35 III. Adm. Code 103.212(a).

Answer to Complaint

You have the right to file an Answer to this Formal Complaint within 60 days after you receive the complaint. If you timely file a motion alleging that the complaint is duplicative or frivolous, or a motion to strike, dismiss, or challenge the sufficiency of the complaint, then you may file an Answer within 60 days after the Board rules on your motion. See 35 III. Adm. Code 101.506, 103.204(d), (e), 103.212(b).

Failing to file an Answer to the Formal Complaint within 60 days after you were served with the complaint may have severe consequences. Failure to timely file an Answer will

mean that all allegations in the Formal Complaint will be taken as if you admitted them for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office, or an attorney. See 35 III. Adm. Code 103.204(f).

Necessity of an Attorney

Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. In addition, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, even if an individual is not an attorney, he or she is allowed to represent (1) himself or herself as an individual or (2) his or her unincorporated sole proprietorship. See 35 Ill. Adm. Code 101.400(a). Such an individual may nevertheless wish to have an attorney prepare an Answer and any motions or briefs and present a defense at hearing.

Costs

In defending against this Formal Complaint, you are responsible for your attorney fees, duplicating charges, travel expenses, witness fees, and any other costs that you or your attorney may incur. The Board requires no filing fee to file with the Board your Answer or any other document in the enforcement proceeding. The Board will pay its own hearing costs (e.g., hearing room rental, court reporting fees, hearing officer expenses).

If you have any questions, please contact the Clerk's Office at (312) 814-3461.

DOCUMENTATION OF SERVICE

Note to the Complainant: This Documentation of Service must accompany the Formal Complaint and the Notice of Filing. Once you have completed the Documentation of Service, the Formal Complaint, and the Notice of Filing, you must file these three documents with the Board's Clerk *and* serve a copy of each document on each respondent.

This form for the Documentation of Service is designed for use by a non-attorney and must be notarized, *i.e.*, it is an "affidavit" of service. An attorney may modify the form for use as a "certificate" of service, which is not required to be notarized.

Affidavit of Service

I, the undersigned, on oath or affirmation, state that on the date shown below, I served copies of the attached Formal Complaint and Notice of Filing on the respondent at the address listed below by one of the following methods: [check only one—A, B, C, D, or E]	
A U.S. Mail or third-party commercial carrier with the recipient's signature recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. Attached is the delivery confirmation from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature and showing the date of delivery as [month/date], 20 [Attach the signed delivery confirmation showing the date of delivery.]	
BU.S. Mail or third-party commercial carrier with a recipient's signature recorded or to be recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. However, the delivery confirmation from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature is not available to me at this time. On [month/date], 20, by the time of:	
[address where you provided the documents to the U.S. Postal Service or the third-part commercial carrier], copies of the attached Formal Complaint and Notice of Filing were provided to the U.S. Postal Service or the third-party commercial carrier, with the respondent's address appearing on the envelope or package containing these documents, and with proper postage or delivery charge prepaid. [Within seven days after it becomes available to you, file with the Board's Clerk the delivery confirmation—containing the recipient's signature and showing the date of delivery—and identify the Formal Complaint to which that delivery confirmation corresponds.]	
C. Personal service and I made the personal delivery on	

the affidavit of service by the process serve	ce signed by the other person (or er) who made the personal delive	the personal delivery. Attached is or the declaration of service signed ery, showing the date of delivery as the other person's signed affidavit or
E. X Personal	service and I will make the pers	sonal delivery. However, the
RESPONDENT'S A	not available to me currently.	
Name:	Chelsea Manor by M/I Hom	nes
Street:	Commons Drive	
City/State/Zip:	Aurora, IL 60504	
	Street: City, State, Zip Code:	1330 E. Chicago Ave. #110 Naperville, IL 60540
	Date:	11.15,2022
Notary Public My Commission Ex	1ay 	



-A-



-B-



-C-



-D-



-E-



-F-



-G-

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS,)
Complainant,)
)
V.) No. PCB 2023-057
CHELSEA MANOR BY M/I HOMES,) (Enforcement – Water)
Respondent.)

AFFIDAVIT OF JASON A. POLAKOW, P.E.

I, Jason A. Polakow, P.E., a resident of Illinois and being over 18 years of age, declares under penalty of perjury that the following is true and correct:

- 1. I am currently employed as the Director of Land Development at M/I Homes of Chicago, LLC ("M/I Homes").
- 2. I am the executive at M/I Homes overseeing the Chelsea Manor development southeast of Commons Drive and Irving Road, Aurora, Illinois.
- 3. In connection with the Chelsea Manor development, M/I Homes has a General Permit to Discharge Storm Water Associated with Construction Activities ("General Permit"), issued by the Illinois Environmental Protection Agency (IEPA), a true and correct copy of which is attached as Exhibit 1 to this Affidavit.
- 4. In accordance with Part IV of the General Permit, M/I Homes has a Stormwater Pollution Prevention Plan ("SWPPP"), which includes specifications for erosion and sediment controls, including controls related to concrete washout operations. A true and correct copy of the SWPPP for the Chelsea Manor development is attached as Exhibit 2 to this Affidavit.
- 5. On June 16, 2022, the Kane-DuPage Soil Water Conservation District (KDSWCD), the local regulatory agency that provides information, consultation, and reviews for Soil Erosion and Sediment Control (SESC) in partnership with the Army Corps of Engineers (USACE), the

EXHIBIT
- B -

IEPA, and through a memorandum of understanding (MOU) with Aurora, conducted an inspection of the Chelsea Manor development and provided M/I Homes with a copy of the Inspection Report, which is attached to this Affidavit as Exhibit 3. The Inspection Report states that "Overall – Sediment is contained onsite Yes." Concrete work had not yet begun at the time of this site inspection, so the Inspection Report states "N/A" for concrete washout.

6. At the Chelsea Manor project, after concrete is poured, the chutes of the ready-mix concrete trucks and hoppers of concrete pump trucks must be washed out to remove the remaining concrete before it hardens. The best management practice objectives of the SWPPP for the concrete washout area is to collect and retain all of the concrete washout water and solids in leak proof containers, which is a metal roll-off bin at the Chelsea Manor site. The metal roll-off bin is designed to securely contain wash water and solids and is portable and reusable. Roll-off providers offer recycling services for the project, such as, picking up the roll-off bins after the wash water has evaporated or has been vacuumed off and the solids have hardened, replacing them with empty washout bins, and delivering the hardened concrete to a recycler rather than a landfill. The concrete washout facility is in a location that provides convenient access to concrete trucks near the area where concrete is being poured. The concrete washout container is a metal roll-off bin placed on a mix of three (3)-inch stone and gravel. The construction staging area, which includes the concrete washout container, is demarcated by silt-fence. The washout containment area is not located within fifty (50) feet of storm drains, open ditches, or waterbodies. The containers are inspected daily by M/I Homes Construction Managers and during the weekly stormwater pollution prevention program (SWPPP) inspections conducted by the M/I Homes third -party inspector, Gary R. Weber and Associates (GRWA). GRWA also inspects the site and containers after any rainfall event greater than a half-inch (0.50") of rain. All inspections check for leaks, identify potential damage

to the containers from construction activities, and determine whether the washout container has been filled to over seventy-five (75) precent capacity. When the container is filled to over seventy-five (75) precent of its capacity, the wash water is vacuumed off or allowed to evaporate to avoid overflows. Then when the remaining solids have hardened, they are removed and recycled. Damages to the container are repaired promptly. Before heavy rains, the container's liquid levels are lowered, or the container is covered to avoid an overflow during a rainstorm.

- 7. The washout area is located approximately sixty-two (62) feet away from the nearest storm inlet. See, distance map attached as Exhibit 4 to this Affidavit. The washout area is located approximately two hundred and seventy-five (275) feet away from the detention basin at the adjacent Gramercy Square property. See, distance map attached as Exhibit 5 to this Affidavit.
- 8. Photograph A attached to the Complaint¹ shows a refuse container located behind a curb, with the ground cut eight (8)-inches below top of curb to help prevent runoff onto the street. This soil grading is part of the erosion controls set forth in the SWPPP.
- 9. Photograph B shows the construction staging area with the concrete washout basin resting on a bed of 3-inch stone, encircled by silt fence, and behind a curb with the 8-inch soil cut, which are part of the washout controls set forth in the SWPPP.
- 10. Photograph C shows another view of the construction staging area and concrete washout basin and the containment controls as described in paragraph 9 above.
- 11. Photograph D shows some hardened concrete sitting on the 3-inch stone bed and not on the adjacent clay soils and contained behind a row of silt fence.

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¹ The Complaint in this case is attached as Exhibit A to Respondent Chelsea Manor By M/I Homes' Memorandum of Law in Support of its Motion That the Board Determine That the Formal Complaint is Frivolous or, in the Alternative, to Dismiss the Complaint Pursuant to 735 ILCS 5/2-619(a)(9). For the Board's convenience and for easy identification, the photographs in the copy of the Complaint attached to the Memorandum have been labeled "A" through "G".

12. Photograph E shows a port-a-potty standing upright on a hard surface, away from storm inlets, and near construction activity making it accessible for the workers building the townhomes.

13. Photograph F shows materials necessary to build the townhomes contained by a curb and soil grading directly adjacent to the building under construction. The reddish colored material at the inlet shown on the photograph is part of the filter basket system installed throughout the site used as storm drain inlet protection to trap and limit sediment and silt from entering the storm drain inlets and leaving the site.

14. Photograph G shows the well-established Gramercy Square property basin with geese grazing in the foreground and the Chelsea Manor construction site located in the background behind a row of silt fence, separating the two sites and containing any runoff from leaving the construction site.

15. None of the Photographs attached to the Complaint show any uncontrolled concrete wash water, slurry, sediment or sediment laden water; rather they show implementation of the best management practices set forth in the SWPPP for control of such media.

16. It should be noted that Chelsea Manor is the private property of M/I Homes and that authorized personnel only are allowed to be on the site. To take the photographs presented in the Complaint, the Complainant would have been trespassing.

Jason A. Polakow, P.E.

Subscribed and sworn to before me this 15th day of December 2022.

OFFICIAL SEAL
LAURA BAUCOM

NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 10/17/24

NOTARY PUBLIC



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 · (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

Project/Site: Chelsea Manor, Aurora, IL, DuPage County

NPDES Permit No: ILR10ZBGE

04/01/2022

We have reviewed your application requesting coverage for Chelsea Manor located at SE of Commons Dr. and Irving Rd., Aurora, IL 60540, and determined that storm water discharges associated with industrial activity from construction sites are appropriately covered by the General NPDES Permit issued by the Agency. Your discharge is covered by this permit effective as of the date of this letter. A copy of the NOI submission can be downloaded at this link: https://npdes-ereporting.epa.gov/net-cgp/api/public/v1/form/1458828/attachment/zip.

The Permit includes special conditions regarding the application, Storm Water Pollution Prevention Plan and reporting requirements. Failure to meet any portion of the Permit could result in civil and/or criminal penalties. The Agency is ready and willing to assist you in interpreting any of the conditions of the Permit as they relate specifically to your discharge.

As a Permit Holder, it is your responsibility to:

- 1. Submit a modified Notice of Intent of any substantial modification to the project such as address changes, new contractors, area coverage, or additional discharges to Waters of the United States within 30 days.
- 2. Submit a Notice of Termination once the site has completed final stabilization and all storm water discharges from construction activities that are authorized by this Permit are eliminated.

Please reference your permit number ILR10ZBGE in all future correspondence. Should you have any questions concerning the Permit, please contact the Permit Section at (217) 782-0610.

Sincerely,

Darin E. LeCrone Manager, Permit Section

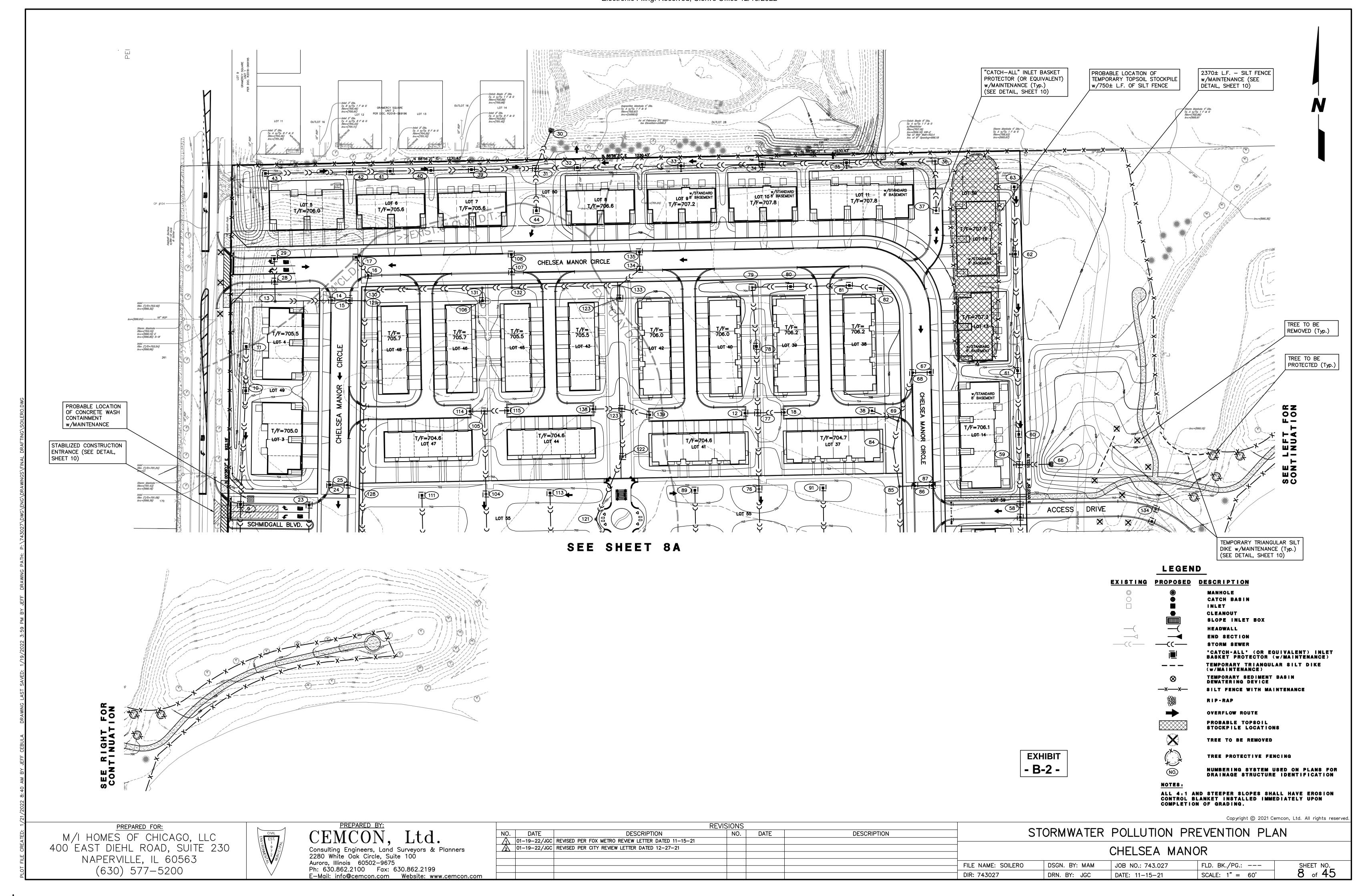
Division of Water Pollution Control

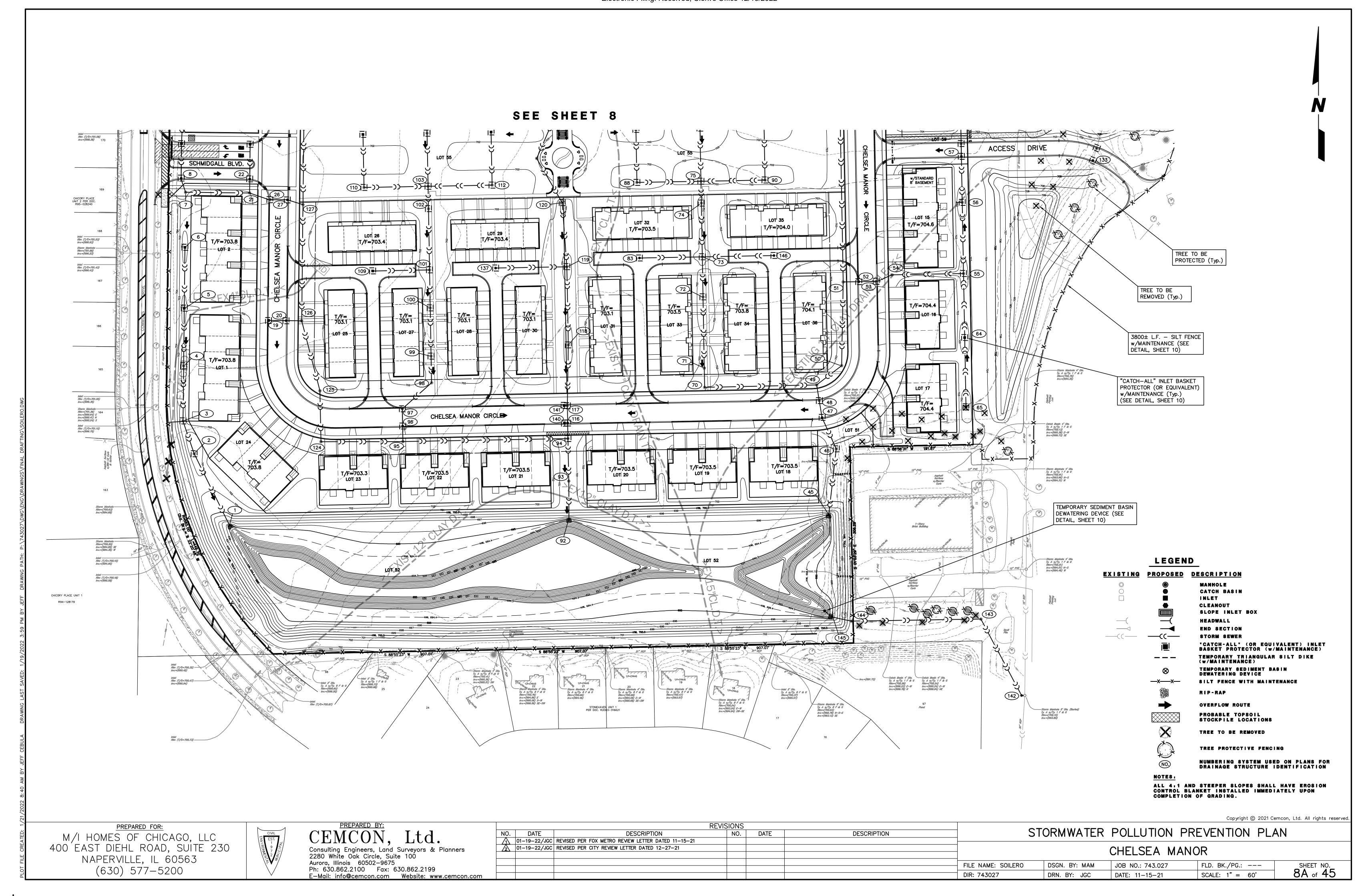
Link to: General NPDES Permit No. ILR10

cc:

2125 S. First Street, Champaign, IL 61820 (217) 278-5800 2009 Mall Street Collinsville, IL 62234 (618) 346-5120 9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000 595 S. State Street, Elgin, IL 60123 (847) 608-3131 2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200 412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022 4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

PLEASE PRINT ON RECYCLED PAPER





NON-COMPLIANCE CONSTITUES A VIOLATION OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT AND CLEAN WATER ACT AND IS GROUNDS FOR ENFORCEMENT ACTION, FOR PERMIT TERMINATION, REVOCATION AND REISSUANCE OR MODIFICATION, OR FOR DENIAL OF A PERMIT RENEWAL APPLICATION.

ALL EROSION CONTROL MEASURES ARE TO BE IN PLACE PRIOR TO ANY WORK COMMENCING. NO STOCKPILES ARE ALLOWED WITHIN THE LIMITS OF FLOODPLAIN, WETLANDS AND WETLAND BUFFER AREAS.

1. <u>SITE DESCRIPTION</u>

A. THE FOLLOWING IS A DESCRIPTION OF THE CONSTRUCTION ACTIVITY WHICH IS THE SUBJECT OF THIS PLAN:

THE CONSTRUCTION OF SITE INFRASTRUCTURE IMPROVEMENTS TO SERVE A NEW UNIVERSITY FACILITY, INCLUDING GRADING OF THE SITE, STORM SEWERS AND SERVICES, SANITARY SEWERS AND SERVICES, WATER MAINS AND SERVICES, STREET PAVEMENTS, SIDEWALKS, STREET LIGHTING, EROSION AND SEDIMENTATION CONTROL MEASURES, AND VEGETATIVE STABILIZATION AND BEST MANAGEMENT PRACTICES.

B. THE FOLLOWING IS A DESCRIPTION OF THE INTENDED SEQUENCE OF MAJOR ACTIVITIES WHICH WILL DISTURB SOILS FOR MAJOR PORTIONS OF THE CONSTRUCTION SITE:

- a. SOIL EROSION CONTROL MEASURES INSTALLATION.
- b. SITE GRADING AND STOCKPILING OPERATIONS.
- : INSTALLATION OF SITE UTILITIES. d. TOPSOIL PLACEMENT, FINE GRADING AND VEGETATIVE RESTORATION.
- C. THE TOTAL AREA OF THE PROJECT IS ESTIMATED TO BE APPROXIMATELY 38 +/-ACRES. THE TOTAL AREA OF THE PROJECT ESTIMATED TO BE DISTURBED BY EXCAVATION, GRADING, OR OTHER ACTIVITIES IS APPROXIMATELY 38 + /- ACRES.
- D. THE ESTIMATED RUNOFF CURVE NUMBER OF THE PROJECT SITE AFTER CONSTRUCTION ACTIVITIES ARE COMPLETED IS 82. INFORMATION DESCRIBING THE SOILS AT THE SITE IS CONTAINED IN THE SOILS REPORT(S) FOR THE PROJECT ON FILE WITH THE OWNER / DEVELOPER.
- E. THESE PLAN DOCUMENTS CONTAIN SITE MAP(S) INDICATING DRAINAGE PATTERNS AND APPROXIMATE SLOPES ANTICIPATED AFTER MAJOR GRADING ACTIVITIES, AREAS OF MAJOR SOIL DISTURBANCE, THE LOCATIONS WHERE VEHICLES ENTER AND EXIT THE SITE AND CONTROLS TO PREVENT OFF-SITE SEDIMENT TRACKING, THE LOCATION OF MAJOR STRUCTURAL AND NON-STRUCTURAL CONTROLS IDENTIFIED IN THE PLAN. THE LOCATION OF AREAS WHERE STABILIZATION PRACTICES ARE EXPECTED TO OCCUR, LOCATION OF ON-SITE OR OFF-SITE SOIL STOCKPILING OR MATERIAL STORAGE, SURFACE WATERS (INCLUDING WETLANDS), AND LOCATIONS WHERE STORMWATER IS DISCHARGED TO A SURFACE WATER.
- F. THE IMMEDIATE RECEIVING WATER IS PRAIRIE STREET STORM SEWER WHICH IS TRIBUTARY TO THE FOX RIVER.

2. <u>CONTROLS</u>

THIS SECTION OF THE PLAN ADDRESSES THE VARIOUS CONTROLS THAT WILL BE IMPLEMENTED FOR EACH OF THE MAJOR CONSTRUCTION ACTIVITIES DESCRIBED IN 1.B. ABOVE. FOR EACH MEASURE DISCUSSED, THE CONTRACTORS AND SUB-CONTRACTORS WILL BE RESPONSIBLE FOR ITS IMPLEMENTATION AS INDICATED. EACH SUCH CONTRACTOR OR SUB-CONTRACTOR MUST SIGN THE REQUIRED CERTIFICATION ON THIS

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:

- a. CONTROL STORMWATER VOLUME AND VELOCITY WITHIN THE SITE TO MINIMIZE SOIL
- b. CONTROL STORMWATER DISCHARGES, INCLUDING BOTH PEAK FLOWRATES AND TOTAL STURM WATER VULUME, TO MINIMIZE ERUSION AT OUTLETS AND TO MINIMIZE DOWNSTREAM CHANNEL AND STREAMBANK EROSION;
- c. MINIMIZE THE AMOUNT OF SOIL EXPOSED DURING CONSTRUCTION ACTIVITY THROUGH THE USE OF PROJECT PHASING OR OTHER APPROPRIATE TECHNIQUES;
- d. MINIMIZE THE DISTURBANCE OF STEEP SLOPES;
- e. MINIMIZE SEDIMENT DISCHARGES FROM THE SITE. THE DESIGN, INSTALLATION AND MAINTENANCE OF EROSION AND SEDIMENT CONTROLS MUST ADDRESS 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;
- f. 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;
- g. MINIMIZE SOIL COMPACTION AND, UNLESS INFEASIBLE, PRESERVE TOPSOIL;
- h. MINIMIZE SEDIMENT TRACK-OUT. WHERE SEDIMENT HAS BEEN TRACKED-OUT FROM THE SITE ONTO PAVED ROADS, SIDEWALKS, OR OTHER PAVED AREAS OUTSIDE THE 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 OR SEDIMENT REMOVAL. HOSING OR SWEEPING TRACKED-OUT SEDIMENT INTO ANY STORMWATER CONVEYANCE, STORM DRAIN INLET, OR WATER OF THE U.S. IS PROHIBITED.
- 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 THE DISTURBED PORTIONS OF THE SITE ARE STABILIZED. STABILIZATION PRACTICES MAY INCLUDE: TEMPORARY 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 (a) AND (b) BELOW:

- a. WHERE THE INITIATION OF STABILIZATION MEASURES IS PRECLUDED BY SNOW COVER, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE.
- b. 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

c. STABILIZATION IS NOT REQUIRED FOR EXIT POINTS AT LINEAR UTILITY CONSTRUCTION SITES THAT ARE 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.

THE FOLLOWING INTERIM AND PERMANENT STABILIZATION PRACTICES, AS A MINIMUM, WILL BE IMPLEMENTED TO STABILIZE THE DISTURBED AREA OF THE SITE:

VEGETATIVE STABILIZATION

EROSION CONTROL BLANKET-TEMPORARY AND PERMANENT MINIMINIZATION OF SOIL DISTURBANCE

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.

- 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.
- 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 THE SITE TO A WATER OF THE U.S., PROVIDED THAT AUTHORITY HAS BEEN GRANTED TO ACCESS THE STORM DRAIN.
- 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

PROVIDED BELOW IS A DESCRIPTION OF STRUCTURAL PRACTICES THAT WILL BE IMPLEMENTED AND MAINTAINED, TO THE DEGREE ATTAINABLE, TO DIVERT FLOWS FROM EXPOSED SOILS, STORE FLOWS OR OTHERWISE LIMIT RUNOFF AND THE DISCHARGE OF POLLUTANTS FROM EXPOSED AREAS OF THE SITE. THE INSTALLATION OF THESE DEVICES MAY BE SUBJECT TO SECTION 404 OF THE CWA:

- INLET PROTECTORS ON STORM DRAINS
- SILT FENCE SEDIMENT DIKES AND DITCH CHECKS
- STABILIZED CONSTRUCTION ENTRANCE

D. USE OF CHEMICAL TREATMENTS

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

USE OF POLYMER FLOCCULANTS IS NOT PROPOSED FOR THE SITE UNDER THIS PERMIT.

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 MORE RESTRICTIVE DESIGN CRITERIA. PLEASE REFER TO THE AGENCY'S WEBSITE.

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:

- a. 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.
- b. 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 PRODUCT 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).
- c. MINIMIZE THE EXPOSURE OF FUEL, OIL HYDRAULIC FLUID AND OTHER PETROLEUM PRODUCTS BY STORING IN COVERED AREAS OR CONTAINMENT AREAS.
- d. MINIMIZE THE DISCHARGE OF POLLUTANTS FROM SPILLS AND LEAKS AND IMPLEMENT CHEMICAL SPILL AND LEAK PREVENTION AND RESPONSE PROCEDURES.

G. OTHER CONTROLS

- a. 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.
- b. THE PLAN SHALL ENSURE AND DEMONSTRATE COMPLIANCE WITH APPLICABLE STATE AND/OR LOCAL WASTE DISPOSAL, SANITARY SEWER OR SEPTIC SYSTEM REGULATIONS.
- c. 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.
- d. THE PLAN SHALL INCLUDE SPILL RESPONSE PROCEDURES AND PROVISIONS FOR REPORTING IF THERE ARE RELEASES IN EXCESS OF REPORTABLE QUANTITIES.
- e. THE PLAN SHALL ENSURE THE REGULATED HAZARDOUS OR TOXIC WASTE MUST BE STORED AND DISPOSED IN ACCORDANCE WITH ANY APPLICABLE STATE AND FEDERAL
- 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 REPONSIBLE FOR MAINTENANCE AFTER STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY HAVE BEEN ELIMINATED FROM THE

- a. 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 RUNOFF 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 PRATICES). 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.
- b. 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).
- c. 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.

PROVIDED BELOW IS A DESCRIPTION OF POST-CONSTRUCTION BEST MANAGEMENT PRACTICES (INCLUDING STORMWATER MANAGEMENT) THAT WILL BE IMPLEMENTED DURING CONSTRUCTION TO CONTROL POLLUTANTS IN STORMWATER DISCHARGE:

STORMWATER MANAGEMENT FACILITY(IES) TO ATTENUATE RUNOFF WETLAND AND NATIVE VEGETATION TO PROMOTE FILTRATION AND INFILTRATION OF RUNOFF OPEN VEGETATED SWALES LANDSCAPED BUFFERS

USE OF CATCH BASINS FOR SEDIMENT REMOVAL

- I. APPROVED STATE OR LOCAL PLANS
- a. 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 ACTIVITES 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 AN LOCAL APPROVAL. THIS PROVISION DOES NOT APPLY TO PROVISIONS OF MASTER PLANS, COMPREHENSIVE PLANS, NO-ENFORCEABLE GUIDELINES OR TECHNICAL GUIDANCE DOCUMENTS THAT ARE NOT IDENTIFIED IN A SPECIFIC PLAN OR PERMIT THAT IS ISSUED FOR THE CONSTRUCTION SITE.
- b. 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 WATER OF THE UNITED STATES, EXCEPT FOR ACTIVITIES FOR WATER-DEPENDENT STRUCTURES AUTHORIZED BY A SECTION 404 PERMIT, THE PERMITTEE SHALL:

a. PROVIDE A 50-FOOT UNDISTURBED NATURAL BUFFER BETWEEN THE CONSTRUCTION ACTIVITY AND THE WATERS OF THE UNITED STATES: OR

b. PROVIDE ADDITIONAL EROSION AND SEDIMENT CONTROLS WITH THAT AREA.

3. MAINTENANCE

4. <u>INSPECTIONS</u>

- 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
- 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
- AND EFFECTIVE OPERATING CONDITION, VEGETATION, EROSION AND SEDIMENT CONTROL MEASURES AND OTHER PROTECTIVE MEASURES IDENTIFIED IN THIS PLAN:

FOLLOWING IS A DESCRIPTION OF PROCEDURES THAT WILL BE USED TO MAINTAIN IN GOOD

- a. STABILIZED CONSTRUCTION ENTRANCE: THE ENTRANCES(S) SHALL BE MAINTAINED TO PREVENT TRACKING OF SEDIMENT ONTO PUBLIC STREETS. ANY SEDIMENT TRACKED ONTO A STREET SHALL BE REMOVED IMMEDIATELY.
- b. VEGETATIVE EROSION CONTROL MEASURES: THE VEGETATIVE GROWTH OF TEMPORARY AND PERMANENT SEEDING, SODDING, VEGETATIVE CHANNELS, VEGETATIVE FILTERS, ETC. SHALL BE MAINTAINED PERIODICALLY AND SUPPLY ADEQUATE WATERING AND FERTILIZER TO MAINTAIN A HEALTHY STAND OF VEGETATION. THE VEGETATIVE COVER SHALL BE REMOVED AND REESTABLISHED AS NECESSARY.
- c. SILT FILTER FENCE: SILT FENCE SHALL BE MAINTAINED IN GOOD CONDITION. DAMAGED SILT FILTER FENCE SHALL BE REPAIRED OR REPLACED TO MEET THE STANDARDS INCLUDED HEREIN.
- d. SILT DIKES AND DITCH CHECKS: THESE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED IN GOOD WORKING CONDITION THROUGHOUT CONSTRUCTION. INSPECT FREQUENTLY TO VERIFY THAT THE TEMPORARY MEASURE IS SECURED TO THE GROUND AND REMOVE SEDIMENT ACCUMULATION TO MAINTAIN PROPER FUNCTION.

REVISIONS

e. INLET PROTECTORS: INLET PROTECTORS (SILT FENCE OR SILT BASKET) SHALL BE INSPECTED FREQUENTLY AND SEDIMENT ACCUMULATION SHALL BE REMOVED TO MAINTAIN PROPER FUNCTION. DAMAGED SILT FENCE OR FILTER FABRIC SHALL BE REPLACED AS NECESSARY.

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 CONTROL 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
- 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
- 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 INSPECTION 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 DATED 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 CONDITONS 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 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. <u>CORRECTIVE ACTIONS</u>

CORRECTIVE ACTIONS MUST BE IMPLEMENTED TO ADDRESS ANY OF THE FOLLOWING CONDITIONS IDENTIFIED AT THE 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. DISCHARGE IS CAUSING AN EXCEEDANCE OF APPLICABLE WATER QUALITY STANDARDS;

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 7 CALENDAR DAYS. DOCUMENTATION SHALL BE PROVIDED AS TO WHY IT IS INFEASIBLE TO COMPLETE THE INSTALLATION OR REPAIR WITH THE 7 DAY TIMEFRAME, AND DOCUMENT THE 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

DESCRIPTION

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

SOURCES OF NON-STORM WATER DISCHARGE THAT MAY BE AUTHORIZED BY THIS PERMIT ARE: DISCHARGES FROM FIRE FIGHTING ACTIVITIES. FIRE HYDRANT FLUSHING. 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 CONDITIÓNING CONDENSATE, UNCONTAMINATED SPRING WATER, UNCONTAMINATED GROUND WATER, AND FOUNDATION OR FOOTING DRAINS WHERE FLOWS ARE NOT CONTAMINATED WITH PROCESS MATERIALS SUCH AS SOLVENTS.

THE POLLUTION PREVENTION MEASURES AS DESCRIBED BELOW, WILL BE IMPLEMENTED FOR NON-STORM WATER COMPONENTS OF THE DISCHARGE:

FIRE HYDRANT AND WATERMAIN SHALL NOT BE FLUSHED DIRECTLY ON THE EXPOSED

AREA OR SUBGRADE OF THE PAVEMENT. HOSE SHALL BE USED TO DIRECT THE FLOW ONTO PAVEMENT OR INTO THE STORM SEWER SYSTEM, IF AVAILABLE.

ANY SOIL EROSION DUE TO IRRIGATION OF SEEDING AND DUST CONTROL WATERING SHALL BE COLLECTED AND RE-SPREAD ON-SITE. TEMPORARY AND/OR PERMANENT SOIL STABILIZATION MEASURES SHALL BE IMPLEMENTED AS NECESSARY TO CONTROL FUTURE EROSION FROM AREAS PREVIOUSLY ERODED DUE TO IRRIGATION OF SEEDING AND DUST CONTROL.

ALL SITE DE-WATERING, INCLUDING PUMP DISCHARGE, MUST BE FILTERED USING A PROPER SEDIMENTATION CONTROL MEASURE(S) PRIOR TO DISCHARGE FROM THE SITE.

7. PLAN REVIEW AND NOTIFICATION

THE PERMITTEE SHALL MAKE PLANS AVAILABLE UPON REQUEST FROM THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (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

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.

A COPY OF THIS 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 FORM 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).

8. <u>KEEPING THE PLANS CURRENT</u>

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 IN THE PLAN. 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 PÓLLUTION 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.

9. <u>RETENTION OF RECORDS</u>

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.

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.

10. CONTRACTORS

THIS PLAN REQUIRES IDENTIFICATION FOR EACH MEASURE IN THE PLAN. THE CONTRACTOR(S) OR SUBCONTRACTOR(S) THAT WILL IMPLEMENT THE IDENTIFIED CONTRACTOR(S): _____ MEASURES IMPLEMENTED: ______ ______ SUB-CONTRACTOR(S): _____ ADDRESS: ______ PHONE: ______ MEASURES IMPLEMENTED: ______ _____ SUB-CONTRACTOR(S): _____ ADDRESS: ______ MEASURES IMPLEMENTED: ______

ALL CONTRACTORS AND SUB-CONTRACTORS IDENTIFIED ABOVE SHALL SIGN THE FOLLOWING CERTIFICATION STATEMENT BEFORE CONDUCTING ANY PROFESSIONAL SERVICE AT THE IDENTIFIED SITE. SIGNATURES SHALL BE PROVIDED BY A RESPONSIBLE CORPORATE OFFICER:

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 (ILR100000) THAT AUTHORIZES THE STORM WATER DISCHARGES ÁSSOCIATED WITH INDUSTRIAL ACTIVITY FROM THE CONSTRUCTION SITE IDENTIFIED AS PART

OF THIS CERTIFICATION.	
CONTRACTOR:	
SIGNATURE:	
CONTRACTOR:	
SIGNATURE:	
SUB-CONTRACTOR:	
SIGNATURE:	
SUB-CONTRACTOR:	
SIGNATURE:	
CUD CONTRACTOR	
SUB-CONTRACTOR:	
SIGNATURE:	DATE:

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PREPARED FOR: M/I HOMES OF CHICAGO, LLC 400 EAST DIEHL ROAD, SUITE 230 NAPERVILLE, IL 60563

(630) 577-5200



PREPARED BY: Consulting Engineers, Land Surveyors & Planners 2280 White Oak Circle, Suite 100 Aurora, Illinois 60502-9675 Ph: 630.862.2100 Fax: 630.862.2199 E-Mail: info@cemcon.com Website: www.cemcon.com

NO. DATE

DESCRIPTION DATE

FILE NAME: SOILERO DSGN. BY: MAM DIR: 743027 DRN. BY: JGC

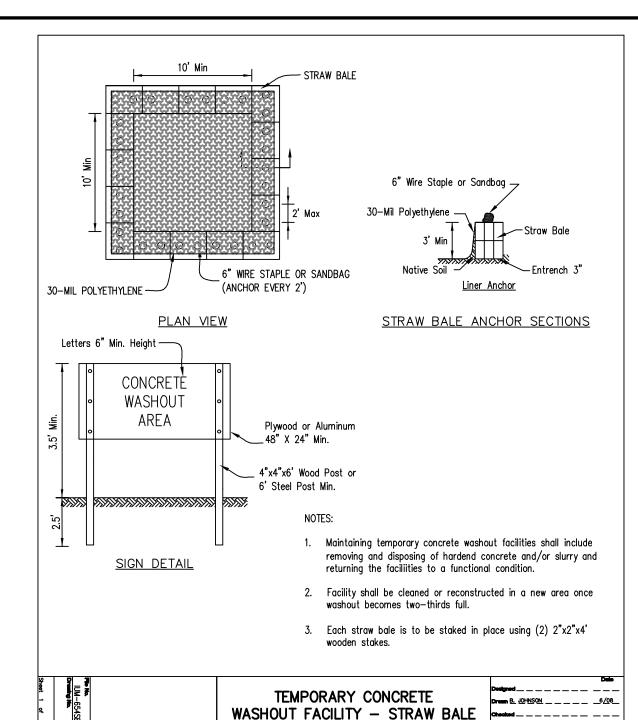
JOB NO.: 743.027 DATE: 11-15-21

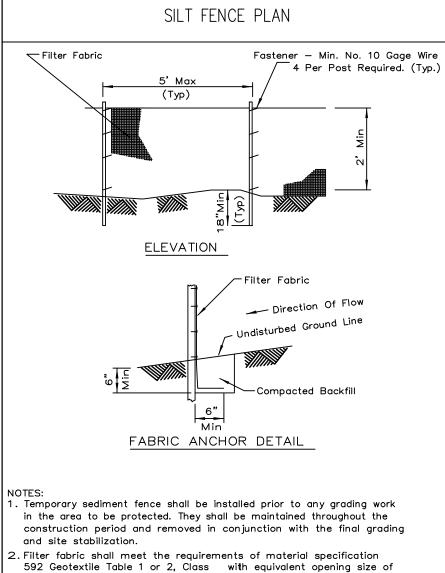
STORMWATER POLLUTION PREVENTION PLAN NOTES

CHELSEA MANOR

FLD. BK./PG.: ---SCALE: 1" = NONE

SHEET NO. 9 of 45

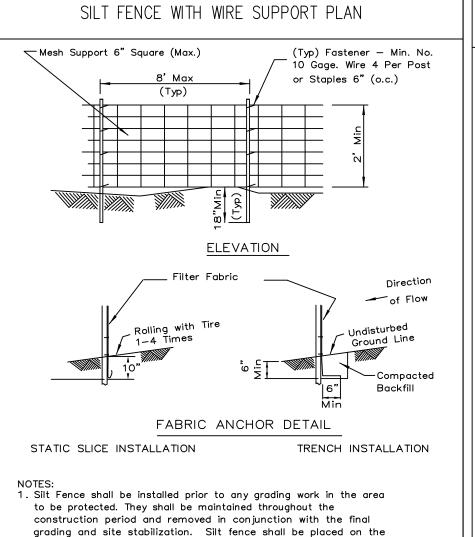




at least 30 for nonwoven and 40 for woven.

minimum cross—sectional area of 3.0 sq. in.

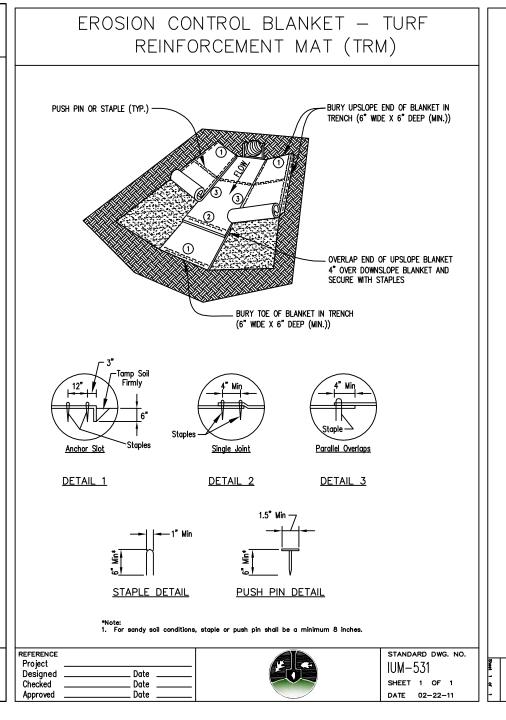
3. Fence posts shall be either standard steel post or wood post with a

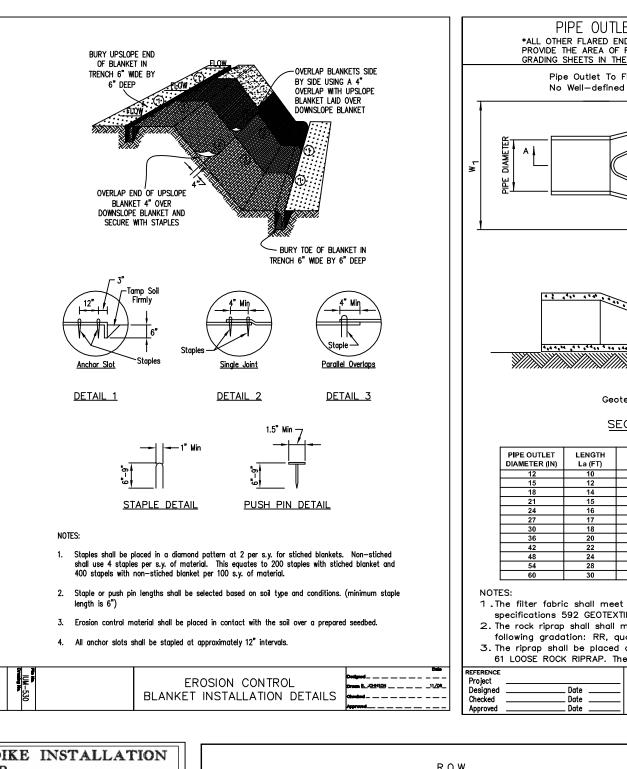


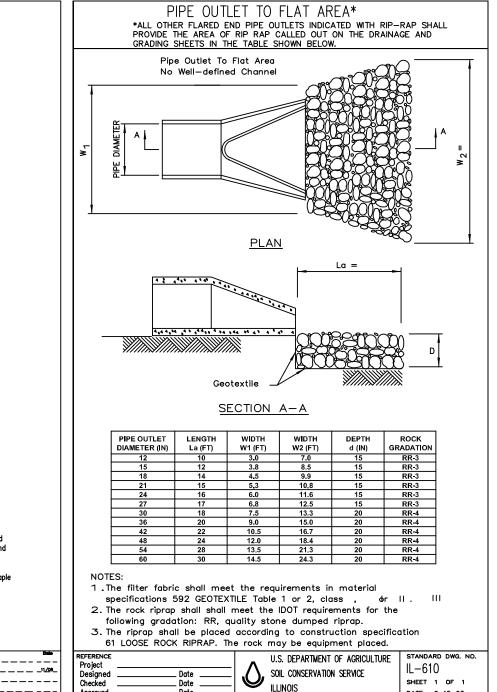
2. Filter fabric shall meet the requirements of material specification

3. Fence posts shall be either standard steel post or wood post with a

592 Geotextile Table 1 or 2, Class with equivalent opening size of







SOIL EROSION NOTES:

- PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL ERECT ALL PERIMETER SILT FENCE IN ACCORDANCE WITH THE STANDARD DETAILS AND SHALL MAINTAIN THE SILT FENCE UNTIL COMPLETION OF ALL GRADING OPERATIONS.
- 2. PRIORITY SHALL BE GIVEN TO THE COMPLETION AND STABILIZATION OF THE STORMWATER MANAGEMENT FACILITIES. ANY CONSTRUCTION ACTIVITY IN THESE AREAS SHALL NOT BE PROLONGED IN THE ATTEMPT THAT ALL FINAL GRADING AND STABILIZATION CAN TAKE PLACE AT ONE TIME.
- 3. THE CONSTRUCTION OF THE STORMWATER MANAGEMENT FACILITIES SHALL BE OF PRIMARY IMPORTANCE IN THE GRADING OPERATION. THE BASIN SHALL THEN BE EXCAVATED TO THE LINES AND GRADES SHOWN ON THE PLANS. WHEN FINAL GRADING IS COMPLETE, THE BASIN SHALL BE STABILIZED WITHIN 7 DAYS.
- 4. THE CONTRACTORS SHALL BE RESPONSIBLE ON A DAILY BASIS TO CLEAN THE MUD OR DEBRIS DEPOSITED ON ADJACENT STREETS AS A RESULT OF THEIR CONSTRUCTION OPERATIONS AND TO PROVIDE DUST CONTROL WHEN REQUESTED BY THE OWNER'S REPRESENTATIVE.
- 5. 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 NO LATER THAN 14 DAYS FROM THE INITIATION OF THE STABILIZATION WORK IN AN AREA.
- 5. STOCKPILES OF SOIL AND OTHER BUILDING MATERIALS TO REMAIN IN PLACE MORE THAN THREE (3) DAYS SHALL BE FURNISHED WITH EROSION AND SEDIMENT CONTROL MEASURES (I.E. PERIMETER SILT FENCE). STOCKPILES TO REMAIN IN PLACE FOR 30 DAYS OR MORE SHALL RECEIVE TEMPORARY SEEDING.
- 7. UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CONSTRUCTED ACCORDING TO MINIMUM STANDARDS AND SPECIFICATIONS IN THE ILLINOIS URBAN MANUAL REVISED FEBRUARY 2002.
- 8. THE KANE-DUPAGE SOIL AND WATER CONSERVATION DISTRICT (KDSWCD) MUST BE NOTIFIED ONE WEEK PRIOR TO THE PRE-CONSTRUCTION CONFERENCE, ONE WEEK PRIOR TO THE FINAL COMMENCEMENT OF LAND DISTURBING ACTIVITIES, AND ONE WEEK PRIOR TO THE FINAL INSPECTION.
- 9. A COPY OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN SHALL BE MAINTAINED ON THE SITE AT ALL TIMES.
- O. PRIOR TO COMMENCING LAND-DISTURBING ACTIVITIES IN AREAS OTHER THAN INDICATED ON THESE PLANS (INCLUDING BUT NOT LIMITED TO, ADDITIONAL PHASES OF DEVELOPMENT AND OFF-SITE BORROW OR WASTE AREAS) A SUPPLEMENTARY EROSION CONTROL PLAN SHALL BE SUBMITTED TO THE OWNER FOR REVIEW BY THE KDSWCD
- 11. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLATION OF ANY ADDITIONAL EROSION CONTROL MEASURES NECESSARY TO PREVENT EROSION AND SEDIMENTATION AS DETERMINED BY THE KDSWCD.
- 12. DURING DEWATERING OPERATIONS, WATER WILL BE PUMPED INTO SEDIMENT BASINS OR SILT TRAPS. DEWATERING DIRECTLY INTO FIELD TILES OR STORMWATER STRUCTURES IS PROHIBITED.
- 13. SILT FENCE IS TO BE INSTALLED AROUND STORMWATER FACILITIES UPON COMPLETION OF FACILITIES AND REMAIN IN PLACE UNTIL THE CONTRIBUTING AREA IS STABILIZED.
- 14. ONCE THE CONTRIBUTING AREAS TO THE STORMWATER FACILITIES ARE STABILIZED, THE BASINS SHALL BE
- CLEANED OUT AND THE FINAL PROPOSED GRADE SHALL BE ACHIEVED.

 15. TOPSOIL TO BE STRIPPED ON ENTIRE SITE DURING MASS GRADING.
- 15. TOPSOIL TO BE STRIPPED ON ENTIRE SITE DURING MASS GRADING.
- 16. ALL EROSION CONTROL MEASURES SHALL BE INSPECTED WEEKLY AND FOLLOWING 1/2" OR GREATER RAIN EVENTS.
- THE CONDITION OF THE CONSTRUCTION SITE FOR WINTER SHUTDOWN SHALL BE ADDRESSED EARLY IN THE FALL GROWING SEASON SO THAT SLOPES AND OTHER BARE EARTH AREAS MAY BE STABILIZED WITH TEMPORARY AND/OR PERMANENT VEGETATIVE COVER FOR PROPER EROSION AND SEDIMENT CONTROL. ALL OPEN AREAS THAT ARE TO REMAIN IDLE THROUGHOUT THE WINTER SHALL RECEIVE TEMPORARY EROSION CONTROL MEASURES INCLUDING TEMPORARY SEEDING, MULCHING AND/OR EROSION CONTROL BLANKET PRIOR TO THE END OF THE FALL GROWING SEASON. THE AREAS TO BE WORKED BEYOND THE END OF THE GROWING SEASON MUST INCORPORATE SOIL STABILIZATION MEASURES THAT DO NOT RELY ON VEGETATIVE COVER SUCH AS EROSION CONTROL BLANKET AND HEAVY MULCHING.
- 18. IT IS THE RESPONSIBILITY OF THE LANDOWNER AND/OR GENERAL CONTRACTOR TO INFORM ANY SUB-CONTRACTOR(S) WHO MAY PERFORM WORK ON THIS PROJECT, OF THE REQUIREMENTS IN IMPLEMENTING AND MAINTAINING THESE EROSION CONTROL PLANS AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS SET FOURTH BY THE ILLINOIS EPA.
- 19. WHEN INSTALLING THE FLARED END SECTIONS INTO THE EXISTING DETENTION AREAS, WORK SHALL BE PERFORMED IN DRY CONDITIONS. ONCE WORK IN THIS AREA BEGINS, PRIORITY SHALL BE GIVEN TO THE COMPLETION OF THE WORK AND FINAL STABILIZATION OF ALL ADJACENT DISTURBED AREAS. EVERY EFFORT SHOULD BE MADE TO ENSURE THAT SEDIMENT DOES NOT ENTER THE DETENTION BASIN DURING THIS TIME.
- 20. CONCRETE WASHOUT SHOULD BE CONTAINED AT ALL TIMES. WASHOUT MATERIAL SHOULD NOT BE ALLOWED TO ENTER STORM SEWERS OR LEACH INTO THE SOIL UNDER ANY CIRCUMSTANCES. ANY WASTE SHOULD BE DISPOSED OF PROPERLY AND THE LOCATION OF THE WASHOUT SHOULD BE DESIGNATED WITH PROPER
- 1. ALL DISCHARGE LOCATIONS SHOULD BE MONITORED CLOSELY FOR EVIDENCE OF SEDIMENT. SEDIMENT SHOULD NOT BE ALLOWED TO LEAVE THE SITE UNDER ANY CIRCUMSTANCES.

24 8 12 2.5 2.5 2.5 15	0.55 0.2 0.3 0.06 0.06	Early Spring - Sept
8 12 2.5 2.5 2.5 15	0.2 0.3 0.06 0.06 0.06	Early Spring - Sept Early Spring - Sept Early Spring - Sept Early Spring - Sept
12 2.5 2.5 2.5 2.5	0.3 0.06 0.06 0.06	Early Spring - Sept Early Spring - Sept Early Spring - Sept
2.5 2.5 2.5 2.5	0.06 0.06 0.06	Early Spring - Sept Early Spring - Sept
2.5 2.5 15	0.06 0.06	Early Spring - Sept
2.5 15	0.06	Early Spring - Sept Early Spring - Sept
15		Early Spring - Sept
	0.04	7 5
	0.34	Early Spring - Sept
8	0.2	Early Spring - Sept
90	2.5	Early Spring - Sept
		Early Spring - Sept
24	0.55	Early Spring - Sept
		Early Spring - June
90	2.1	July 1 - Sept. 30
3950	90	Anytime
		•
		Early Spring - Sept
130	3	
40	1	
40	1	
	32 90 3950 130 40 40 oot, dry perio	90 2.5 24 0.55 32 0.75 90 2.1 3950 90 130 3 40 1



IUM-620

flattest area available.

at least 30 for nonwoven and 40 for woven.

minimum cross—sectional area of 3.0 sq. in.



The frequency and degree of maintenance required is dependent on site conditions and rainfall. Certain types of soil and run-off laden with hydrocarbons, (oil, solvents, etc.), tend to "sili-up" the fabric bags more quickly than others.

Generally, the bags can be emptied, inverted, washed, and re-used throughout an entire project. They may also be vacuumed. The bag must be replaced if it is severely worn or

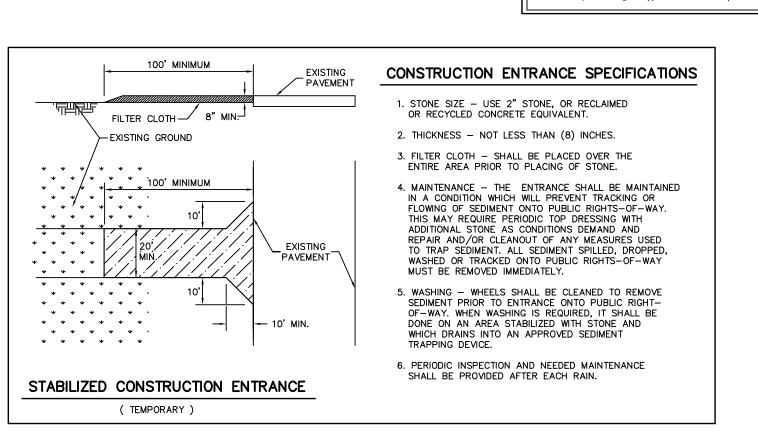
GUIDELINES FOR CONSTRUCTION SITES

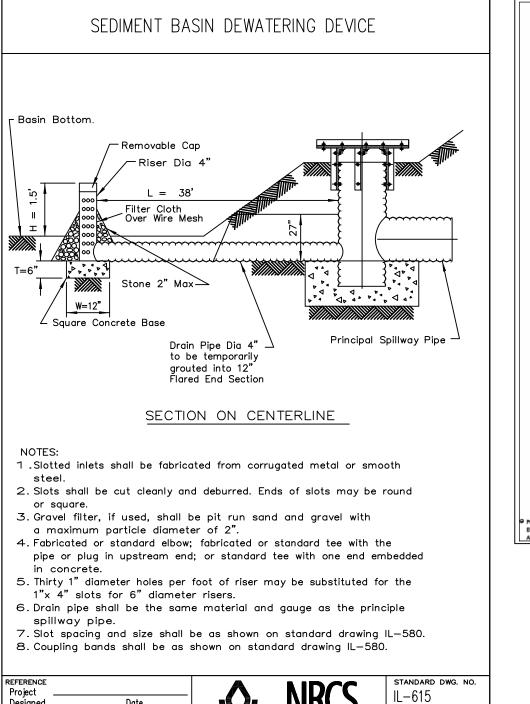
- Inspect the bag at least every 2 weeks Clean, if needed
 Inspect the bag every time there is rainfall totaling 1 or more inches Clean, if needed
 Replace the bag if it has a hole in it
 Replace the bag if it appears clean but won't pass water
- Catch-All HR

 Typically, the Catch-All HR is installed in a paved parking lot or maintenance yard. The degree and frequency of maintenance required is generally far less than for Catch-All

installed at construction sites. GUIDELINES FOR PARKING LOTS & MAINTENANCE YARDS

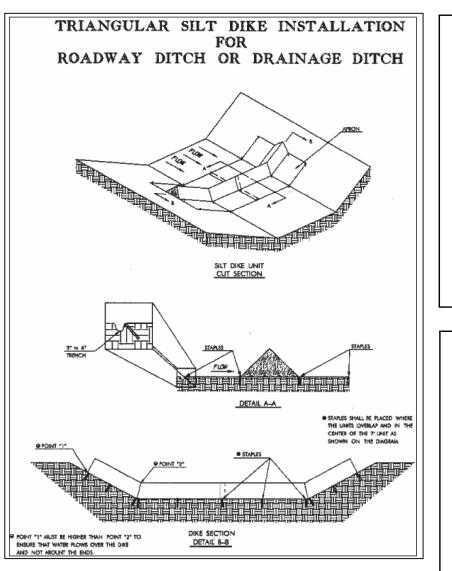
1. Inspect the bag at least once per month – Clean, if needed
2. Inspect the bag every time there is rainfall totaling more than two inches – Clean, if needed
3. Replace the bag every 6 months; More often for harsh environments
4. Replace the bag after any oil, coolant, or solvent spill
5. Replace the bag if it has a hole in it
6. Replace the bag if it appears clean but won't pass water

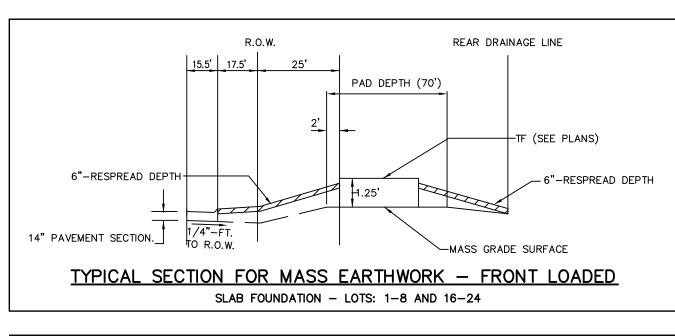


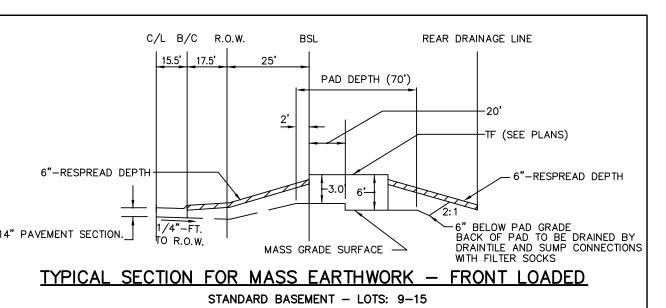


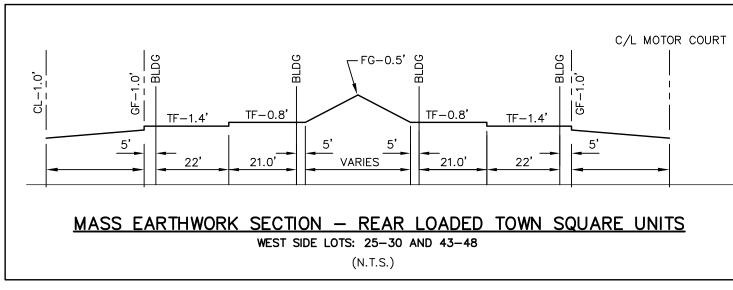
SHEET 1 OF 1

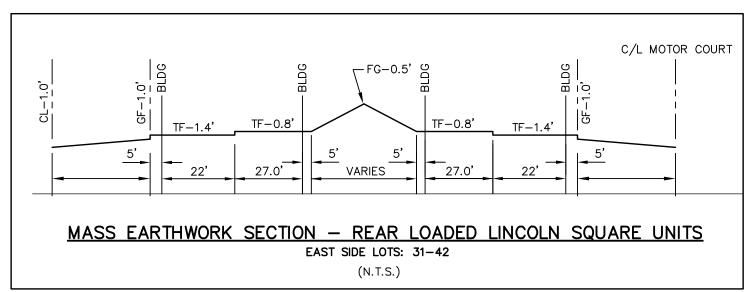
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PREPARED FOR:

M/I HOMES OF CHICAGO, LLC

400 EAST DIEHL ROAD, SUITE 230

NAPERVILLE, IL 60563

(630) 577-5200



CEMCON, Ltd.

Consulting Engineers, Land Surveyors & Planners 2280 White Oak Circle, Suite 100

Aurora, Illinois 60502-9675

Ph: 630.862.2100 Fax: 630.862.2199

E-Mail: info@cemcon.com Website: www.cemcon.com

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	DESCRIPTION	DATE	NO.	DESCRIPTION	DATE	NO.
FILE NAME:						
DIR: 743027						

STORMWATER POLLUTION PREVENTION PLAN DETAILS

CHELSEA MANOR

FILE NAME: SOILERO DSGN. BY: MAM JOB NO.: 743.027 FLD. BK./PG.: --- SHEET NO.
DIR: 743027 DRN. BY: JGC DATE: 11-15-21 SCALE: 1" = N.T.S. 10 of 45

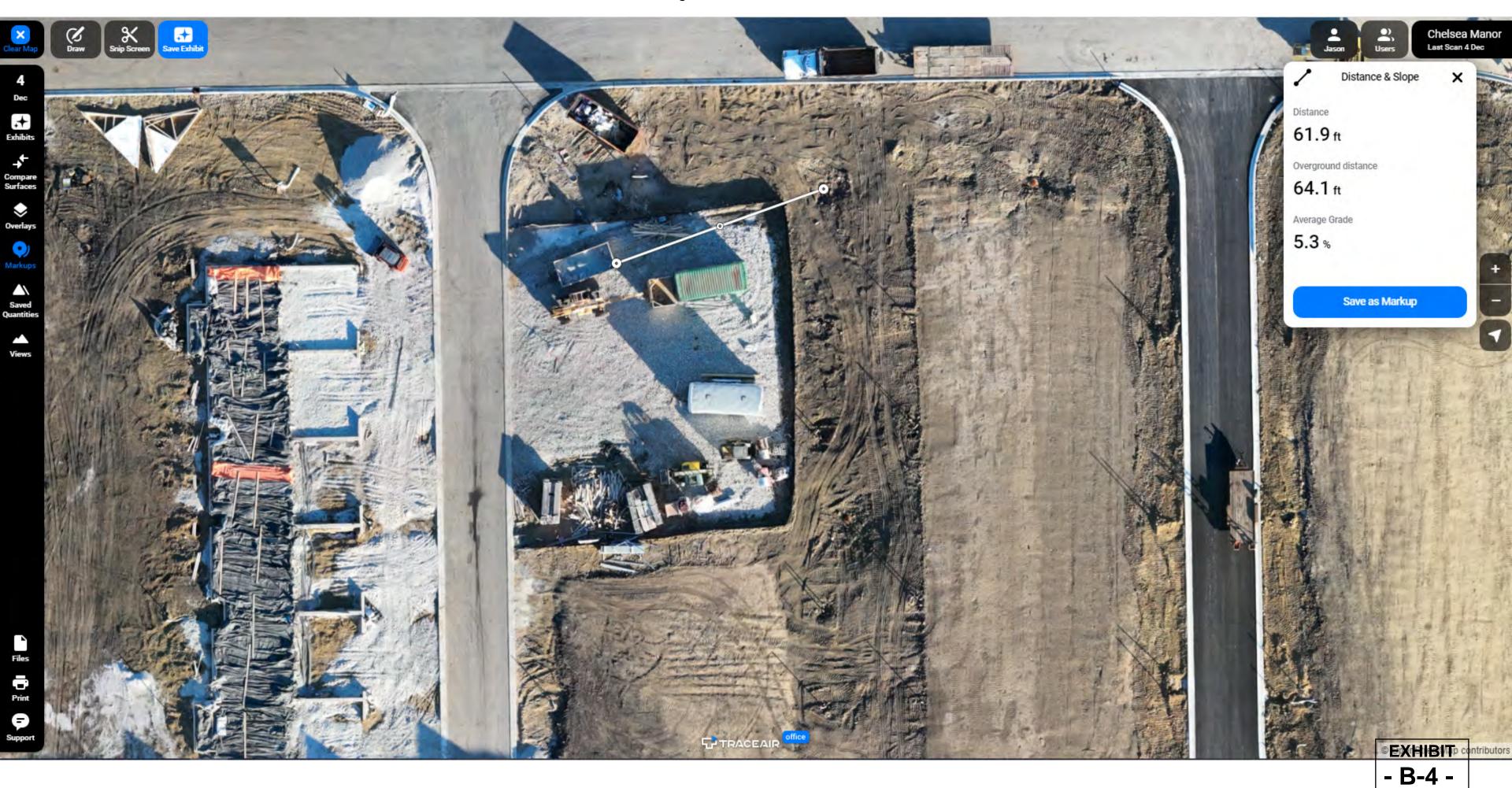
Electronic Filing: Received, Clerk's Office 12/16/2022 Kane-DuPage SWCD SESC Inspection Report

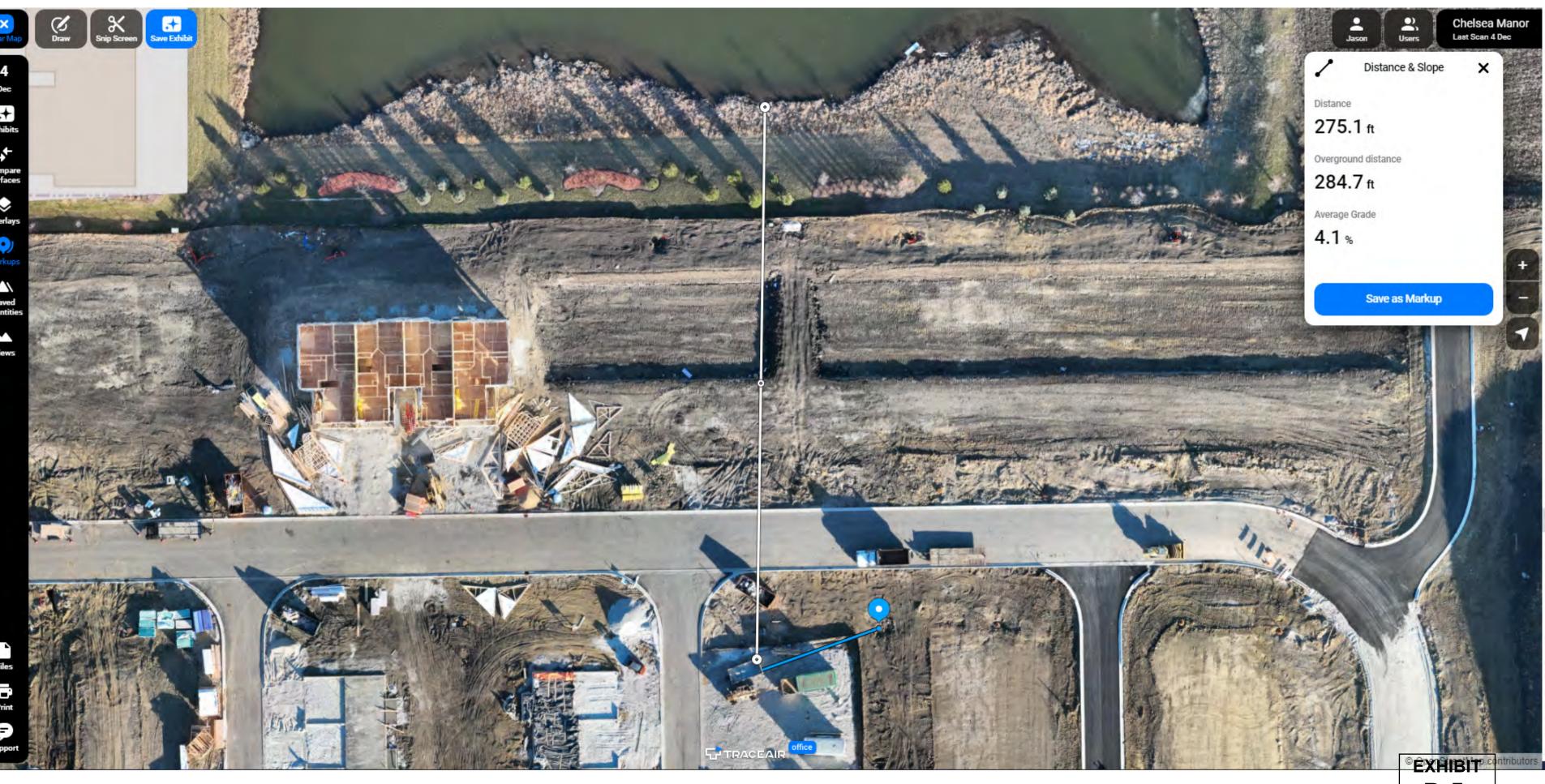
Project:		Inspection Date:
NPDES#:	Municipality:	
Inspector:	Site Contact Name:	
Contact Email:	Contact Phone #:	

Practice	Activity	Yes-No-N/A
Perimeter Controls/Silt Fence	Installed	100 110 11411
	Maintained	
Stockpiles	Contained	
	Stabilized	
Inlet Protection	Installed	
	Maintained	
Streets	Cleaned	
Construction Entrance	Installed	
	Maintained	
Culvert Inlet Protection	Installed	
	Maintained	
Disturbed Area Stabilization	Mulched	
	Seeded	
	Blanketed	
	Other	
Vegetation Establishment		
Velocity Minimization/Dissipation	Checks	
	Lined Apron	
	Matting	
Dust Control		
Detention Basins	Stabilized	
	Protected	
Concrete Washout	Installed	
	Maintained	
Sediment Traps	Installed	
	Maintained	
Dewatering Practice(s)	Installed	
	Maintained	
Special Management Areas		
Streambank/Wetland	Protected	
	Stabilized	
Temporary Stream Crossings	Installed	
	Maintained	
	Removed	
Stream Diversion	Installed	
	Stabilized	
Non-erodible Cofferdam	Installed	
	Maintained	
Overall - Sediment is contained onsite		

EXHIBIT

Electronic Filing: Received, Clerk's Office 12/16/2022 Kane-DuPage SWCD SESC Inspection Report - Photos and Comments





- B-5 -