

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF RICHTON PARK,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

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PCB 16-30
(Variance-Water)

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STATE OF ILLINOIS
Pollution Control Board

PETITION FOR VARIANCE

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

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

purposes of expediency, all Exhibits referenced in this petition shall be the same as those filed with the MWRD petition for variance other than the NPDES permits and the affidavit of certifying official attached to this petition.

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

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

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

¹ Documents regarding those meetings are included in Exhibit 1.

implementing, a set of best management practices (BMPs) for addressing chloride issues, and will have taken action to develop and propose, for adoption by the Board, appropriate mechanisms to address compliance issues, possibly including a water quality variance.

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

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

after the 3-year period has passed, the chloride standards will become effective, and compliance with those standards will be required, without any final mechanism in place addressing compliance concerns. If that happens, Richton Park could be faced with substantial compliance and liability issues. It could be subject to penalties for not meeting standards that, based on currently available information, may be impossible to meet, or could require installation of extensive new controls, at potential costs in the millions of dollars, over a multi-year period. To avoid that result, Richton Park is submitting this request for a variance within the timeframe provided for obtaining a stay of the chloride standards.

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

I. REQUIREMENTS FROM WHICH A VARIANCE IS SOUGHT

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

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

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

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

II. ACTIVITY OF THE VILLAGE OF RICHTON PARK

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

Richton Park operates and maintains a municipal separate storm sewer system within its corporate limits pursuant to NPDES Permit No. ILR40. In addition, the permit also covers discharges from storm sewer outfalls operated by Richton Park described in more detail below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O'Brien:

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

Stickney:

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

Calumet:

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

Lemont:

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

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

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

Expiration Date: January 31, 2013

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

The MWRD has a total of approximately 1862 employees.

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

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

Calumet began operations in 1922, and has 259 employees.

Lemont began operations in 1961, and has 3 employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. EFFORTS NECESSARY TO ACHIEVE IMMEDIATE COMPLIANCE

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

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

V. ARBITRARY OR UNREASONABLE HARDSHIP

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

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

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

VI. COMPLIANCE PLAN AND SUGGESTED CONDITIONS

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

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

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

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

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

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

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

VII. ENVIRONMENTAL IMPACT

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

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

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

See response to item 1 above.

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

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

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

See exhibits attached the MWRD petition for variance.

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

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

VIII. SUGGESTED CONDITIONS OF THE VARIANCE

Any conditions petitioner suggests for the requested variance;

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

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

IX. BEGINNING AND END DATE OF THE VARIANCE

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

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

X. CONSISTENCY WITH FEDERAL LAW

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

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

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

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

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

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

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

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

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

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

XI. AFFIDAVITS IN SUPPORT

An affidavit verifying any facts submitted in the petition

An affidavit from Larry Gobel, Director of Public Works for the Village of Richton Park is attached as Exhibit 2 to this petition.

XII. WAIVER OF REQUEST FOR HEARING

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

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

Respectfully submitted,

VILLAGE OF RICHTON PARK

By: 

July 20, 2015

Peter D. Coblentz
Rosenthal, Murphey, Coblentz & Donahue
Village Attorney
Village of Richton Park
4455 Sauk Trail Road
Richton Park, IL 60430

Exhibit 1 – NPDES Permit(s)

General NPDES Permit No. ILR40

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand East
P.O. Box 19276
Springfield, Illinois 62794-9276

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

**General NPDES Permit
For
Discharges from Small Municipal Separate Storm Sewer Systems**

Expiration Date: March 31, 2014

Issue Date: February 20, 2009

Effective Date: April 1, 2009

In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter 1) and the Clean Water Act, the following discharges may be authorized by this permit in accordance with the conditions herein:

Discharges of only storm water from small municipal separate storm sewer systems, as defined and limited herein. Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

Receiving waters: Discharges may be authorized to any surface water of the State.

To receive authorization to discharge under this general permit, a facility operator must submit an application as described in the permit conditions to the Illinois Environmental Protection Agency. Authorization, if granted, will be by letter and include a copy of this permit.



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

CONTENTS OF THIS GENERAL PERMIT

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PART I. COVERAGE UNDER THIS PERMIT

A. Permit Area

This permit covers all areas of the State of Illinois.

B. Eligibility

1. This permit authorizes discharges of storm water from small municipal separate storm sewer systems (MS4s) as defined in 40 CFR 122.26(b)(16) as designated for permit authorization pursuant to 40 CFR 122.32.
2. This permit authorizes the following non-storm water discharges provided they have been determined not to be substantial contributors of pollutants to a particular small MS4 applying for coverage under this permit:
 - water line and fire hydrant flushing,
 - landscape irrigation water,
 - rising ground waters,
 - ground water infiltration,
 - pumped ground water,
 - discharges from potable water sources, (excluding wastewater discharges from water supply treatment plants)
 - foundation drains,
 - air conditioning condensate,
 - irrigation water, (except for wastewater irrigation),
 - springs,
 - water from crawl space pumps,
 - footing drains,
 - storm sewer cleaning water,
 - water from individual residential car washing,
 - routine external building washdown which does not use detergents,
 - flows from riparian habitats and wetlands,
 - dechlorinated pH neutral swimming pool discharges,
 - residual street wash water,
 - discharges or flows from fire fighting activities
 - dechlorinated water reservoir discharges, and
 - pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed).
3. Any municipality covered by this general permit is also granted automatic coverage under Permit No. ILR10 for the discharge of storm water associated with construction site activities for municipal construction projects disturbing one acre or more. The permittee is granted automatic coverage 30 days after Agency receipt of a Notice of Intent to Discharge Storm Water from Construction Site Activities from the permittee. The Agency will provide public notification of the construction site activity and assign a unique permit number for each project during this period. The permittee shall comply with all the requirements of Permit ILR10 for all such construction projects.

C. Limitations on Coverage

The following discharges are not authorized by this permit:

1. Storm water discharges that are mixed with non-storm water or storm water associated with industrial activity unless such discharges are:
 - a. in compliance with a separate NPDES permit, or
 - b. identified by and in compliance with Part 1.B.2 of this permit.
2. Storm water discharges that the Agency determines are not appropriately covered by this general permit. This determination may include discharges identified in Part 1.B.2.
3. Storm water discharges to any receiving water specified under 35 Ill. Adm. Code 302.105(d)(6).

D. Obtaining Authorization

In order for storm water discharges from small municipal separate storm sewer systems to be authorized to discharge under this general permit, a discharger must:

1. Submit a Notice of Intent (NOI) in accordance with the requirements of Part II using an NOI form provided by the Agency (or a photocopy thereof) or the appropriate U.S. EPA NOI form.
2. Submit a new NOI in accordance with Part II within 30 days of a change in the operator or the addition of a new operator.
3. Unless notified by the Agency to the contrary, submit an NOI in accordance with the requirements of this permit to be authorized to discharge storm water from small municipal separate storm sewer systems under the terms and conditions of this permit 30 days after the date that the NOI is received. The Agency may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

PART II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification

1. If you were automatically designated under 40 CFR 122.32(a)(1) to obtain permit coverage, then you were required to submit an NOI or apply for an individual permit by March 10, 2003.
2. If you have coverage under the previous general permit for storm water discharges from small MS4s, you must renew your permit coverage under this part. You must submit a NOI within 90 days of the effective date of this reissued general permit for storm water discharges from small MS4s to renew your NPDES permit coverage.
3. If you are designated by IEPA under Section 122.32 (a)(2) during the term of this general permit, then you are required to submit an NOI within 180 days of such notice.
4. You are not prohibited from submitting an NOI after established deadlines for NOI submittals. If a late NOI is submitted, your authorization is only for discharges that occur after permit coverage is granted. IEPA reserves the right to take appropriate enforcement actions against MS4s that have not submitted a timely NOI.

B. Contents of Notice of Intent

Dischargers seeking coverage under this permit shall submit either the Illinois MS4 NOI form or the U.S. EPA MS4 NOI form. The Notice(s) of Intent shall be signed in accordance with Standard Condition 11 of this permit and shall include the following information:

1. The street address, county, and the latitude and longitude of the municipal office for which the notification is submitted;
2. The name, address, and telephone number of the operator(s) filing the NOI for permit coverage;
3. The name of the receiving water(s), their impairments from any approved 303(d) list and any appropriate TMDL or alternate water quality study; and
4. The following shall be provided as an attachment to the NOI:
 - a. a description of the best management practices (BMPs) to be implemented and the measurable goals for each of the storm water minimum control measures in paragraph IV. B. of this permit designed to reduce the discharge of pollutants to the maximum extent practicable;

- b. the month and year in which you implemented any BMPs of the six minimum control measures, and the month and year in which you will start and fully implement any new minimum control measures or indicate the frequency of the action;
 - c. for existing permittees, provide adequate information or justification on any BMPs from previous NOIs that could not be implemented; and
 - d. identification of a local qualifying program, or any partners of the program if any.
5. For existing permittees, certification that states the permittee has implemented necessary BMPs of the six minimum control measures.
- C. All required information for the NOI shall be submitted electronically to the following email and office addresses:
epa.ms4noipermit@illinois.gov

Illinois Environmental Protection Agency
 Division of Water Pollution Control
 Permit Section
 Post Office Box 19276
 Springfield, Illinois 62794-9276

D. Shared Responsibilities

You may partner with other MS4s to develop and implement your storm water management program. You may also jointly submit an NOI with one or more MS4s. Each MS4 must fill out the NOI form. The description of your storm water management program must clearly describe which permittees are responsible for implementing each of the control measures. Each permittee is responsible for implementation of Best Management Practices for the Storm Water Management Program within its jurisdiction.

PART III. SPECIAL CONDITIONS

- A. Your discharges, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302.
- B. If there is evidence indicating that the storm water discharges authorized by this permit cause, or have the reasonable potential to cause or contribute to a violation of water quality standards, you may be required to obtain an individual permit or an alternative general permit or the permit may be modified to include different limitations and/or requirements.
- C. If a total maximum daily load (TMDL) allocation or watershed management plan is approved for any water body into which you discharge, you must review your storm water management program to determine whether the TMDL or watershed management plan includes requirements for control of storm water discharges. If you are not meeting the TMDL allocations, you must modify your storm water management program to implement the TMDL or watershed management plan within eighteen months of notification by the Agency of the TMDL or watershed management plan approval. Where a TMDL or watershed management plan is approved, you must:
 - 1. Determine whether the approved TMDL is for a pollutant likely to be found in storm water discharges from your MS4.
 - 2. Determine whether the TMDL includes a pollutant waste load allocation (WLA) or other performance requirements specifically for storm water discharge from your MS4.
 - 3. Determine whether the TMDL addresses a flow regime likely to occur during periods of storm water discharge.
 - 4. After the determinations above have been made and if it is found that your MS4 must implement specific WLA provisions of the TMDL, assess whether the WLAs are being met through implementation of existing storm water control measures or if additional control measures are necessary.
 - 5. Document all control measures currently being implemented or planned to be implemented to comply with TMDL waste load allocation(s). Also include a schedule of implementation for all planned controls. Document the calculations or other evidence that shows that the WLA will be met.
 - 6. Describe and implement a monitoring program to determine whether the storm water controls are adequate to meet the WLA.
 - 7. If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions.

8. Continue Paragraphs 4 above through 7 until two continuous monitoring cycles show that the WLAs are being met or that WQ standards are being met.
- D. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:
1. Reissuance or replacement of this permit, at which time you must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or
 2. Your submittal of a Notice of Termination; or
 3. Issuance of an individual permit for your discharges; or
 4. A formal permit decision by the Agency not to reissue this general permit at which time you must seek coverage under an alternative general permit or an individual permit.
 5. The permittee shall submit a revised or updated NOI to the Agency no later than 180 days prior to the expiration date of this permit in order for permit coverage to be administratively continued.
- E. The Agency may require any person authorized to discharge by this permit to apply for and obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Agency to take action under this paragraph. The Agency may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The Agency may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Agency under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.
- F. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR 122.28, to the Agency. The request will be granted by issuing an individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.
- G. When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is approved for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the issue date of the individual permit or the date of approval for coverage under the alternative general permit, whichever the case may be.
- H. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied coverage under an alternative NPDES general permit the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Agency.

PART IV. STORM WATER MANAGEMENT PROGRAMS

A. Requirements

The permittee must develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from your small municipal separate storm sewer system to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Illinois Pollution Control Board Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter 1) and the Clean Water Act. Your storm water management program must include the minimum control measures described in section B of this Part. For new permittees, the permittee must develop and implement a program by the date specified in your coverage letter. The U.S. Environmental Protection Agency's National Menu of Storm Water Best Management Practices (<http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm>) and the most recent version of the Illinois Urban Manual should be consulted regarding the selection of appropriate BMPs.

B. Minimum Control Measures

The 6 minimum control measures to be included in your storm water management program are:

1. Public education and outreach on storm water impacts

The permittee must:

General NPDES Permit No. ILR40

- a. implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff; the permittee should incorporate into its education materials information about green infrastructure strategies such as green roofs, rain gardens, rain barrels, bioswales, permeable piping, dry wells and permeable pavement, that mimic natural processes and direct storm water to areas where it can be infiltrated, evapotranspirated or reused, discuss the benefits and costs of such strategies and provide guidance to the public on how to implement them; and
- b. define appropriate BMPs for this minimum control measure and measurable goals for each BMP. These measurable goals must ensure the reduction of all of the pollutants of concern in your storm water discharges to the maximum extent practicable.

2. Public Involvement/Participation

The permittee must:

- a. at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program; and
- b. define appropriate BMPs for this minimum control measure and measurable goals for each BMP, which must ensure the reduction of all of the pollutants of concern in your storm water discharges to the maximum extent practicable.

3. Illicit discharge detection and elimination

The permittee must:

- a. develop, implement and enforce a program to detect and eliminate illicit discharges into your small MS4;
- b. develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters that receive discharges from those outfalls;
- c. to the extent allowable under state or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions, including enforceable requirements for the prompt reporting to the MS4 of all releases, spills and other unpermitted discharges to the separate storm sewer system, and a program to respond to such reports in a timely manner.
- d. develop, implement, and adequately fund a plan to detect and address non-storm water discharges, including illegal dumping, to your system;
- e. inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste and the requirement and mechanism for reporting such discharges;
- f. address the categories of non-storm water discharges listed in Section I.B.2 only if you identify them as significant contributor of pollutants to your small MS4 (discharges or flows from the fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States); and
- g. define appropriate BMPs for this minimum control measure and measurable goals for each BMP. These measurable goals must ensure the reduction of all of the pollutants of concern in your storm water discharges to the maximum extent practicable.
- h. conduct periodic (annual is recommended) inspections of the storm sewer outfalls for detection of non-storm water discharges and illegal dumping.

4. Construction site storm water runoff control

The permittee must:

- a. develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Control of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more or has been designated by the permitting authority.

Your program must include the development and implementation of, at a minimum:

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- i. an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state or local law;
 - ii. requirements for construction site operators to implement appropriate erosion and sediment control best management practices, including green infrastructure storm water management techniques where appropriate and practicable;
 - iii. requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
 - iv. require all regulated construction sites to have a storm water pollution prevention plan that meets the requirements of Part IV of NPDES permit No. ILR10 including management practices, controls, and other provisions at least as protective as the requirements contained in the Illinois Urban Manual, 2002, or as amended including green infrastructure techniques where appropriate and practicable;
 - v. procedures for site plan review which incorporate consideration of potential water quality impacts and review of individual pre-construction site plans to ensure consistency with local sediment and erosion control requirements;
 - vi. procedures for receipt and consideration of information submitted by the public; and
 - vii. procedures for site inspections and enforcement of control measures.
- b. define appropriate BMPs for this minimum control measure and measurable goals for each BMP. These measurable goals must ensure the reduction of all of the pollutants of concern in your storm water discharges to the maximum extent practicable.
5. Post-construction storm water management in new development and redevelopment

The permittee must:

- a. develop, implement, and enforce a program to address and minimize storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale or that have been designated to protect water quality, that discharge into your small MS4 within the MS4 jurisdictional control. Your program must ensure that appropriate controls are in place that would protect water quality and reduce the discharge of pollutants to the maximum extent practicable. In addition, each permittee should adopt strategies that incorporate storm water infiltration, reuse and evapotranspiration of storm water into the project to the maximum extent practicable;
- b. develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for all projects within your community for all new development and redevelopment that will reduce the discharge of pollutants, the volume and velocity of storm water flow to the maximum extent practicable. When selecting BMPs to comply with requirements contained in this Part, the permittee should adopt one or more of the following general strategies, in order of preference. Proposal of a strategy should include a rationale for not selecting an approach from among those with a higher preference. When approving a plan for development, redevelopment, highway construction, maintenance, replacement or repair on existing developed sites or other land disturbing activity covered under this Part, the permittee should require the person responsible for that activity to adopt one or more of these strategies, in order of preference, or provide a rationale for selecting a more preferred strategy.
 - i. preservation of the natural features of development sites, including natural storage and infiltration characteristics;
 - ii. preservation of existing natural streams, channels, and drainage ways,
 - iii. minimization of new impervious surfaces;
 - iv. conveyance of storm water in open vegetated channels;
 - v. construction of structures that provide both quantity and quality control, with structures serving multiple sites being preferable to those serving individual sites; and
 - vi. construction of structures that provide only quantity control, with structures serving multiple sites being preferable to those serving individual sites.

- c. develop and implement a program to minimize the volume of storm water runoff and pollutants from public highways, streets, roads, parking lots and sidewalks (public surfaces) through the use of BMPs that alone or in combination result in physical, chemical or biological pollutant load reduction, increased infiltration, evapotranspiration and reuse of storm water. The program shall include, but not be limited to the following elements:
 - i. appropriate training for all MS4 employees who manage or are directly involved in (or who retain others who manage or are directly involved in) the routine maintenance, repair or replacement of public surfaces in current green infrastructure or low impact design techniques applicable to such projects.
 - ii. appropriate training for all contractors retained to manage or carry out routine maintenance, repair or replacement of public surfaces in current green infrastructure or low impact design techniques applicable to such projects. Contractors may provide training to their employees for projects which include green infrastructure or low impact design techniques.
 - d. develop and implement a program to minimize the volume of storm water runoff and pollutants from existing privately owned developed property that contributes storm water to the MS4 within the MS4 jurisdictional control. Such program may contain the following elements:
 - i. source identification – establishment of an inventory of storm water and pollutants discharged to the MS4
 - ii. implementation of appropriate BMPs to accomplish the following:
 - A. education on green infrastructure BMPs
 - B. identify a relevant set of BMPs for all departments
 - C. evaluation of existing flood control techniques to determine the feasibility of pollution control retrofits
 - D. implementation of additional controls for special events expected to generate significant pollution (fairs, parades, performances)
 - E. implementation of appropriate maintenance programs, including maintenance agreements, for structural pollution control devices or systems
 - F. management of pesticides and fertilizers
 - G. street cleaning in targeted areas
 - e. use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects, public surfaces and existing developed property as set forth above to the extent allowable under state or local law; and
 - f. require all regulated construction sites to have post-construction management plans that meets or exceeds the requirements of Section IV (D)(2)(b) of NPDES permit No. ILR10 including management practices, controls, and other provisions at least as protective as the requirements contained in the Illinois Urban Manual, 2002;
 - g. ensure adequate long-term operation and maintenance of BMPs; and
 - h. define appropriate BMPs for this minimum control measure and measurable goals for each BMP. These measurable goals must ensure the reduction of all of the pollutants of concern in your storm water discharges to the maximum extent practicable.
6. Pollution prevention/good housekeeping for municipal operations
- The permittee must:
- a. develop and implement an operation and maintenance program that includes a training component and is designed to prevent and reduce the discharge of pollutants to the maximum extent practicable;
 - b. using training materials that are available from EPA, the state of Illinois, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, operation of storage yards, snow disposal, new construction and land disturbances, and storm water system maintenance procedures for proper disposal of street cleaning debris and catch basin material, address ways that flood management projects impact water quality, non-point source pollution control, green infrastructure controls, and aquatic habitat; and
 - c. define appropriate BMPs for this minimum control measure and measurable goals for each BMP. These measurable

goals must ensure the reduction of all of the pollutants of concern in your storm water discharges to the maximum extent practicable.

C. Qualifying State, County, or Local Program

If an existing qualifying local program requires you to implement one or more of the minimum control measures of B. above, you may follow that qualifying program's requirements rather than the requirements of B. above. A qualifying local program is a local, county or state municipal storm water management program that imposes, at a minimum, the relevant requirements of Section B. Any qualifying local programs that you intend to follow shall be specified in your storm water management plan.

D. Sharing Responsibility

1. Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. You may rely on another entity only if:
 - a. the other entity, in fact, implements the control measure;
 - b. the particular control measure, or component of that measure is at least as stringent as the corresponding permit requirement;
 - c. the other entity agrees to implement the control measure on your behalf. Written acceptance of this obligation is expected. This obligation must be maintained as part of the description of your storm water management program. If the other entity agrees to report on the minimum measure, you must supply the other entity with the reporting requirements contained in Section V (C) of this permit. If the other entity fails to implement the control measure on your behalf, then you remain liable for any discharges due to that failure to implement.

E. Reviewing and Updating Storm Water Management Programs

1. Storm Water Management Program Review: You must do an annual review of your Storm Water Management Program in conjunction with preparation of the annual report required under Part V.(C).
2. Storm Water Management Program Update: You may change your Storm Water Management Program during the life of the permit in accordance with the following procedures:
 - a. changes adding (but not subtracting or replacing) components, controls, or requirements to the Storm Water Management Program may be made at any time upon written notification to the Agency; and
 - b. changes replacing an ineffective or unfeasible BMP specifically identified in the Storm Water Management Program with an alternate BMP may be requested at any time. Unless denied by the Agency, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If request is denied, the Agency will send you a written response giving a reason for the decision. Your modification requests must include the following:
 - i. an analysis of why the BMP is ineffective or infeasible (including cost prohibitive);
 - ii. expectations on the effectiveness of the replacement BMP; and
 - iii. an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.
 - c. changes replacing or modifying any ordinances relative to the storm water management program;
 - d. change requests or notifications must be made in writing and signed in accordance with Standard Condition II of Attachment H.
3. Storm Water Management Program Updates Required by the Agency. The Agency may require changes to the Storm Water Management Program as needed to:
 - a. address impacts on receiving water quality caused, or contributed to, by discharges from the municipal separate storm sewer system;
 - b. include more stringent requirements necessary to comply with new federal statutory or regulatory requirements; or
 - c. include such other conditions deemed necessary by the Agency to comply with the goals and requirements of the Clean Water Act.

- d. changes requested by the Agency must be made in writing, set forth the time schedule for you to develop the changes, and offer you the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Permitting Authority will be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate 40 CFR 122.63.

PART V. MONITORING, RECORDKEEPING AND REPORTING

A. Monitoring

The permittee must evaluate program compliance, the appropriateness of your identified best management practices, and progress towards achieving your identified measurable goals, which must include reducing the discharge of pollutants to the maximum extent practicable (MEP). Monitoring shall include at least annual monitoring of receiving waters upstream and downstream of the MS4 discharges, use of indicators to gauge the effects of storm water discharges on the physical/habitat-related aspects of the receiving waters, and/or monitoring of the effectiveness of BMPs.

B. Recordkeeping

The permittee must keep records required by this permit for the duration of this permit. All records shall be kept onsite or locally available and shall be made accessible to the Agency for review at the time of an on-site inspection. Except as otherwise provided in this permit, you must submit your records to the Agency only when specifically asked to do so. You must post your notice of intent (NOI), your storm water management plan and your annual reports on your website. You must make your records, including your notice of intent (NOI) and your storm water management plan, available to the public at reasonable times during regular business hours within 10 working days of its approval by the permitting authority. (You may assess a reasonable charge for copying. You may require a member of the public to provide advance notice, not to exceed seven working days.) Storm sewer maps may be withheld for security reasons.

C. Reporting

The permittee must submit annual reports to the Agency by the first day of June for each year that this permit is in effect. If the permittee maintains a website, a copy of the annual report shall be posted on the website by the first day of June of each year. Each report shall cover the period from March of the previous year through March of the current year. Your report must include:

1. The status of compliance with permit conditions, an assessment of the appropriateness of your identified best management practices and progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and your identified measurable goals for each of the minimum control measures;
2. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;
3. A summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule);
4. A change in any identified best management practices or measurable goals that apply to the program elements; and
5. Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable).
6. The annual reports shall be submitted to the following email and office addresses: epa.ms4annualinsp@illinois.gov .

Illinois Environmental Protection Agency
 Division of Water Pollution Control
 Compliance Assurance Section
 Municipal Annual Inspection Report
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276

PART VI. DEFINITIONS AND ACRONYMS (SEE ALSO SPECIAL CONDITIONS)

All definitions contained in Section 502 of the Clean Water Act, 40 CFR 122, and 35 Ill. Adm. Code 309 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the statute or regulation takes precedence.

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

BMP is an acronym for "Best Management Practices."

CFR is an acronym for "Code of Federal Regulations."

Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce storm water runoff or the discharge of pollutants to waters of the State.

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

Discharge, when used without a qualifier, refers to discharge of a pollutant as defined at 40 CFR 122.2.

Green Infrastructure means wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse. Green infrastructure approaches currently in use include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, porous and permeable pavements, porous piping systems, dry wells, vegetated median strips, reforestation/revegetation, rain barrels and cisterns and protection and enhancement of riparian buffers and floodplains.

Illicit Connection means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge is defined at 40 CFR 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not composed entirely of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

MEP is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34.

MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g. "the Dallas MS4"). The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (e.g., the Houston MS4 includes MS4s operated by the city of Houston, the Texas Department of Transportation, the Harris County Flood Control District, Harris County, and others).

Municipal Separate Storm Sewer is defined at 40 CFR 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.

NPDES is an acronym for "National Pollutant Discharge Elimination System."

Outfall is defined at 40 CFR 122.26(b)(9) and means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

Owner or Operator is defined at 40 CFR 122.2 and means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

Permitting Authority means the Illinois EPA.

Point Source is defined at 40 CFR 122.2 and means any discernable, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Qualifying Local Program is defined at 40 CFR 122.34(c) and means a local, state, or Tribal municipal storm water management program that imposes, at a minimum, the relevant requirements of paragraph (b) of Section 122.34.

Small Municipal Separate Storm Sewer System is defined at 40 CFR 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State [sic], city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State [sic] law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Storm Water is defined at 40 CFR 122.26(b)(13) and means storm water runoff, snowmelt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

SWMP is an acronym for "Storm Water Management Program."

TMDL is an acronym for "Total Maximum Daily Load."

Waters (also referred to as waters of the state or receiving water) is defined at Section 301.440 of Title 35; Subtitle C; Chapter I of the Illinois Pollution Control Board Regulations and means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon the State of Illinois, except that sewers and treatment works are not included except as specially mentioned; provided, that nothing herein contained shall authorize the use of natural or otherwise protected waters as sewers or treatment works except that in-stream aeration under Agency permit is allowable.

"You" and "Your" as used in this permit is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's responsibilities (e.g., the city, the county, the flood control district, the U.S. Air Force, etc.).

ILR40TML_FINAL

**Attachment H
Standard Conditions
Definitions**

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

(1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate this requirement.

(2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.

(3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

(6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.

(8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.

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

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

(10) **Monitoring and records.**

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. This period may be extended by request of the Agency at any time.
- (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.

(d) **Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.**

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

(a) **Application.** All permit applications shall be signed as follows:

- (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

(b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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

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

(12) Reporting requirements.

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

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

(c) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(d) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).

(2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.

(e) **Twenty-four hour reporting.** The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours.

The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(f) **Other noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).

(g) **Other information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.

(13) Transfer of permits. A permit may be automatically transferred to a new permittee if:

(a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;

(b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees; and

(c) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.

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

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

(14) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:

(a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 ug/l);

(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.

(3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or

(4) The level established by the Agency in this permit.

(b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.

(15) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:

(a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 305 of the Clean Water Act if it were directly discharging those pollutants; and

(b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

(c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(16) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:

(a) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;

(b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and

(c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.

(17) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.

(18) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.

(19) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.

(20) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.

(21) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under permit shall, upon conviction, be punished by a fine of not more than \$10,000 per

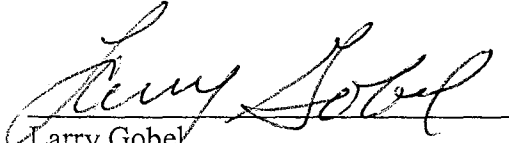
violation, or by imprisonment for not more than 6 months per violation, or by both.

- (22) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit shall, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- (23) Collected screenings, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the State. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.
- (24) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.
- (25) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board.
- (26) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

(Rev.6-1-2007)

Exhibit 2 - Affidavit


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

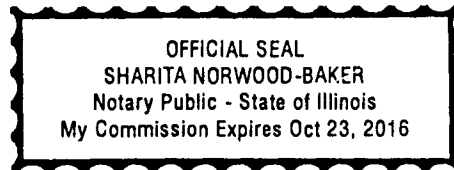


Larry Gobel
Director of Public Works
Village of Richton Park

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Sharita Norwood Baker, a notary public for the State of Illinois, do hereby certify that Larry Gobel, who is personally known to me, appeared before me on July 20, 2015 and signed the attached petition for variance.


Notary Public



My commission expires: