



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

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

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

IEPA asked the MWRD, as a significant stakeholder on CAWS issues, to convene and lead a work group to address chloride issues during the 3-year time period provided by the Board. An initial stakeholder meeting was held on January 27, 2015, and the next meeting will be held on August 4, 2015.<sup>1</sup> 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 implementing, a set of best management practices (BMPs) for addressing chloride issues, and will have taken

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<sup>1</sup> Documents regarding those meetings are included in Exhibit 1.

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

The MWRD and the Homewood 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, Homewood 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, Homewood 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 Homewood, based on this petition, and to all other dischargers to the CAWS that submit appropriate variance petitions.

## **I. REQUIREMENTS FROM WHICH A VARIANCE IS SOUGHT**

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

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

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

Therefore, it is necessary for Village of Homewood 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 Homewood.

## **II. ACTIVITY OF THE VILLAGE OF HOMEWOOD**

- 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.

Homewood operates and maintains a municipal separate storm sewer system within its corporate limits pursuant to NPDES Permit No. ILR400357. In addition, the permit also covers discharges from storm sewer outfalls operated by Homewood described in more detail

below. The area affected by Homewood'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.

<b>Discharge Number</b>	<b>Location</b>	<b>Receiving Water</b>
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:<sup>2</sup>

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

<b>Discharge Number</b>	<b>Location</b>	<b>Receiving Water</b>
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:<sup>3</sup>

<b>Discharge Number</b>	<b>Location</b>	<b>Receiving Water</b>
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

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



variance. 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. IL0028088<sup>4</sup>  
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. IL0028061<sup>5</sup>  
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

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

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

Expiration Date: January 31, 2013

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

The MWRD has a total of approximately 1862 employees.

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

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

Calumet began operations in 1922, and has 259 employees.

Lemont begin operations in 1961, and has 3 employees.

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

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

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

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

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

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

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

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

The discharges for each Plant and CSO Outfall are described in the respective permit applications and permits which are attached hereto as Exhibits 2-9. Exhibit 10 shows the level of chlorides in the discharges from the O’Brien, Calumet and Stickney Plants from December 2014 through April 2015. (Chlorides data has not been collected for the Lemont Plant or for the CSO

Outfalls.) Exhibit 11 shows the number and percent of times, during the period from 2004 through 2013, that chlorides discharge levels at the O'Brien and Stickney plants exceeded the chlorides standards that have now been adopted.

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

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

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

There are, in essence, only two ways that chloride levels in Homewood's discharge 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 Homewood, often discharging an enormous amount of flow. We are aware of no situation where RO has been applied to a storm water flow with many discharges of varying sizes. The systems would require a large amount of land – likely more than what is available in a fully built out community such as Homewood. 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).<sup>67</sup> Adding to that burden would be the high energy requirements for RO facilities, which would impose large operational costs – and would significantly increase Homewood’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 Homewood’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 Homewood (and for other dischargers as well) is to reduce chloride levels entering Homewood'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.<sup>8</sup> The effectiveness of these practices in

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<sup>6</sup> 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](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.)

<sup>7</sup> 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)

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

reducing chloride loadings to waterways, and in reducing ambient chloride levels in those waterways, has varied significantly across the range of communities and programs.<sup>9</sup> 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,<sup>10</sup> 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

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<sup>9</sup> 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).

<sup>10</sup> 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 Homewood 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 Homewood can utilize to achieve full compliance with the new chlorides standards. Over the next 3 years (and longer if necessary), Homewood 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 Homewood, 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 Homewood's activities causes any significant adverse environmental impacts, as compared to the situation that would result if Homewood 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), Homewood 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 Homewood, 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 Homewood 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 John Schaefer, Director of Public Works for the Village of Homewood, 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 Homewood in this petition, Homewood does not seek a hearing in this matter,

Respectfully submitted,

VILLAGE OF HOMEWOOD

By: 

July 20, 2015

Christopher J. Cummings  
Christopher J. Cummings, P.C.  
Village Attorney  
Village of Homewood

2024 Hickory Rd., Suite 205  
Homewood IL 60430

Exhibit 1 – NPDES Permit(s)



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

217/782 - 0610

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

9/23/2004

VILLAGE OF HOMEWOOD  
17755 ASHLAND  
HOMEWOOD, IL. 60430

Re: Village Of Homewood - Municipal Separate Storm Sewer System  
NPDES Permit No. ILR400357 County: Cook  
Notice of Coverage Under General Permit

RECEIVED  
SEP 30 2004  
Div. Water Pollution Control  
Field Operations Section-Reg. 2

Dear NPDES Permittee:

We have received your Notice of Intent and have determined that storm water discharges from your municipal separate storm sewer system are appropriately covered by the attached NPDES general permit issued by the Agency.

The permit as issued covers Notice of Intent requirements, storm water management programs, and monitoring, recordkeeping and reporting requirements. Attached is an Annual Inspection Form that you must complete and submit to the Agency by the first day of June for each year that this permit is in effect.

Failure to meet any portion of the permit could result in civil and/or criminal penalties. The Agency is ready and willing to assist you in interpreting any of the conditions of the permit as they relate to your municipal separate storm sewer system.

Your municipal storm sewer system was automatically covered by this permit 30 days after your Notice of Intent application pursuant to the General Storm Water Permit for MS4's, Part I. Coverage Under This Permit, D. 3. The Agency realizes that you may have implemented part of your program, however, we have reviewed your application for any deficiencies and applicability of the general permit versus an individual permit. The final determination is that the general permit is applicable to your system.

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

Very truly yours,

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

Enclosure

AK:MED:MS4 Coverage Letter

cc: Records Unit

ROCKFORD - 502 E. Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200





# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/782-0610

August 1, 2013

Re: Renewal of General NPDES Permit For Storm Water Discharges from Construction Site Activities

Dear Permittee:

The Agency is required to notify you of the above referenced reissued permit. Discharges from your construction site activity are automatically covered by this permit.

Please be advised of Part I.B.1. of the permit, whereby discharges from construction sites which were initially covered under the previous version of the ILR10 permit are eligible for coverage under this permit.

Also, please be advised of Part II.A.2. of the permit, whereby your SWPPP must be updated/ revised within 12 months of the effective date of this reissued permit. You must submit any revised SWPPP with your permit number identifying your project to [epa.constilr10swppp@illinois.gov](mailto:epa.constilr10swppp@illinois.gov). Updating of the Storm Water Pollution Prevention Plan (SWPPP) is not required if construction activities are completed and a Notice of Termination is submitted within 12 months of the effective date of this permit.

If you have questions or need additional information, please contact Melissa Parrott or Terri LeMasters of my staff at 217/782-0610 or at the address listed above.

Very truly yours,

A handwritten signature in cursive script that reads "Alan Keller".

Alan Keller, P.E.

Manager, Permit Section

Division of Water Pollution Control

## NPDES Permit No. ILR10

## General NPDES Permit No. ILR10

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

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

General NPDES Permit  
 For  
 Storm Water Discharges From Construction Site Activities

Expiration Date: July 31, 2018

Issue Date: July 30, 2013

Effective Date: August 1, 2013

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



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

## Part I. COVERAGE UNDER THIS PERMIT

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

B. **Eligibility.**

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

## NPDES Permit No. ILR10

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

**C. Authorization.**

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

**Part II. NOTICE OF INTENT REQUIREMENTS****A. Deadlines for Notification.**

1. To receive authorization under this general permit, a discharger must submit a completed Notice of Intent (NOI) in accordance with Part VI.G (Signatory Requirements) and the requirements of this Part in sufficient time to allow a 30 day review period after the receipt of the NOI by the Agency and prior to the start of construction. The completed NOI may be submitted electronically to the following email address: [epa.constilr10swppp@illinois.gov](mailto:epa.constilr10swppp@illinois.gov)
2. Discharges that were covered by the previous version of ILR10 are automatically covered by this permit. Where discharges associated with construction activities were initially covered under the previous version of ILR10 and are continuing, the Storm Water Pollution Prevention Plan must be updated/revised within 12 months of the effective date of this reissued permit, as necessary to ensure compliance with the provisions of the reissued ILR10. Updating of the SWPPP is not required if construction activities are completed and a Notice of Termination is submitted within 12 months of the effective date of this permit.
3. A discharger may submit an NOI in accordance with the requirements of this Part after the start of construction. In such instances, the Agency may bring an enforcement action for any discharges of storm water associated with industrial activity from a construction site that have occurred on or after the start of construction.

**B. Failure to Notify.** Dischargers who fail to notify the Agency of their intent to be covered, and discharge storm water associated with construction site activity to Waters of the State without an NPDES permit are in violation of the Environmental Protection Act and Clean Water Act.**C. Contents of Notice of Intent.** The Notice of Intent shall be signed in accordance with Part VI.G (Signatory Requirements) of this permit by all of the entities identified in paragraph 2 below and shall include the following information:

1. The mailing address, and location of the construction site for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the approximate center of the facility to the nearest 15 seconds, or the nearest quarter section (if the section, township and range is provided) that the construction site is located in;
2. The owner's name, address, telephone number, and status as Federal, State, private, public or other entity;
3. The name, address and telephone number of the general contractor(s) that have been identified at the time of the NOI submittal;
4. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water(s);
5. The number of any NPDES permits for any discharge (including non-storm water discharges) from the site that is currently authorized by an NPDES permit;
6. A description of the project, detailing the complete scope of the project, estimated timetable for major activities and an estimate of the number of acres of the site on which soil will be disturbed;
7. For projects that have complied with State law on historic preservation and endangered species prior to submittal of the NOI, through coordination with the Illinois Historic Preservation Agency and the Illinois Department of Natural Resources or through fulfillment of the terms of interagency agreements with those agencies, the NOI shall indicate that such compliance has occurred.
8. An electronic copy of the storm water pollution prevention plan that has been prepared for the site in accordance with Part IV of this permit. The electronic copy shall be submitted to the Agency at the following email address: [epa.constilr10swppp@illinois.gov](mailto:epa.constilr10swppp@illinois.gov)

## NPDES Permit No. ILR10

9. Revised notice of intents shall be submitted for any substantial modifications to the project such as: address changes, new contractors, area coverage, additional discharges to waters of the state, or other substantial modifications.

## D. Where to Submit.

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

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

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

2. Submit complete NOI and SWPPP electronically to the following email address: [epa.constilr10swppp@illinois.gov](mailto:epa.constilr10swppp@illinois.gov). Submit the NOI with original signature and fee by certified mail to the Agency at the following address:

Illinois Environmental Protection Agency  
Division of Water Pollution Control, Mail Code #15  
Attention: Permit Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

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

- F. **Notice of Termination.** Where a site has completed final stabilization and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee must submit a completed Notice of Termination that is signed in accordance with Part VI.G (Signatory Requirements) of this permit.

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

- a. The mailing address, and location of the construction site for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the approximate center of the facility to the nearest 15 seconds, or the nearest quarter section (if the section, township and range is provided) that the construction site is located in;
- b. The owner's name, address, telephone number, and status as Federal, State, private, public or other entity;
- c. The name, address and telephone number of the general contractor(s);
- d. The date when construction was completed and the site was stabilized; and
- e. The following certification signed in accordance with Part VI.G (Signatory Requirements) of this permit:

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

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

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

### Part III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

#### A. Prohibition on Non-Storm Water Discharges.

1. Except as provided in Part I paragraph B.2 and paragraphs 2, 3 or 4 below, all discharges covered by this permit shall be comprised entirely of storm water.
2. a. Except as provided in paragraph b below, discharges of materials other than storm water must be in compliance with a NPDES permit (other than this permit) issued for the discharge.

## NPDES Permit No. ILR10

- b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharges is in compliance with Part IV.D.5 (Non-Storm Water Discharges): discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; waters used to control dust; potable water sources including uncontaminated waterline flushings; landscape irrigation drainages; routine external building washdown which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; uncontaminated air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.
  3. The following non-storm water discharges are prohibited by this permit: concrete and wastewater from washout of concrete (unless managed by an appropriate control), drywall compound, wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, soaps, solvents, or detergents, toxic or hazardous substances from a spill or other release, or any other pollutant that could cause or tend to cause water pollution.
  4. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are allowable if managed by appropriate controls.
- B. Discharges into Receiving Waters With an Approved Total Maximum Daily Load (TMDL):**

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

Please refer to the Agency website at: <http://www.epa.state.il.us/water/tmdl/report-status.html>

- C. Discharges covered by this permit, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard.

#### Part IV. STORM WATER POLLUTION PREVENTION PLANS

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

##### A. Deadlines for Plan Preparation and Compliance.

The plan shall:

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

##### B. Signature, Plan Review and Notification.

1. The plan shall be signed in accordance with Part VI.G (Signatory Requirements), and be retained at the construction site which generates the storm water discharge in accordance with Part VI.E (Duty to Provide Information) of this permit.
2. Prior to commencement of construction, the permittee shall provide the plan to the Agency.
3. The permittee shall make plans available upon request from this Agency or a local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system. A list of permitted municipal separate storm sewer systems is available at: <http://www.epa.state.il.us/water/permits/storm-water/ms4-status-report.pdf>
4. The Agency may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 7 days from receipt of notification from the Agency, the permittee shall make the required changes to the plan and shall submit to the Agency a written certification that the requested changes have been made. Failure to comply shall terminate authorization under this permit.
5. A copy of the letter of notification of coverage along with the General NPDES Permit for Storm Water Discharges from Construction Site Activities or other indication that storm water discharges from the site are covered under an NPDES permit shall be posted at the site in a prominent place for public viewing (such as alongside a building permit).
6. All storm water pollution prevention plans and all completed inspection forms/reports required under this permit are considered reports that shall be available to the public at any reasonable time upon request. However, the permittee may claim any portion of a storm water pollution prevention plan as confidential in accordance with 40 CFR Part 2.

- C. **Keeping Plans Current.** The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to Waters of the State and which has not otherwise been addressed in the plan or if the

## NPDES Permit No. ILR10

storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under paragraph D.2 below, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with construction site activity. In addition, the plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the storm water pollution prevention plan. Amendments to the plan may be reviewed by the Agency in the same manner as Part IV.B above. Any revisions of the documents for the storm water pollution prevention plan shall be kept on site at all times.

**D. Contents of Plan.** The storm water pollution prevention plan shall include the following items:

**1. Site Description.** Each plan shall provide a description of the following:

- a. A description of the nature of the construction activity or demolition work;
- b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. clearing, grubbing, excavation, grading, on-site or off-site stockpiling of soils, on-site or off-site storage of materials);
- c. An estimate of the total area of the site and the total area of the site that is expected to be disturbed by clearing, grubbing, excavation, grading, on-site or off-site stockpiling of soils and storage of materials, or other activities;
- d. An estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
- e. A site map indicating drainage patterns and approximate slopes anticipated before and after major grading activities, locations where vehicles enter or exit the site and controls to prevent offsite sediment tracking, areas of soil disturbance, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, locations of on-site or off-site soil stockpiling or material storage, surface waters (including wetlands), and locations where storm water is discharged to a surface water, and
- f. The name of the receiving water(s) and the ultimate receiving water(s), and areal extent of wetland acreage at the site.

**2. Controls.** Each plan shall include a description of appropriate controls that will be implemented at the construction site and any off-site stockpile or storage area. The Illinois Urban Manual [www.aiswcd.org/IUM](http://www.aiswcd.org/IUM) or other similar documents shall be used for developing the appropriate management practices, controls or revisions of the plan. The plan will clearly describe for each major activity identified in paragraph D.1 above, appropriate controls and the timing during the construction process that the controls will be implemented. For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained and/or repaired until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization. The description of controls shall address as appropriate the following minimum components:

- a. **Erosion and Sediment Controls.** The permittee shall design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:
  - (i) Control storm water volume and velocity within the site to minimize soil erosion;
  - (ii) Control storm water discharges, including both peak flowrates and total storm water volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion;
  - (iii) Minimize the amount of soil exposed during construction activity;
  - (iv) Minimize the disturbance of steep slopes;
  - (v) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
  - (vi) Provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration, unless infeasible; and
  - (vii) Minimize soil compaction and, unless infeasible, preserve topsoil.
- b. **Stabilization Practices.** The storm water pollution prevention plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where practicable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporarily seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, staged or staggered development, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated, shall be included in the plan. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization of disturbed areas must be initiated within 1 working day of permanent or temporary cessation of earth disturbing activities and shall be completed as soon as possible but not later than 14 days from the initiation of stabilization work in an area. Exceptions to these time frames are specified as provided in paragraphs (i) and (ii) below:
  - (i) Where the initiation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
  - (ii) On areas where construction activity has temporarily ceased and will resume after 14 days, a temporary stabilization method can be used. Temporary stabilization techniques and materials shall be described in the SWPPP.
- c. **Structural Practices.** A description of structural practices utilized to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree practicable. The installation of these devices may be subject to Section 404 of the CWA.

## NPDES Permit No. ILR10

- (i) The following design requirements apply to sediment basins if such structural practices will be installed to reduce sediment concentrations in storm water discharges:
- When discharging from the sediment basin, utilize outlet structures that withdraw water from the surface in order to minimize the discharge.
  - Prevent erosion of the sediment basin using stabilization controls (e.g., erosion control blankets), at the inlet and outlet using erosion controls and velocity dissipation devices:
  - Sediment basins shall be designed to facilitate maintenance, including sediment removal from the basins, as necessary.
- d. **Use of Treatment Chemicals.** Identify the use of all polymer flocculants or treatment chemicals at the site. Dosage of treatment chemicals shall be identified along with any information from any Material Safety Data Sheet. Describe the location of all storage area for chemicals. Include any information from the manufacturer's specifications. Treatment chemicals must be stored in areas where they will not be exposed to precipitation. The SWPPP must describe procedures for use of treatment chemicals and staff responsible for use/application of treatment chemicals must be trained on the established procedures.
- e. **Best Management Practices for Impaired Waters.** For any site which discharges directly to an impaired water identified on the Agency's website for 303(d) listing for suspended solids, turbidity, or siltation the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations or the Illinois Urban Manual, the storm water pollution prevention plan shall adhere to a more restrictive design criteria. Please refer to the Agency's website at: (<http://www.epa.state.il.us/water/tmdl/303d-list.html>)
- f. **Pollution Prevention.** The permittee shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:
- Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
  - Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to storm water; and
  - Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- g. **Other Controls.**
- Waste Disposal.** No solid materials, including building materials, shall be discharged to Waters of the State, except as authorized by a Section 404 permit.
  - The plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.
  - For construction sites that receive concrete or asphalt from off-site locations, the plan must identify and include appropriate controls and measures to reduce or eliminate discharges from these activities.
  - The plan shall include spill response procedures and provisions for reporting if there are releases in excess of reportable quantities.
- h. **Best Management Practices for Post-Construction Storm Water Management.** Describe the measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are responsible for only the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site.
- The storm water pollution prevention plan and design and construction plans shall explicitly consider post-construction storm water management. Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The Permittee must plan for and put in place storm water BMPs to retain the greatest amount of post-development storm water runoff practicable given the site and project constraints by installing one or more of the Best Management Practices (BMPs) as described in the Illinois Urban Manual.  
  
The storm water pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where post-construction flows will exceed predevelopment levels.
  - Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. maintenance of hydrologic conditions, such as the hydroperiod and hydrodynamics present prior to the initiation of construction activities).
  - Unless otherwise specified in the Illinois Urban Manual (2012), the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event.
- i. **Approved State or Local Plans.**
- The management practices, controls and other provisions contained in the storm water pollution prevention plan must be at least as protective as the requirements contained in the Illinois Urban Manual, 2012. Construction activities which discharge storm water must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion control plans or storm water management plans approved by local officials. Requirements specified in sediment and erosion control plans or site permits or storm water management site plans or site permits approved by local officials that are applicable to protecting surface water resources are, upon submittal of an NOI to be authorized to discharge under this permit, incorporated by reference and are enforceable under this permit. The plans shall include all requirements of this permit and include more stringent standards required by any local

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approval. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the construction site.

- (ii) Dischargers seeking alternative permit requirements are not authorized by this permit and shall submit an individual permit application in accordance with 40 CFR 122.26 at the address indicated in Part II.D (Where to Submit) of this permit, along with a description of why requirements in approved local plans or permits should not be applicable as a condition of an NPDES permit.

### 3. Maintenance.

- a. The plan shall include a description of procedures to maintain in good and effective operating conditions, all erosion and sediment control measures and other Best Management Practices, including vegetation and other protective measures identified in the Storm Water Pollution Prevention Plan.
- b. Where a basin has been installed to control sediment during construction activities, the Permittees shall keep the basin(s) in effective operating condition and remove accumulated sediment as necessary.

### 4. Inspections.

Qualified personnel (provided by the permittee) shall inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm or by the end of the following business or work day that is 0.5 inches or greater. Qualified personnel means a person knowledgeable in the principles and practices of erosion and sediment controls measures, such as a licensed Professional Engineer (P.E.), a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Erosion Sediment and Storm Water Inspector (CESSWI) or other knowledgeable person who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activities.

- a. Inspections may be reduced to once per month when construction activities have ceased due to frozen conditions. Weekly inspections will recommence when construction activities are conducted, or if there is 0.5" or greater rain event, or a discharge due to snowmelt occurs.
- b. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
- c. Based on the results of the inspection, the description of potential pollutant sources identified in the storm water pollution prevention plan in accordance with Part IV.D.1 (Site Description) of this permit and the pollution prevention control measures identified in the plan in accordance with Part IV.D.2 (Controls) of this permit shall be revised as appropriate as soon as practicable after such inspection to minimize the potential for such discharges. Such modifications shall provide for timely implementation of any changes to the plan and pollution prevention control measures within 7 calendar days following the inspection.
- d. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph b above shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the permit coverage expires or is terminated. All inspection reports shall be retained at the construction site. The report shall be signed in accordance with Part VI.G (Signatory Requirements) of this permit.
- e. The permittee shall notify the appropriate Agency Field Operations Section office by email at: [epa.swnoncomp@illinois.gov](mailto:epa.swnoncomp@illinois.gov), telephone or fax within 24 hours of any incidence of noncompliance for any violation of the storm water pollution prevention plan observed during any inspection conducted, or for violations of any condition of this permit. The permittee shall complete and submit within 5 days an "Incidence of Noncompliance" (ION) report for any violation of the storm water pollution prevention plan observed during any inspection conducted, or for violations of any condition of this permit. Submission shall be on forms provided by the Agency and include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance. Corrective actions must be undertaken immediately to address the identified non-compliance issue(s).
- f. All reports of noncompliance shall be signed by a responsible authority as defined in Part VI.G (Signatory Requirements).
- g. After the initial contact has been made with the appropriate Agency Field Operations Section Office, all reports of noncompliance shall be mailed to the Agency at the following address:

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

### 5. Non-Storm Water Discharges.

Except for flows from fire fighting activities, sources of non-storm water listed in Part III.A.2 of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and insure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

### E. Additional requirements for storm water discharges from industrial activities other than construction, including dedicated asphalt plants, and dedicated concrete plants.

This permit may only authorize any storm water discharge associated with industrial activity from a construction site that is mixed with a storm water discharge from an industrial source other than construction, where:

1. The industrial source other than construction is located on the same site as the construction activity;



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

## F. Contractors.

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

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

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

## Part V. RETENTION OF RECORDS

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

## Part VI. STANDARD PERMIT CONDITIONS

- A. **Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Illinois Environmental Protection Act and the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. Failure to obtain coverage under this permit or an individual permit for storm water releases associated with construction activities is a violation of the Illinois Environmental Protection Act and the CWA.
- B. **Continuation of the Expired General Permit.** This permit expires five years from the date of issuance. An expired general permit continues in force and effect until a new general permit or an individual permit is issued. Only those construction activities authorized to discharge under the expiring general permit are covered by the continued permit.
- C. **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. **Duty to Provide Information.** The permittee shall furnish within a reasonable time to the Agency or local agency approving sediment and erosion control plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system, any information which is requested to determine compliance with this permit. Upon request, the permittee shall also furnish to the Agency or local agency approving sediment and erosion control plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system, copies of all records required to be kept by this permit.
- F. **Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Agency, he or she shall promptly submit such facts or information.
- G. **Signatory Requirements.** All Notices of Intent, storm water pollution prevention plans, reports, certifications or information either submitted to the Agency or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed.
  1. All Notices of Intent shall be signed as follows:
    - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) any person authorized to sign documents that has been assigned or delegated said authority in accordance with corporate procedures;
    - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
    - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer

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having responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by the permit and other information requested by the Agency shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Agency.
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
  - c. **Changes to Authorization.** If an authorization under Part I.C (Authorization) is no longer accurate because a different individual or position has responsibility for the overall operation of the construction site, a new authorization satisfying the requirements of Part I.C must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
  - d. **Certification.** Any person signing documents under this Part shall make the following certification:
 

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

The Agency may also require monitoring of any storm water discharge from any site to determine whether an individual permit is required.
  2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the Agency at the address indicated in Part II.D (Where to Submit) of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
  3. When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an

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alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to a discharger otherwise subject to this permit or the discharger is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee remains in effect, unless otherwise specified by the Agency.

- O. **State/Environmental Laws.** No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
- P. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all construction activities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.
- Q. **Inspection and Entry.** The permittee shall allow the IEPA, or an authorized representative upon presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated construction activity is located or conducted, or where records must be kept under the conditions of this permit;
  2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.
- R. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- S. **Bypasses and Upsets.** The provisions of 40 CFR Section 122.41(m) & (n) are applicable and are hereby incorporated by reference.

## Part VII. REOPENER CLAUSE

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

## Part VIII. DEFINITIONS

"Agency" means the Illinois Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this paragraph);
- (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28, 29, 311, 32, 33, 3441, 373;
- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but

limited to those classified as Standard Industrial Classification 5015 and 5093;

- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42, 44, and 45 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under subparagraphs (i)-(vii) or (ix)-(xi) of this subsection are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;
- (x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than one acre of total land area which are not part of a larger common plan of development or sale unless otherwise designated by the Agency pursuant to Part I.B.1.
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (i)-(x)).

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

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

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The following modifications have been made to the final permit from the previously issued General NPDES Permit ILR10:

1. I.B.1: A requirement that existing permittees may have to update/revise their Storm Water Pollution Prevention Plan (SWPPP). See also Section II.A.2 below
2. II.A.2: Provides that permittees must upgrade/revise their SWPPP within 12 months of the effective date of this permit. Projects which will be terminated within the next 12 months are not required to update/revise their SWPPP.
3. II.C.7: The requirement for consultation with the Illinois Historic Preservation Agency and the Illinois Department of Natural Resources was moved from Section I.C.3 to Section II.C.7.
4. II.C.9: Revised Notices of Intent for substantial modifications.
5. II.D: Where to submit Notices of Intent.
6. II.E: NOI shall be copied to local active MS4 permit holders.
7. II.F.1.d: Date of completion and stabilization now included in Notice of Termination (NOT).
8. II.F.2: Provides for electronic submission of NOT.
9. III.A.3: Prohibition of various non-storm water discharges in accordance with 40 CFR 450.
10. III.A.4: Allowance for groundwater dewatering in accordance with 40 CFR 450.
11. IV.B.5: Copy of Approval Letter must be posted at site.
12. IV.D.1.e: Inclusion of information concerning off-site stockpiling of soils or other materials in the site description.
13. IV.D.2.a: Delineation of erosion and sediment controls now specified in accordance with 40 CFR 450.
14. IV.D.2.b: Requirements for initiation of stabilization activities in accordance with 40 CFR 450.
15. IV.D.2.c: Design requirements for sediment basins added to permit.
16. IV.D.2.f: Pollution prevention measures now included in permit in accordance with 40 CFR 450.
17. IV.D.2.g: Provisions for control of other wastes now included in permit.
18. IV.D.2.h: Requirement to explicitly consider post-construction storm water management in the SWPPP.
19. IV.D.3.b. Requirement to keep sediment basins in operating condition.

20. IV.D.4.a: Clarified inspection requirements after construction has temporarily ceased or under frozen conditions.
21. IV.D.4.e: Specified that corrective actions must be undertaken immediately following an incident of non-compliance in accordance with 40 CFR 450.
22. VI.S: Bypass and Upsets provisions were added to the Standard Permit Conditions.
23. VIII: Definition of construction activities was added to permit.
24. VIII: Definition of work day was added to the permit.
25. General: References to the Illinois Environmental Protection Agency's Urban Manual were changed to Illinois Urban Manual (2012).
26. General: The word "facilities" in previous permit was changed to "construction activities" in the draft permit.
27. General: Various edits.



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

## Illinois Environmental Protection Agency

### Notice of Intent (NOI) General Permit To Discharge Storm Water

#### Associated with Construction Site Activities

#### OWNER INFORMATION

ILR10 \_\_\_\_\_

Company/Owner Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

Contact Person: \_\_\_\_\_ E-mail: \_\_\_\_\_

OwnerType  Private  City  Federal  County  Special District  State MS4 Community:  Yes  No

#### CONTRACTOR INFORMATION

Contractor Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

#### CONSTRUCTION SITE INFORMATION

Select One  New  Change of Information for ILR10 \_\_\_\_\_

Project Name: \_\_\_\_\_ County: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ IL Zip: \_\_\_\_\_

Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

(Deg) (Min) (Sec) (Deg) (Min) (Sec) Section Township Range

Approximate Construction Start Date \_\_\_\_\_ Approximate Construction End Date \_\_\_\_\_

Total size of construction site in acres: \_\_\_\_\_ (Fee Schedule- Less than 5 acres = \$250 / 5 or more acres = \$750)

If less than 1 acre, is the site part of a larger common plan of development?  Yes  No

#### STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

Has the Storm Water Pollution Prevention Plan been submitted to the Agency?  Yes  No

(Submit SWPPP electronically to: [epa.constilr10swppp@illinois.gov](mailto:epa.constilr10swppp@illinois.gov))

Location of SWPPP for viewing: Address: \_\_\_\_\_ City: \_\_\_\_\_

#### SWPPP Contact Information:

Contact Name: \_\_\_\_\_ Inspector Qualifications: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

#### Project Inspector, if different from above:

Inspector's Name: \_\_\_\_\_ Inspector Qualifications: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Information required by this form must be provided to comply with 415 ILCS 5/39 (1996). Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

For Office Use Only: Log: \_\_\_\_\_ Permit No.: \_\_\_\_\_ Date: \_\_\_\_\_

Date Fee Received \_\_\_\_\_ Amount: \_\_\_\_\_ Check # \_\_\_\_\_



**Illinois Environmental Protection Agency  
Notice of Intent (NOI) General Permit To Discharge Storm Water  
Associated with Construction Site Activities**

**TYPE OF CONSTRUCTION**

**ILR10** \_\_\_\_\_

Select One: \_\_\_\_\_ SIC Code: \_\_\_\_\_  
(Commercial, Industrial, Residential, Reconstruction, Transportation, Other)

Type a detailed description of the project:

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**HISTORIC PRESERVATION AND ENDANGERED SPECIES COMPLIANCE**

The following state agencies must be contacted to satisfy applicable requirements for compliance with Illinois law. Indicate if these Agencies have been notified.

IL Historic Preservation Agency: \_\_\_\_\_ Yes \_\_\_\_\_ No <http://www.illinoishistory.gov/PS/rcdocument.htm>

IL Department of Natural Resources: \_\_\_\_\_ Yes \_\_\_\_\_ No <http://dnr.illinois.gov/ecopublic/>

Submit any correspondence, approvals or consultation determinations for this project.

**RECEIVING WATER INFORMATION**

Does your storm water discharge directly to: \_\_\_\_\_ Waters of the State or \_\_\_\_\_ Storm Sewer

Owner of storm water system: \_\_\_\_\_

Name of closest receiving water body to which you discharge: \_\_\_\_\_

I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons which manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a storm water pollution prevention plan and a monitoring plan, will be complied with.

**Owner Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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

Electronic or FAX copies of this form may be submitted to the email address listed address. FAX and/or electronic copies should be followed-up with the submission of an original signature copy as soon as possible.

Mail completed form by certification mail to: Illinois Environmental Protection Agency  
Division of Water Pollution Control.- #15  
Attn: Permit Section  
1021 N. Grand Avenue East, Post Office Box 19276  
Springfield, Illinois 62794-9276

*For Office Use Only:* Log: \_\_\_\_\_ Permit No.: \_\_\_\_\_ Date: \_\_\_\_\_

**INSTRUCTIONS FOR COMPLETION OF CONSTRUCTION ACTIVITY NOTICE OF INTENT (NOI) FORM**

Submit complete NOI and SWPPP electronically to the following email address: [epa.constilr10swppp@illinois.gov](mailto:epa.constilr10swppp@illinois.gov)

Submit the NOI with original signature and fee by certified mail to the following address:

Illinois Environmental Protection Agency  
Division of Water Pollution Control - #15  
Attn: Permit Section  
1021 N. Grand Avenue East, Post Office Box 19276  
Springfield, Illinois 62794-9276

An electronic submittal with digital signature may be filed at the following website address:

<http://dataservices.epa.illinois.gov/SWConstructionPermit/bowLogin.aspx>

**Reports must be typed or printed legibly and signed.**

Any construction site that is not presently covered by the General NPDES Permit for Storm Water Discharges From Construction Site Activities is considered a new construction site.

If this is a change in your construction site information, contractor, etc., please fill in your permit number on the appropriate line. If the change of information affects the fee schedule please submit the appropriate additional fee with this change of information.

**NOTE: CONSTRUCTION SITE LOCATION IS NOT NECESSARILY THE OWNER MAILING ADDRESS, BUT SHOULD DESCRIBE WHERE THE CONSTRUCTION SITE IS LOCATED.**

Use the formats given in the following examples for correct form completion.

	Example	Format
Section	12	1 or 2 numerical digits
Township	12N	1 or 2 numerical digits followed by "N" or "S"
Range	12W	1 or 2 numerical digits followed by "E" or "W"

For the Name of Closest Receiving Waters, DO NOT use terms such as ditch or channel. For unnamed tributaries, use terms which include at least a named main tributary such as "Unnamed Tributary to Sugar Creek to Sangamon River."

Submission of initial fee and an electronic submission of Storm Water Pollution Prevention Plan (SWPPP) for Initial Permit prior to the Notice of Intent being considered complete for coverage by the ILR10 General Permits.

Please make checks payable to Illinois EPA and send to the above address:

Construction sites with less than 5 acres of land disturbance – fee is \$250

Construction site with 5 or more acres of land disturbance – fee is \$750

The following Agencies must be contacted:

IL Historic Preservation Agency - <http://www.illinoishistory.gov/PS/rcdocument.htm>

IL Dept of Natural Resources - <http://dnr.illinois.gov/ecopublic/>

Submit any correspondence, approvals or consultation determinations for this project from the above Agencies.

SWPPP should be submitted electronically to: [epa.constilr10swppp@illinois.gov](mailto:epa.constilr10swppp@illinois.gov). When submitting electronically, use construction site name and City as indicated on NOI form.



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**NOTICE OF TERMINATION (NOT)**  
**OF COVERAGE UNDER THE GENERAL PERMIT**  
**FOR STORM WATER DISCHARGES**  
**ASSOCIATED WITH CONSTRUCTION SITE ACTIVITIES**

Please use the tab or arrow keys

**OWNER INFORMATION**

Owner Name: \_\_\_\_\_

Owner Type: (select one)  Private  City  Federal  County  Special District  State

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

**CONTRACTOR INFORMATION**

Contractor Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

**CONSTRUCTION SITE INFORMATION**

Facility Name: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ IL Zip: \_\_\_\_\_

County: \_\_\_\_\_ NPDES Storm Water General Permit Number.: ILR10 \_\_\_\_\_

Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_  
(Deg) (Min) (Sec) (Deg) (Min) (Sec) Section Township Range

**Date project has been completed and stabilized:** \_\_\_\_\_

I certify under penalty of law that disturbed soils at the identified facility have been finally stabilized or that all storm water discharges associated with industrial activity from the identified facility that are authorized by an NPDES general permit have otherwise been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity by the general permit, and that discharging pollutants in storm water associated with industrial activity to Waters of the State is unlawful under the Environmental Protection Act and the Clean Water Act where the discharge is not authorized by an NPDES permit.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

Mail completed form to: Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Attn: Permit Section  
Post Office Box 19276  
Springfield, Illinois 62794-9276

For Office Use Only

Log:  
Permit No. ILR10 \_\_\_\_\_  
Date:

(Do not submit additional documentation unless requested)

Information required by this form must be provided to comply with 415 ILCS 5/39 (1996). Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

## GUIDELINES FOR COMPLETION OF NOTICE OF TERMINATION (NOT) FORM

Please adhere to the following guidelines:

Submit original, photocopy or facsimile copies. Facsimile and/or photo copies should be followed-up with submission of an original signature copy as soon as possible. Please write "copy" under the "For Office Use Only" box in the lower right hand corner.

Submit completed forms to:

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Permit Section  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-0610

Reports must be typed or printed legibly and signed.

NOTE: FACILITY LOCATION IS NOT NECESSARILY THE FACILITY MAILING ADDRESS, BUT SHOULD DESCRIBE WHERE THE FACILITY IS LOCATED.

Use the formats given in the following examples for correct form completion.

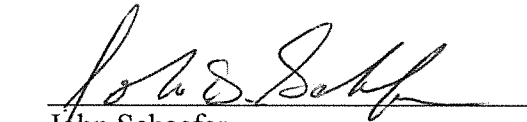
	<u>Example</u>	<u>Format</u>
SECTION	12	1 or 2 numerical digits
TOWNSHIP	12N	1 or 2 numerical digits followed by "N" or "S"
RANGE	12W	1 or 2 numerical digits followed by "E" or "W"

Final stabilization has occurred when:

- (a) all soil disturbing activities at the site have been completed
- (b) a uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures,
- (c) or equivalent permanent stabilization measures have been employed.

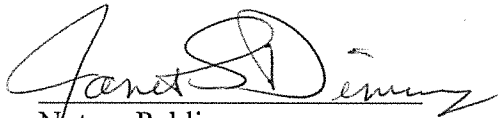
Exhibit 2 - Affidavit

I John Schaefer, 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.

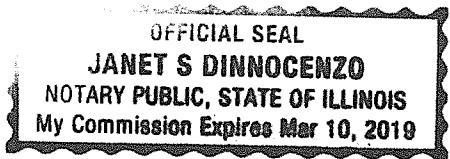
  
John Schaefer  
Director of Public Works  
Village of Homewood

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF COOK        )

I, Janet S. Dinnocenzo, a notary public for the State of Illinois, do hereby certify that John Schaefer, 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: 3/10/2019



AMERICAN OVERSIGHT  
LIBRARY PUBLIC STATE OF ILLINOIS  
My Commission Expires Mar 30, 2018