

**NOTICE OF FILING**

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

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

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

  
Complainant's signature

Street: 2306 Sundrop Drive

City, state, zip code: Glenview, IL. 60026

Date: March 12, 2021

**Affidavit of Service**

I, the undersigned, on oath or affirmation, state that on the date shown below, I served copies of the attached Formal Complaint and Notice of Filing on the respondent at the address listed below by

U.S. Mail or third-party commercial carrier with the recipient's signature recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery.

Attached is the delivery confirmation from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature and showing the date of delivery as March 17 [month/date], 2021.

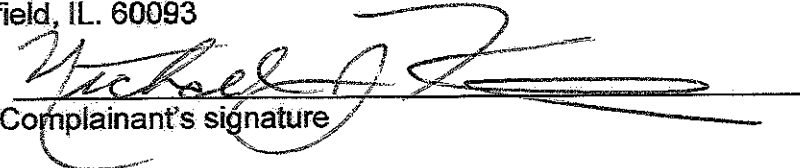
[Attach the signed delivery confirmation showing the date of delivery.]

RESPONDENT'S ADDRESS:

Name: Medline Industries, Inc.

Street: Three Lakes Drive

City, state, zip code: Northfield, IL. 60093

  
Complainant's signature

Street: 2306 Sundrop Drive

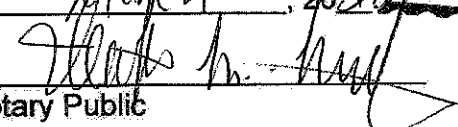
City, state, zip code: Glenview, IL. 60026

Date: March <sup>15~~12~~</sup> 2021

Subscribed to and sworn before me

this 15 day

of March, 2021

  
Notary Public



My commission expires: 3/20/21



March 17, 2021

Dear MICHAEL KORMAN:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9410 8116 9900 0749 5633 81.**

### Item Details

**Status:** Delivered  
**Status Date / Time:** March 16, 2021, 8:12 am  
**Location:** GLENVIEW, IL 60026  
**Postal Product:** Priority Mail®  
**Extra Services:** Signature Confirmation™  
Up to \$50 insurance included  
**Recipient Name:** Medline Industries Inc  
**Actual Recipient Name:** E CALAMINO

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.

### Shipment Details

**Weight:** 8.0oz

### Recipient Signature

Signature of Recipient:	<table border="1"><tr><td>Signature</td><td></td></tr><tr><td>Printed Name</td><td>E CALAMINO</td></tr></table>	Signature		Printed Name	E CALAMINO
Signature					
Printed Name	E CALAMINO				
Address of Recipient:	<table border="1"><tr><td>Delivery Address</td><td>3 LAKES DR. N.F.</td></tr></table>	Delivery Address	3 LAKES DR. N.F.		
Delivery Address	3 LAKES DR. N.F.				

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004

1 **FORMAL COMPLAINT**

2 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

3 MICHAEL J. KORMAN,

4 Complainant,

5 vs.

6 MEDLINE INDUSTRIES, INC.,

7 Respondent

PCB 20 -  
(Citizen's Enforcement – Water)

8 #1 Contact Information (Complainant)

9 Name: Michael J. Korman

10 Street Address: 2306 Sundrop Drive

11 Glenview, IL. 60026-8006

12 County: Cook

13 State: Illinois

14 Phone #: (312) 600-1820

15 #2 Not applicable

16 #3 Name and Address of the Respondent (alleged polluter)

17 Name: Medline Industries, Inc.

18 Street Address: Three Lakes Drive

19 Northfield, IL. 60093

20 County: Cook

21 State: Illinois

22 Phone #: Unknown

23 #4 Describe the type of business or activity that you allege is causing or allowing  
24 pollution (e.g., manufacturing company, home repair shop) and give the address of the  
25 pollution source if different than the address above.

26 Address on the Notice of Intent for NPDES ILR10AZ90 is:

27 Medline Distribution Center, Alleghany Road, Grayslake, IL. 60093

1 Respondent recently completed construction of a 1,400,000 Square foot Distribution  
2 Facility as part of a 641- acre development.

3 #5 List specific sections of the Environmental Protection Act, Board regulations,  
4 Board order, or permit that you allege have been or are being violated.

- 5 a) 35 Illinois Administrative Code, Subtitle C, Chapter 1, Section 309.182 b.1
- 6 i. Under Part IV B.6, Respondent is required to make all completed inspection  
7 forms/reports required under this permit available upon request to the public.
  - 8 ii. Under Part VI A, Respondent has failed to comply with all conditions of this  
9 permit.

10 The following information underpins my complaint:

11 On August 24, 2020, Complainant sent a request letter (**Exhibit A**) to Respondent  
12 seeking access to Storm Water Pollution Prevention Plans, all completed inspection  
13 forms/reports for this project to the Owner, as undersigned on the IEPA Notice of Intent.

14 On or about September 10, 2020, the Complainant received a letter via US Mail from  
15 Respondent (**Exhibit B**) denying my request and recommending that the Complainant file  
16 a Freedom of Information Act request to the IEPA. The Complainant has complied with  
17 this request and received Exhibit D in response, noted below.

18 On September 10, 2020, Complainant filed a complaint (PCB 21-19/C.M. Santos) against  
19 Medline Industries, Inc. related to their NPDES Permit No. ILR10AZ90.

20 On March 04, 2021, the Illinois Pollution Control Board ("Board") dismissed the complaint  
21 as frivolous and closed the docket.

22 On March 04, 2021, Complainant filed a Freedom of Information request (**Exhibit C**) with  
23 the Illinois Environmental Protection Agency ("IEPA") seeking copies of all records  
24 related to NPDES Permit No. ILR10AZ90 that were not already available in the public  
25 record. IEPA responded on March 11, 2021, with eight-plus two cover sheet pages (10  
26 total) in a response email (**Exhibit D**). This responsive FOIA request indicates the  
27 following.  
28

1 Respondent filed with the IEPA Division of Water Pollution Control a Notice of Intent  
2 ("NOI") for General Permit to Discharge Storm Water Associated with Construction Site  
3 Activities application (Form # IL 532 2104 WPC 623, Rev 1/2019) for the construction site  
4 generally known as: Medline Distribution Center – Alleghany Road & Peterson Rd.,  
5 Grayslake, Illinois.

6 Respondent representative signed the NOI in the correct location.

7 Respondent's engineer paid the required fees associated with the permit.

8 IEPA acknowledged receipt of payment on August 14, 2019, and the NOI is marked  
9 'Posted.'

10 IEPA issued NPDES Permit # ILR10AZ90 (**Exhibit E**) to Respondent on August 15,  
11 2019, with Permit coverage initiated on September 17, 2019.

12 Under General NPDES Permit # ILR10 (**Exhibit F**), Respondent is required to  
13 acknowledge the following: In compliance with the provisions of the Illinois  
14 Environmental Protection Act, the Illinois Pollution Control Board Rules and  
15 Regulations (35 Ill. Adm. Code, Subtitle C, Chapter I), and the Clean Water Act, and  
16 the regulations thereunder the following discharges are authorized by this permit per  
17 the conditions and attachments herein.

18 Further, under 35 Illinois Administrative Code, Subtitle C, Chapter 1, Section 309.182:

19 **Authority to Modify, Suspend or Revoke Permits**

- 20 a) Any person, whether or not a party to or participant at any earlier proceeding before  
21 the Agency or the Board, may file a complaint for modification, suspension, or  
22 revocation of an NPDES Permit in accordance with this Section and Part 103.
- 23 b) The Pollution Control Board, after complaint and hearing in accordance with the Act  
24 and its Procedural Rules, may modify, suspend or revoke any NPDES permit in  
25 whole or in part in any manner consistent with the Act, applicable Board regulations,  
26 and federal requirements, upon proof of cause including, but not limited to, the  
27 following:

- 1) Violation of any terms or conditions of the permit (including, but not limited to, schedules of compliance and conditions concerning monitoring, entry and inspection);
- 2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
- 3) A change in any circumstance that mandates either a temporary or permanent reduction or elimination of the permitted discharge.

c) The provisions of this Section shall be included as terms and conditions of each issued NPDES Permit.

---End of Code Citation---

#6 Describe the type of pollution that you allege (e.g., air, odor, noise, water, sewer back-ups, hazardous waste) and the location of the alleged pollution. Be as specific as you reasonably can in describing the alleged pollution.

At this time Complainant is not aware of any pollution at this project site. The location has been identified above. If Complainant is granted access to the records which are required to be made available upon request as noted in NPDES Permit # ILR10AZ90 there may be Clean Water Act violations uncovered. The lack of candor from Respondent for records that many other entities in Illinois have provided Complainant without hassle is troubling. It may indicate a possible lack of transparency by Respondent, Respondent Civil Engineer, Respondent SWPPP Inspector or Respondent General Contractor.

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

The answer to this question is unknown.

1 #8 Describe any bad effects that you believe the alleged pollution has or has had on  
2 human health, on plant or animal life, on the environment, on the enjoyment of life or  
3 property, or on any lawful business or activity.

4 The answer to this question is unknown.

5 #9 Describe the relief that you seek from the Board (e.g., an order requiring that the  
6 respondent stop polluting, take pollution abatement measures, perform a cleanup,  
7 reimburse cleanup costs, change its operation, or pay a civil penalty (note that the Board  
8 cannot order the Respondent to pay your attorney fees or any out-of-pocket expenses  
9 that you incur by pursuing an enforcement action)).

10 As of March 11, 2021 the NPDES Permit No ILR10AZ90 is 'Active' according to the  
11 IEPA. Under 35 Illinois Administrative Code, Subtitle C, Chapter 1, Section 309.182 the  
12 Board may suspend or revoke the permit. Complainant is specifically seeking a  
13 suspension or revocation until Respondent is in full compliance with NPDES Permit #  
14 ILR10AZ90:

- 15 i. Under NPDES Permit # ILR10 Part IV B.6, Respondent is required to make all  
16 completed inspection forms/reports required under this permit available upon  
17 request to the public.
- 18 ii. Under NPDES Permit # ILR10 Part VI A, Respondent has failed to comply with  
19 all conditions of this permit.

20 Further, depending on the results of Complainants review of documents provided by  
21 Respondent under Part IV B.6 it is possible that Complainant will file an additional Formal  
22 Complaint or will seek to amend this complaint.

23 #10 Identify any identical or substantially similar case you know of brought before the  
24 Board or in another forum against this Respondent for the same alleged pollution.

25 Complainant is only aware of Case # PCB 21-19 referenced earlier in this complaint.

26 The Board Order in this case (page 1, para 2) reflected a defect in the case of a missing  
27 IEPA Permit (**Exhibit D**) and Original Request to review records to Respondent (**Exhibit**  
28 **A**).



#11 State whether you are representing (a) yourself as an individual or (b) your unincorporated sole proprietorship. Also, state whether you are an attorney and, if so, whether you are licensed and registered to practice law in Illinois. (Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. Also, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, an individual who is not an attorney is allowed to represent (a) himself or herself as an individual or (b) his or her unincorporated sole proprietorship, though the individual may prefer having attorney representation.)

Complainant is representing himself as an individual.

Complainant is NOT an Attorney

#12

Michael J. Korman  
(Complainant's Signature)

Dated this 12<sup>th</sup> day of March 2021.

15<sup>th</sup> 15

CERTIFICATION

I, Michael J. Korman, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

Michael J. Korman  
(Complainant's signature)

Subscribed to and sworn before me

this 15 day

of March, 2021.



Ivette M. Martinez

Notary Public

My commission expires:

3/20/21

Michael J. Korman  
SWPPPAudit.com  
13 N. Genesee Street  
Waukegan, IL. 60085  
(312) 600-1820

August 24, 2020

Medline Industries  
VP Kate Slattery  
Three Lakes Drive  
Northfield, IL. 60093-2753

Dear Ms. Slattery,

According to the Illinois Environmental Protection Agency ("IEPA") you are operating a construction project which is covered under an Approved General NPDES Permit No. ILR10AZ90 for the project identified as Construct Building located at ALLEGHANY RD in GRAYSLAKE, ILLINOIS.

In accordance with the ILR10 permit under which this permit is operating and as noted in Part IV B.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."**

I am seeking to invoke this portion of the ILR10 permit for the project as noted in paragraph number 1 above and as identified as Permit No. ILR10AZ90.

I am seeking to visit the project site upon your invitation to do so to review Inspection Reports (Part IV D.4.d): "All Inspection reports shall be retained at the construction site." I am also seeking to review all Contractor Certification Statements (Part IV F 1 & 2). I am also seeking to confirm that Part VI Standard Permit Conditions with a focus on G1 and G.2.d (Certification) are onsite.

I may also seek to review the updated SWPPP documentation on site to reflect changes made since construction commenced and which may differ from the documents posted on the IEPA Notice of Intent database upon Notice of Intent submission.

In the alternative, you may use the second page of this letter as a checklist of documents that I will accept in lieu of a site visit which can be mailed, faxed or emailed at your discretion. I am mindful of the issues around Coronavirus and desire to be respectful of your on-site teams.

With respect intended, if I do not receive a response to this letter I may follow up with an Informal or Formal Complaint with the Illinois Pollution Control Board ([pcb.illinois.gov](http://pcb.illinois.gov)). I have shared a copy of this letter with the IEPA Division of Legal Counsel along with the list of 48 other projects on which I am seeking identical records.

Respectfully submitted,

  
Michael J. Korman



Medline Industries, Inc.  
Three Lakes Drive, Northfield, IL 60093

September 8, 2020

Mr. Michael Korman  
SWPPPAudit.com  
13 N. Genesee Street  
Waukegan, IL 60085

Dear Mr. Korman,

Medline is in receipt of your letter dated August 24, 2020. Please be assured that the construction of our new facility at Alleghany Road in Grayslake is being conducted with the full compliance of our storm water management obligations, particularly as they relate to our NPDES Permit under ILR10.

As some of the information you are seeking may be deemed confidential in accordance with 40 CFR Part 2 (as you mention in your letter), Medline will not forward any reports to you directly. Should you wish, I encourage you to reach out to the IEPA directly where you can submit the necessary FOIA requests for the information you are seeking, as that is the proper procedure for your review of any public information.

Additionally, Medline will not permit a visit to our construction site. The procedures for making such site visits are explicitly defined and limited to the "IEPA or authorized representative upon presentation of credentials and other documents," with whom we coordinate regularly.

Regards,

*Kate Slattery*

**Kate Slattery**  
R. Vice President  
Design and Construction  
Medline Industries, Inc.  
Three Lakes Drive | Northfield, IL 60093  
kslattery@medline.com  
[www.medline.com](http://www.medline.com)



# Illinois EPA FOIA Request Received - Michael Korman

1 message

epa.foia@illinois.gov <epa.foia@illinois.gov>  
To: mike.korman@kormanllc.com

Thu, Mar 4, 2021 at 5:25 PM



## Illinois Environmental Protection Agency

### FOIA Request Received

Thursday, March 04, 2021

Mr. Michael Korman  
Korman LLC  
13 N. Genesee Street  
Waukegan, IL 60085

Requester Type: Consultant

Dear Michael Korman,

We have received your request for information under the Illinois Freedom of Information Act. Listed below is a summary of what we received in your online request.

**Please do not reply to this email. If you have questions about your request please call (217) 558-5101.**

#### Request Summary

<b>Received</b>	3/4/2021 5:25:27 PM
<b>Reference Id(s)</b>	ILR10AZ90
<b>Date Range</b>	03/04/2021 - 03/04/2021
<b>Request Narrative</b>	I already have access to and have reviewed the SWPPP which is

Electronic Filing: posted on the IEPA Legacy Database. Please do not duplicate this  
Received: Clerk's Office 03/17/2021 \*\*RGB 2021-077A\*

I am also seeking copies of any files that are NOT already available on the IEPA Legacy Database. Specifically, I am seeking the following: 1) SWPPP Page 1 (or page 3 in PDF): Contractor Operator and/or Responsible Authority 2) SWPPP Page 15 (PDF): Owner's Certification 3) SWPPP Page 17 (PDF): Contractor's Certification 4) SWPPP Erosion Control Notes: All Inspection Reports submitted to IEPA My expectation is that you will NOT have Signed/Completed Items 1 thru 4 above. Please do not send me blank versions of these documents, I already have these blank documents. These would ordinarily be kept at the Project Site or with the SWPPP Documentation which is required to be kept for 3 years from work completion or filing of NoT. That said, I am seeking to double-check my information. Respectfully submitted, Mike Korman

© 2015 Illinois EPA

Exhibit C: Complainant Freedom of Information Act request to IEPA seeking records (dtd 09/08/2020)  
Page 2 of 2



# Illinois EPA FOIA Response

1 message

Gac, Isabelle <Isabelle.Gac@illinois.gov>  
To: "mike.korman@kormanllc.com" <mike.korman@kormanllc.com>

Thu, Mar 11, 2021 at 1:19 PM



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 · (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

March 11, 2021

Korman LLC

Attn: Mr. Michael Korman

13 N. Genesee Street

Waukegan, IL 60085

Re: Freedom of Information Act Request - 115935

Dear Mr. Korman:

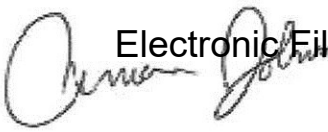
This letter is in response to your Freedom of Information Act (FOIA) (5 ILCS 140/1 et seq.) request dated March 4, 2021 and received by the Illinois Environmental Protection Agency (Illinois EPA) on March 4, 2021.

The information responsive to your request is attached.

**Requested Information**

Medline Distribution Center – Alleghany Rd & Peterson Rd, Grayslake

Sincerely,



Anwar Johnson

Illinois EPA FOIA Officer

217.558.5101

<http://www.epa.illinois.gov/foia/index>

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

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 **ILR10AZ90 Scanned from paper.pdf**  
303K



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

217/782-0610

9/17/2019

MEDLINE INDUSTRIES INC  
KATE SLATTERY  
THREE LAKES DR  
NORTHFIELD, IL 60093

RE: FACILITY : MEDLINE DISTRIBUTION CENTER, GRAYSLAKE, IL  
COUNTY : LAKE, NPDES Permit No : ILR10AZ90  
Notice of Coverage Under Construction Site Activity Storm Water General Permit

Dear NPDES Permittee:

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

As a Permit Holder, it is your responsibility to:

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

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

Very truly yours,

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

CC : Records Unit, McHenry -Lake County SWCD, Region : DesPlaines

IEPA-DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

MAR 05 2021

REVIEWER: SAB

4302 N. Main St., Rockford, IL 61103 (815)987-7760  
395 S. State, Elgin, IL 60120 (847)608-6131  
2125 S. First St., Champaign, IL 61820 (217)278-6800  
2009 Mall St., Collinsville, IL 62234 (618)346-6120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000  
8407 N. University St., Arden Hills, Peoria, IL 61614 (309)695-8462  
2309 W. Main St., Suite 114, Marion, IL 62959 (618)995-7200  
100 W. Randolph, Suite 11-500, Chicago, IL 60601 (312)814-6026

PLEASE PRINT ON RECYCLED PAPER

Exhibit D: IEPA response to Complainant FOIA request (Exhibit C) (03/11/2021)  
Page 4 of 10





# Illinois Environmental Protection Agency

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

✓ # 1649

## Division of Water Pollution Control Notice of Intent (NOI) for General Permit to Discharge Storm Water Associated with Construction Site Activities

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Permit Section at the above address.

For Office Use Only

Permit No. ILR10

AZ90

### OWNER INFORMATION

Company/Owner Name: Medline Industries, Inc.

Mailing Address: Three Lakes Drive

Phone: (847) 643-4397

City: Northfield

State: IL

Zip: 60093

Fax: \_\_\_\_\_

Contact Person: Kate Slattery

E-mail: kslattery@medline.com

Owner Type (select one) Private

MS4 Community:  Yes  No

### CONTRACTOR INFORMATION

Contractor Name: TBD

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

Phone: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Fax: \_\_\_\_\_

### CONSTRUCTION SITE INFORMATION

Select One:  New  Change of information for: ILR10 \_\_\_\_\_

Project Name: Medline Distribution Center

County: Lake

Street Address: Alleghany Rd & Peterson Rd

City: Grayslake

IL

Zip: 600

Latitude: 42

18

24.4

Longitude: 88

3

1.6

1U

44N

1UE

(Deg)

(Min)

(Sec)

(Deg)

(Min)

(Sec)

Section

Township

Range

Approximate Construction Start Date 11/1/2019

Approximate Construction End Date 2/28/2021

Total size of construction site in acres: 82.92

If less than 1 acre, is the site part of a larger common plan of development?

Yes  No

Fee Schedule for Construction Sites:

Less than 5 acres - \$250

5 or more acres - \$750

### STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

Has the SWPPP been submitted to the Agency?  Yes  No

(Submit SWPPP electronically to: )

Location of SWPPP for viewing: Address: 1001 Warrenville Road

City: Lisle

SWPPP contact information:

Contact Name: Lesley Netzer

Inspector qualifications:

P.E.

Phone: 630-487-5555

Fax: \_\_\_\_\_

E-mail: lesley.netzer@kimley-horn.com

Project inspector, if different from above

Inspector qualifications:

Inspector's Name: TBD

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

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

**TYPE OF CONSTRUCTION (select one)**

Construction Type Commercial

SIC Code: 5047

Type a detailed description of the project:

Construction of a 1,400,000 SF distribution center. The current site is a farmed field.



**HISTORIC PRESERVATION AND ENDANGERED SPECIES COMPLIANCE**

Has the project been submitted to the following state agencies to satisfy applicable requirements for compliance with Illinois law on:

Historic Preservation Agency  Yes  No

Endangered Species  Yes  No

**RECEIVING WATER INFORMATION**

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

Owner of storm sewer system: Village of Grayslake

Name of closest receiving water body to which you discharge: Mill Creek

Mail completed form to: Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Attn: Permit Section Post Office Box  
19276 Springfield, Illinois 62794-9276  
or call (217) 782-0610  
FAX: (217) 782-9891

Or submit electronically to:

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 who 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 program plan, will be complied with.

*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))*

Kate Slattery  
Owner Signature:

08.13.19  
Date:

Kate Slattery  
Printed Name:

Area Vice President, Operations  
Title:

# Kimley»Horn

## Transmittal

Date: August 14, 2019 Job Number: 168678003

Project Name: Medline Distribution Center

To: IEPA – Division of Water Pollution Control – Attn: Permit Section  
1021 North Grand Avenue East  
Springfield, IL 62794  
Ph: (217) 782-0610

We are sending these by

U.S. Mail                       FedEx                       Other

We are sending you

Attached                       Under separate cover via \_\_\_\_\_ the following items:

Copies	Date	No.	Description
1	8/13/19		Signed NOI Application
1	7/25/19	1649	Check for \$750

Please contact me with any questions (630-487-5555 or [lesley.netzer@kimley-horn.com](mailto:lesley.netzer@kimley-horn.com)).  
Thank you!

Signed Lesley Netzer

IEPA-DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

MAR 05 2021

REVIEWER: SAB



# Illinois Environmental Protection Agency

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

## Division of Water Pollution Control Notice of Intent (NOI) for General Permit to Discharge Storm Water Associated with Construction Site Activities

8/14/19

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Permit Section at the above address.

For Office Use Only

### OWNER INFORMATION

Company/Owner Name: Medline Industries, Inc.

Permit No. ILR10 AZ90

Mailing Address: Three Lakes Drive

Phone: (847) 643-4397

City: Northfield State: IL Zip: 60093

Fax: \_\_\_\_\_

Contact Person: Kate Slattery

E-mail: kslattery@medline.com

Owner Type (select one) Private

MS4 Community:  Yes  No

### CONTRACTOR INFORMATION

Contractor Name: TBD

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

Phone: \_\_\_\_\_

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

Fax: \_\_\_\_\_

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### CONSTRUCTION SITE INFORMATION

Select One:  New  Change of information for: ILR10 \_\_\_\_\_

Project Name: Medline Distribution Center

County: Lake

Street Address: Alleghany Rd & Peterson Rd City: Grayslake IL Zip: 600

Latitude: 42 18 24.4 Longitude: 88 3 1.6 10 44N 10E  
(Deg) (Min) (Sec) (Deg) (Min) (Sec) Section Township Range

Approximate Construction Start Date 11/1/2019 Approximate Construction End Date 2/28/2021

Total size of construction site in acres: 82.92

If less than 1 acre, is the site part of a larger common plan of development?

Yes  No

Fee Schedule for Construction Sites:  
Less than 5 acres - \$250  
5 or more acres - \$750

### STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

Has the SWPPP been submitted to the Agency?  Yes  No

(Submit SWPPP electronically to: )

Location of SWPPP for viewing: Address: 1001 Warrenville Road

City: Lisle

SWPPP contact information:

Contact Name: Lesley Netzer

Inspector qualifications:

P.E.

Phone: 630-487-5555

Fax: \_\_\_\_\_

E-mail: lesley.netzer@kimley-horn.com

Project inspector, if different from above

Inspector qualifications:

Inspector's Name: TBD

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

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

**TYPE OF CONSTRUCTION (select one)**

Construction Type Commercial

SIC Code: 5047

Type a detailed description of the project:

Construction of a 1,400,000 SF distribution center. The current site is a farmed field.

**HISTORIC PRESERVATION AND ENDANGERED SPECIES COMPLIANCE**

Has the project been submitted to the following state agencies to satisfy applicable requirements for compliance with Illinois law on:

Historic Preservation Agency  Yes  No

Endangered Species  Yes  No

**RECEIVING WATER INFORMATION**

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

Owner of storm sewer system: Village of Grayslake

Name of closest receiving water body to which you discharge: Mill Creek

Mail completed form to: Illinois Environmental Protection Agency  
Division of Water Pollution Control

Attn: Permit Section Post Office Box  
19276 Springfield, Illinois 62794-9276  
or call (217) 782-0610  
FAX: (217) 782-9891

Or submit electronically to:

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 who 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 program plan, will be complied with.

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))

Kate Slattery  
Owner Signature:

08.13.19  
Date:

Kate Slattery  
Printed Name:

Area Vice President, Operations  
Title:

**Parrott, Melissa**

---

**From:** Pelrine, Steven <Steven.Pelrine@kimley-horn.com>  
**Sent:** Wednesday, August 14, 2019 9:54 AM  
**To:** EPA.Constlr10swppp  
**Cc:** Netzer, Lesley  
**Subject:** [External] NOI for Medline Distribution Center in Grayslake  
**Attachments:** Medline Grayslake NOI-Signed.pdf; Medline Grayslake SWPPP.pdf

To whom it may concern,

Please find attached a completed and signed NOI and SWPPP for a proposed distribution center in Grayslake, IL. A signed original application and check for \$750 will be delivered via FedEx tomorrow.

Thank you,

Steve

**Steve Pelrine**  
**Kimley-Horn** | 1001 Warrenville Road, Suite 350, Lisle, IL 60532  
Direct: 331-481-7328 | [www.kimley-horn.com](http://www.kimley-horn.com)

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Exhibit D: IEPA response to Complainant FOIA request (Exhibit C) (03/11/2021)  
Page 10 of 10

# Storm Water Notices of Intent for Construction

Storm Water NOI Home | [Quick Search](#) | [Advanced Search](#)

[Print View](#)

\*Screen Tip: NPDES Permit Number is assigned by the Agency. If the value is empty then it has not been assigned yet. **The data represented on this page is displayed as it was entered. Some values may be missing if they were not entered properly on the original NOI form. Contact the Agency using the Contact Us link for questions and how to get your information updated.**

NPDES Number	ILR10AZ90
Owner Name	MEDLINE INDUSTRIES INC
Owner Address	THREE LAKES DR
Owner Address 2	
Owner City	NORTHFIELD
Owner State	IL
Owner Zip	60093
Owner Title	Representative/Owner
Contact Person	KATE SLATTERY
Owner Area Code	847
Owner Phone Number	643-4397
Contractor Name	
Contractor Address	
Contractor Address 2	
Contractor_Email_Address	

Contractor State	
Contractor Zip	
Contractor Area Code	
Contractor Phone Number	
Contractor Extension	
Facility Name	MEDLINE DISTRIBUTION CENTER
Facility Address	ALLEGHANY RD
Facility Address2	
Facility City	GRAYSLAKE
Facility State	IL
Facility Zip	60093
Permit Status	Approved
SWPPP Complete	<input checked="" type="checkbox"/>
Historic Preservation	<input checked="" type="checkbox"/>
Endangered Species	<input checked="" type="checkbox"/>
Approved Date	
Permit Issue Date	
NOI Submitted Date	08-15-2019
Permit Coverage Date	09-17-2019
Permit Termination Date	
Stabilization Date	



Revision Letter Date	Electronic Filing: Received, Clerk's Office 03/17/2021 **PCB 2021-077**
NOI Received Date	08-14-2019
Water Discharge Name	Storm Sewer
Storm Sewer Owner	GRAYSLAKE
Closest Receiving Water	MILL CREEK
Brief Description	CONSTRUCT BUILDING
Owner Type	Private
Construction Site Size	82.9200
Latitude Degrees	41.529167
Longitude Degrees	-88.068333
Sic	
Section	9
Township	43N
Facility Range	12E
Fips	097
County	LAKE
Region	DesPlaines
Construction Start Date	11-01-2019
Construction End Date	02-28-2021

Contact Us

**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, 2023

Issue Date: August 3, 2018

Effective Date: August 3, 2018

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



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

**Part I. COVERAGE UNDER THIS PERMIT**

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

## NPDES Permit No. ILR10

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

## C. Authorization.

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

## Part II. NOTICE OF INTENT REQUIREMENTS

## A. Deadlines for Notification.

1. To receive authorization under this general permit, a discharger must submit a completed Notice of Intent (NOI) in accordance with Part VI.G (Signatory Requirements) and the requirements of this Part in sufficient time to allow a 30 day review period after the receipt of the NOI by the Agency and prior to the start of construction. The completed NOI may be submitted electronically to the following email address: [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 United States without an NPDES permit are in violation of the Environmental Protection Act and Clean Water Act.

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

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

## NPDES Permit No. ILR10

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

**D. Where to Submit.**

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

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

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

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

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

2. Submit complete signed NOI and SWPPP to the following email address: [epa\\_constilr10swppp@illinois.gov](mailto:epa_constilr10swppp@illinois.gov). Submit a copy of the signed NOI and appropriate fee by registered or certified mail, return receipt requested, to the Agency at the address above. NOIs and fees that are hand delivered shall be delivered to and receipted for by an authorized person employed in the Permit Section of the Agency's Division of Water Pollution Control.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The plan shall:

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

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

## NPDES Permit No. ILR10

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

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

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

g. **Other Controls.**

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

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

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

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

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

i. **Approved State or Local Plans.**

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

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

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

3. **Maintenance.**

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



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

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

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

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

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

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

**F. Contractors.**

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

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

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

**Part V. RETENTION OF RECORDS**

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

**Part VI. STANDARD PERMIT CONDITIONS**

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

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

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

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- 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 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.

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

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

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

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

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

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

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

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

**"NOT"** means notice of termination of coverage by this permit (See Part II of this permit.)

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

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

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

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

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (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;

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

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

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