



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829  
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217-782-0610

February 26, 2009

Re: MS4 Storm Water General NPDES Permit ILR40

Dear Permittee:

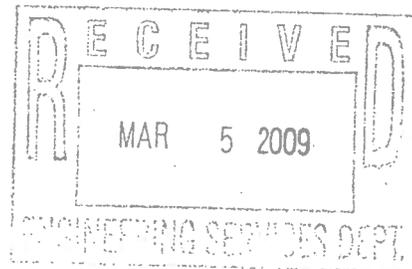
Enclosed with this letter is your reissued NPDES General Storm Water Permit ILR40 for discharges from small municipal separate storm sewer systems. Significant changes have been made in the permit based on comments received by the Agency and USEPA's memorandum of March 5, 2007 (enclosed). Please note the following changes:

1. The reissued permit requires consideration by permittees of incorporation of green infrastructure concepts into their storm water program. Enclosed with this permit is the above memo and USEPA's Green Infrastructure Statement of Intent.
2. The Agency now requires, for purposes of public notification and participation, that Notices of Intent (NOI) for your construction site projects be submitted to the Agency electronically and be placed on the permittee's website. Your projects are still automatically covered under the construction site activity general permit ILR10 pursuant to this permit.
3. The Agency has also developed e-mail addresses for the electronic submission your Notice of Intent and annual reports. See Parts I and V(C) (6) for these addresses.

Should you have any questions or comments regarding this letter or its contents please contact Terri LeMasters at the above phone number and address.

Sincerely,

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







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 5 2007

OFFICE OF  
WATER

**MEMORANDUM**

**SUBJECT:** Using Green Infrastructure to Protect Water Quality in Stormwater, CSO, Nonpoint Source and other Water Programs

**FROM:** Benjamin H. Grumbles  
Assistant Administrator

A handwritten signature in black ink, appearing to read "B. H. Grumbles", written over the printed name and title.

**TO:** EPA Regional Administrators

Green infrastructure can be both a cost effective and an environmentally preferable approach to reduce stormwater and other excess flows entering combined or separate sewer systems in combination with, or in lieu of, centralized hard infrastructure solutions. EPA Water Programs are in a pivotal position to exert leadership in the consistent and reliable implementation of green infrastructure approaches. This memo is to highlight opportunities for the Regions, States, and Headquarters efforts to increase the development and use of green infrastructure in water program implementation.

Several cities, searching for alternatives to traditional hardscape solutions to wet weather discharge problems, have initiated some green infrastructure approaches. The Natural Resources Defense Council (NRDC) has recently published a document with information and case studies on these efforts. I strongly support the use of green infrastructure approaches described in the NRDC report and I suggest you share the report with States and promote other tools for green infrastructure. *Rooftops to Rivers: Green strategies for controlling stormwater and combined sewer overflows* (NRDC, June 2006) is available at:  
<http://www.nrdc.org/water/pollution/rooftops/contents.asp>

Green infrastructure approaches essentially infiltrate, evapotranspire or reuse stormwater, with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures. Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains. Green infrastructure can be used where soil and vegetation can be worked into the landscape. It is most effective when supplemented with other decentralized storage and infiltration approaches, such as the use of permeable pavement, and rain barrels and cisterns to capture and re-use rainfall for watering plants or flushing toilets. These approaches can be used to keep rainwater out of the sewer system to reduce sewer overflows and to reduce the amount of untreated stormwater discharging to surface waters. Green infrastructure

facilitates or mimics natural processes that also recharge groundwater, preserve baseflows, moderate temperature impacts, and protect hydrologic and hydraulic stability.

Green infrastructure has a number of benefits:

- **Cleaner Water** – Vegetation and green space reduce the amount of stormwater runoff and, in combined systems, the volume of combined sewer overflows.
- **Enhanced Water Supplies** – Most green infiltration approaches result in stormwater percolation through the soil to recharge the groundwater and the base flow for streams.
- **Cleaner Air** – Trees and vegetation improve air quality by filtering many airborne pollutants and can help reduce the amount of respiratory illness.
- **Reduced Urban Temperatures** – Summer city temperatures can average 10°F higher than nearby suburban temperatures. High temperatures are linked to higher ground level ozone concentrations. Vegetation creates shade, reduces the amount of heat absorbing materials and emits water vapor – all of which cool hot air.
- **Increased Energy Efficiency** – Green space helps lower ambient temperatures and helps shade and insulate buildings, decreasing energy needed for heating and cooling.
- **Community Benefits** – Trees and plants improve urban aesthetics and community livability by providing recreational and wildlife areas and can raise property values.
- **Cost Savings** - Green infrastructure may save capital costs on digging big tunnels and stormwater ponds, operations and maintenance expenses for treatment plants, pipes, and other hard infrastructure; energy costs for pumping water; and costs of wet weather treatment and of repairing stormwater and sewage pollution impacts, such as streambank restoration.

The Office of Water is working with a coalition of organizations, including the Natural Resources Defense Council, the National Association of Clean Water Agencies, and the Low Impact Development Center, to develop additional strategies for green infrastructure approaches to water quality challenges. As those strategies take shape, we will send you additional tools and information on implementing green infrastructure in our water programs.

I am pleased that EPA Regions and States are looking for opportunities to incorporate green infrastructure. We would be very interested in hearing about your efforts, and to the extent they can be applied elsewhere, assist in disseminating information and tools. If you have any questions, please contact me or have your staff call Jenny Molloy at (202) 564-1939 with any questions, comments, ideas or information on green infrastructure approaches.

cc: Water Division Directors  
OW Office Directors

# **Green Infrastructure Statement of Intent**

U.S. Environmental Protection Agency (EPA)  
and  
National Association of Clean Water Agencies (NACWA)  
Natural Resources Defense Council (NRDC)  
Low Impact Development Center (LID)  
Association of State and Interstate Water Pollution Control Administrators  
(ASIWPCA)

April 19, 2007

## **Introduction**

This Statement of Intent is entered into and between the U.S. Environmental Protection Agency (EPA) and the following organizations in recognition of the Statement of Support for Green Infrastructure (attached) and the efforts of all supporting organizations thereto: National Association of Clean Water Agencies, Washington, DC; Natural Resources Defense Council, Washington, DC; the Low Impact Development Center, Beltsville, MD; and the Association of State and Interstate Water Pollution Control Administrators, Washington, DC.

## **Purpose**

The purpose of this Statement is to formalize a collaborative effort among the signatory organizations in order to promote the benefits of using green infrastructure in protecting drinking water supplies and public health, mitigating overflows from combined and separate sewers and reducing stormwater pollution, and to encourage the use of green infrastructure by cities and wastewater treatment plants as a prominent component of their Combined and Separate Sewer Overflow (CSO & SSO) and municipal stormwater (MS4) programs. The Statement is intended to describe and facilitate cooperation, collaboration, coordination, and effective communication among the signatory organizations. We encourage other organizations that support green infrastructure to join us in this initiative.

## **Background**

Many communities in the United States are looking for ways to reduce overflows from sewer systems and stormwater discharges. Overflows occur when separate sewage and/or combined sewage and stormwater pipes overflow due to rainfall, other wet

weather events, or system deterioration. In the late 20th century, most cities that attempted to reduce sewer overflows did so by separating combined sewers, expanding treatment capacity or storage within the sewer system, or by replacing broken or decaying pipes. More recently, a number of cities and utilities have recognized that sewer overflows can also be reduced effectively by diverting stormwater from the sewer system and directing it to areas where it can be infiltrated, evapotranspired or re-used. These approaches are often referred to as “green infrastructure” because soil and vegetation are used instead of, or in addition to, pipes, pumps, storage tunnels, and other “hard infrastructure” that is traditionally used to store and treat the combined sewage and stormwater. Green infrastructure can also be used to reduce stormwater discharges and help to restore the natural hydrology, water quality and habitat of urban and suburban watersheds.

Green infrastructure approaches currently in use include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains. Green infrastructure can be used almost anywhere where soil and vegetation can be worked into the urban or suburban landscape. Green infrastructure is most effective when supplemented with other decentralized storage and infiltration approaches, such as the use of permeable pavement and rain barrels and cisterns to capture and re-use rainfall for watering plants or flushing toilets. These approaches can be used to keep rainwater out of the sewer system so that it does not contribute to a sewer overflow and also to reduce the amount of untreated stormwater discharging to surface waters. Green infrastructure also allows stormwater to be absorbed and cleansed by soil and vegetation and either re-used or allowed to flow back into groundwater or surface water resources.

### **Objectives**

The objectives of this Statement are to:

- Affirm the belief by the signatory organizations in the value of green infrastructure as both a cost effective and an environmentally preferable approach to reduce stormwater and other excess flows entering combined or separate sewer systems in combination with, or in lieu of, centralized hard infrastructure solutions;
- Establish a framework for working together to advance an understanding of green infrastructure as a tool for reducing overflows from sewer systems and stormwater discharges and to encourage and promote their wider application;
- Identify partnership opportunities between the signatory organizations; and
- Develop strategies to promote the use of green infrastructure by cities and utilities as an effective and feasible means of reducing stormwater pollution and sewer overflows such as:

- Developing models for all components of green infrastructure and make them available nationwide.
- Exploring opportunities and incentives for the use of green infrastructure provisions in MS4 permits and CSO Long Term Control Plans (LTCPs), including as a component of injunctive relief provisions of enforcement actions;
- Developing memoranda and guidance materials, including language for the NPDES permit writer's manual, that would explain how regulatory and enforcement officials should evaluate and provide appropriate credit for the use of green infrastructure in meeting Clean Water Act requirements;
- Recognizing the most effective and innovative uses of green infrastructure to meet Clean Water Act goals through EPA awards or recognition programs;
- Providing technical assistance, training, and outreach to potential users of green infrastructure, including states, cities, counties, utilities, environmental and public health agencies, engineers, architects, landscape architects, planners and nongovernmental organizations;
- Establishing a web-based green infrastructure resource center at EPA to assist communities in complying with requirements for combined sewer overflows and municipal stormwater permits and evaluating the multiple environmental benefits that green infrastructure can provide; and
- Developing tools to assist local green infrastructure programs with outreach, training, model development and application, planning and design, monitoring, and plan review.

**Recognition:** The signatory organizations intend to develop strategies to identify, encourage, and recognize innovative and effective use of green infrastructure.

**Communication:** The signatory organizations intend to communicate widely about this Statement with their constituencies and encourage them to focus increased attention to green infrastructure development.

**Note:** All actions that EPA may take in furtherance of this statement are subject to the availability of appropriated funds and the parties to this agreement will not submit a claim to EPA for compensation solely on the basis of this agreement. In signing this statement, none of the organizations listed above, including EPA, are obligating funds nor making any commitment to provide funding to any organization or individuals in the future. Further, EPA cannot endorse the sale or purchase of products or services developed by the participating organizations. This Statement does not create any right or benefit, substantive or procedural, enforceable by law or in equity against the other Signatory organizations or EPA, their officers or employees, or any other

person. This Statement does not apply to any person outside of the other Signatory Organizations and EPA. Nothing in this Statement of Intent creates an exception to EPA policies on competition for assistance agreements or procurement contracts.

\_\_\_\_\_  
STEPHEN L. JOHNSON  
Administrator  
U.S. Environmental Protection Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
DICK CHAMPION  
National Association of Clean Water Agencies

\_\_\_\_\_  
Date

\_\_\_\_\_  
NANCY STONER  
Natural Resources Defense Council

\_\_\_\_\_  
Date

\_\_\_\_\_  
NEIL WEINSTEIN  
Low Impact Development Center

\_\_\_\_\_  
Date

\_\_\_\_\_  
DANA AUNKST  
Association of State and Interstate  
Water Pollution Control Administrators

\_\_\_\_\_  
Date

**General NPDES Permit No. ILR40**

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

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

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

**Expiration Date: March 31, 2014**

**Issue Date: February 20, 2009**

**Effective Date: April 1, 2009**

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

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

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

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



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

CONTENTS OF THIS GENERAL PERMIT

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PART I. COVERAGE UNDER THIS PERMIT

A. Permit Area

This permit covers all areas of the State of Illinois.

B. Eligibility

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

C. Limitations on Coverage

The following discharges are not authorized by this permit:

## General NPDES Permit No. ILR40

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

## D. Obtaining Authorization

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

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

**PART II. NOTICE OF INTENT REQUIREMENTS**

## A. Deadlines for Notification

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

## B. Contents of Notice of Intent

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

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

## General NPDES Permit No. ILR40

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

[epa.ms4noipermit@illinois.gov](mailto:epa.ms4noipermit@illinois.gov)

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

D. Shared Responsibilities

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

**PART III. SPECIAL CONDITIONS**

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

## General NPDES Permit No. ILR40

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

**PART IV. STORM WATER MANAGEMENT PROGRAMS****A. Requirements**

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

**B. Minimum Control Measures**

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

1. Public education and outreach on storm water impacts

The permittee must:

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

## 2. Public Involvement/Participation

The permittee must:

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

## 3. Illicit discharge detection and elimination

The permittee must:

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

## 4. Construction site storm water runoff control

The permittee must:

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

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

## General NPDES Permit No. ILR40

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

The permittee must:

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

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

The permittee must:

- a. develop and implement an operation and maintenance program that includes a training component and is designed to prevent and reduce the discharge of pollutants to the maximum extent practicable;
- b. using training materials that are available from EPA, the state of Illinois, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, operation of storage yards, snow disposal, new construction and land disturbances, and storm water system maintenance procedures for proper disposal of street cleaning debris and catch basin material, address ways that flood management projects impact water quality, non-point source pollution control, green infrastructure controls, and aquatic habitat; and
- c. define appropriate BMPs for this minimum control measure and measurable goals for each BMP. These measurable

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

**C. Qualifying State, County, or Local Program**

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

**D. Sharing Responsibility**

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

**E. Reviewing and Updating Storm Water Management Programs**

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

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

#### **PART V. MONITORING, RECORDKEEPING AND REPORTING**

##### **A. Monitoring**

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

##### **B. Recordkeeping**

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

##### **C. Reporting**

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

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

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

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

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

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

**BMP** is an acronym for "Best Management Practices."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Permitting Authority** means the Illinois EPA.

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

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

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

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

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

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

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

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

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

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**Attachment H  
Standard Conditions  
Definitions**

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

**Agency** means the Illinois Environmental Protection Agency.

**Board** means the Illinois Pollution Control Board.

**Clean Water Act** (formerly referred to as the Federal Water Pollution Control Act) means Pub. L. 85-623, 33 U.S.C. 1251 et seq.

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

**EPA** means the United States Environmental Protection Agency.

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

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

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

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

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

**Composite Sample** means a sample of specified volume used to make up a total composite sample.

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

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

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

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

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

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

**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.

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

- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.
- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to:
  - (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) **Monitoring and records.**
  - (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
  - (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. This period may be extended by request of the Agency at any time.
  - (c) Records of monitoring information shall include:
    - (1) The date, exact place, and time of sampling or measurements;
    - (2) The individual(s) who performed the sampling or measurements;
    - (3) The date(s) analyses were performed;
    - (4) The individual(s) who performed the analyses;
    - (5) The analytical techniques or methods used; and
    - (6) The results of such analyses.
  - (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
  - (a) **Application.** All permit applications shall be signed as follows:
    - (1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation;
    - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

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

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

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

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

## 12) Reporting requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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