KANE COUNTY STORMWATER MANAGEMENT PROGRAM PLAN (SMPP)

NPDES Phase II – General Permit ILR40

Kane County Division of

Environmental & Water Resources

Updated May 2018

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Section 1 —
Overview of the Stormwater Management Program Plan

1.1 Introduction

This Stormwater Management Program Plan (SMPP) was developed by Kane County to document the County's program for implementing the requirements of the U.S. Environmental Protection Agency (USEPA) under the National Pollutant Discharge Elimination System (NPDES) Phase II regulations. Federal regulations require that all Municipal Separate Storm Sewer Systems (MS4s), partially or fully in urbanized areas obtain Phase II stormwater permits for their discharges into receiving waters. Kane County is considered an MS4 within these regulations.

The SMPP describes the program, procedures and practices that have been developed and implemented by Kane County to reduce the discharge of pollutants within stormwater runoff in order to comply with the County's Phase II NPDES MS4 permit.

The SMPP describes the primary elements of all program activities, including the manner in which Kane County:

- Protects the receiving waters from illicit discharges
- Manages stormwater quality planning throughout the County
- Reviews, permits and inspects NPDES construction activity
- Maintains County facilities and performs day-to-day operations
- Provides public education and outreach
- Trains its employees to implement and report program activities
- Continually monitors and evaluates the program

This SMPP was developed based upon a template provided by Lake County and adapted from the McHenry County Stormwater Management Program Plan, modified to describe Kane County's unique program.

1.2 State and Federal Regulations

Federal environmental regulations based on the 1972 Clean Water Act require that MS4s, construction sites and industrial activities control polluted stormwater runoff from entering receiving water bodies. The NPDES permit process regulates the discharge from these sources based on amendments to the CWA in 1987 and the subsequent 1990 and 1999 regulations by USEPA. In Illinois, the USEPA has delegated administration of the Federal NPDES program to the Illinois Environmental Protection Agency (IEPA). On December 20, 1999, the IEPA issued a general NPDES Phase II permit for all MS4s in Illinois. The General Permit is included in Appendix A.

Per General Permit ILR40, each MS4 was required to submit a Notice of Intent (NOI) to comply with the conditions of the permit by March 10, 2003. The original NOI described the proposed activities and best management practices that occurred over the original 5-year period. At the end of the 5th

year—on March 1, 2008—the components of the SMPP were required to be implemented. IEPA reissued the ILR40 permit on February 20, 2009 (to become effective on April 1, 2009) with new and modified requirements, and reissued the ILR40 again on February 10, 2016 (effective March 1, 2016) to incorporate even more substantial modified requirements.

Additionally, all construction projects that disturb greater than 1 acre of total land area are required to obtain an NPDES permit from IEPA prior to the start of construction, under IEPA's General Permit ILR10. Municipalities covered by General Permit ILR40 are automatically covered under General Permit ILR10 thirty days after IEPA receives the NOI from the municipality.

1.3 Countywide Approach to NPDES Compliance

The Kane County Stormwater Management Committee (SMC) is a countywide governmental agency created by county ordinance under the authority of Illinois Revised Statute 55/5-1062. The Kane County Board adopts this ordinance pursuant to its authority to regulate stormwater management and govern the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in the County, in accordance with the Kane County Comprehensive Countywide Stormwater Management Plan. The goals of SMC include the reduction of flood damage and water quality degradation. Another purpose of SMC is to assure that new development addresses non-point source pollution, does not increase flood and drainage hazards to others, and does not create unstable conditions susceptible to erosion.

The responsibilities of the SMC are carried out by the Kane County Division of Environmental and Water Resources (KCDEWR). KCDEWR works cooperatively with individuals, groups, and units of government. The KCDEWR utilizes technical assistance, education programs, and watershed planning to increase public awareness of natural resources and the impacts of urbanization on stormwater quality. In addition, KCDEWR provides solutions to problems related to stormwater and identifies effective ways of managing natural resources.

KCDEWR serves as the corporate enforcement authority for the Kane County Stormwater Management Ordinance in non-certified communities on behalf of the municipality. The municipality is responsible for enforcing the Stormwater Management Ordinance in Certified Communities. A municipality is considered a Certified Community after its petition is approved by the SMC. The statutory authority for this ordinance is contained in 55 ILCS 5/5-1041, 5-1042, 5-1049, 5-1062, 5-1063, 5-1104, 5-12003 and 5-15001 *et seq.*, and 415 ILCS 5/43, and other applicable authority, all as amended from time to time. As applicable, the municipalities within the County adopt and enforce this ordinance pursuant to 55 ILCS 5/5-1062, 65 ILCS 5/1-2-1, 11-12-12, 11-30-2, 11-30-8, and 11-31-2; and 615 ILCS 5/5, *et seq.*, including 5/18g.

The General Permit allows for MS4s to take credit for activities being performed by a Qualifying Local Program ((QLP) Qualified Local Program) toward meeting its permit requirements. The Kane County Stormwater Management Ordinance (SMO) is a QLP for MS4s in Kane County. As part of their ongoing services, KCDEWR performs some functions related to each of the six minimum control measures. However, MS4s are required to provide additional services for each of the Minimum Control Measures

with the greatest effort in the Illicit Discharge Detection and Elimination and Pollution Prevention/Good Housekeeping categories.

A general list below summarizes services provided by Kane County under the 6 minimum control categories are the following:

1. **Public Education and Outreach**: KCDEWR provides Kane County Newsletter(s) and publications, various training workshops and speaking engagements, county educational websites, tributary signage, etc.

2. **Public Participation and Involvement**: KCDEWR coordinates and participates in public meetings and committees such as the stream monitoring program, stream clean-up program, used motor oil and household hazardous waste collection program, etc.

3. **Illicit Discharge detection and Elimination:** From 2003-2008, Kane County successfully carried out the qualifying local programs necessary to meet the listed requirements under this Control Measure. Programs qualifying under this item are Stormwater System Mapping and Kane County Employee Training Program to Identify Illicit Discharges.

4. **Construction Site Runoff Control**: Kane County adopted its Stormwater Management Ordinance (SMO) in 2002, which establishes the minimum stormwater management requirements for development in Kane County. The Stormwater Technical Manual, which is enforced by KCDEWR as well as by certified communities in the county, establishes standards for construction site runoff control.

5. **Post-Construction Runoff Control**: The Kane County Stormwater Management Ordinance also establishes standards for post-construction runoff control.

1.4 Organization of SMPP

Kane County's SMPP is organized into four main sections, followed by references and appendices necessary to support the plan.

Section 1 — Overview of the Stormwater Management Program Plan
Discusses the format of the SMPP document and the regulations associated with NPDES II through county, state, and federal agencies.

Section 2 — Program Management
Discusses the logistics of the plan, including the organization, implementation, and responsible parties necessary to achieve overall compliance with the SMPP and NPDES Phase II permit. This section identifies how the County coordinates with other county and state agencies and discusses the legal authority that the MS4s have to implement the Plan components.

Section 3 — The Program
Describes stormwater pollutant control measures implemented by Kane County for the six minimum control categories established by the U.S. Environmental Protection Agency (USEPA):

- Public Education and Outreach
- Public Participation/Involvement
- Construction Site Runoff Control
- Post-Construction Runoff Control
- Illicit Discharge Detection and Elimination
- Pollution Prevention/Good Housekeeping

Section 4 — Program Evaluation and Reporting
Describes the monitoring, evaluation, and reporting procedures associated with the program. The SMPP is a guide created to protect the County receiving waters from pollution and resultant degradation. This section assists in identifying best management practices (BMPs) and processes that may require improvement and refinement as the document becomes an effective tool.

1.5 Kane County Watersheds

Three principal watersheds, or river basins, cover Kane County. A majority of Kane County, approximately 73.5%, contributes to the Fox River Basin (385 sq. mi.). The northwestern part of the County falls within the Kishwaukee River Basin (137 sq. mi.), or approximately 26.1% of the County contributes to the Kishwaukee River Basin. A small portion of the central part of Kane County on the eastern border is located within the DuPage River Basin (1.9 sq. mi.). The DuPage River watershed area consists of approximately only 0.4% of the County. Drainage in the Fox River watershed is generally to the east and southern boundary of the County, and drainage in the Kishwaukee River watershed is generally to the west and northwest boundary of the County.

Watershed: The land area that contributes stormwater to one of the three major Rivers in Kane County.

Sub-Watershed: The land area that contributes stormwater to one of the receiving waters tributary to a major River.

Receiving Water: A natural or man-made system into which stormwater or treated wastewater is discharged, including the three major rivers in Kane County, their tributary stream systems and other waters of the U.S.

For planning purposes, the County has been divided into twelve primary sub-watersheds, which are listed below within the correlating watershed/river basin:

Within the Kishwaukee River Basin:

- Eakin Creek
- Coon Creek
- Union-Virgil Ditch

Within the Fox River Basin:

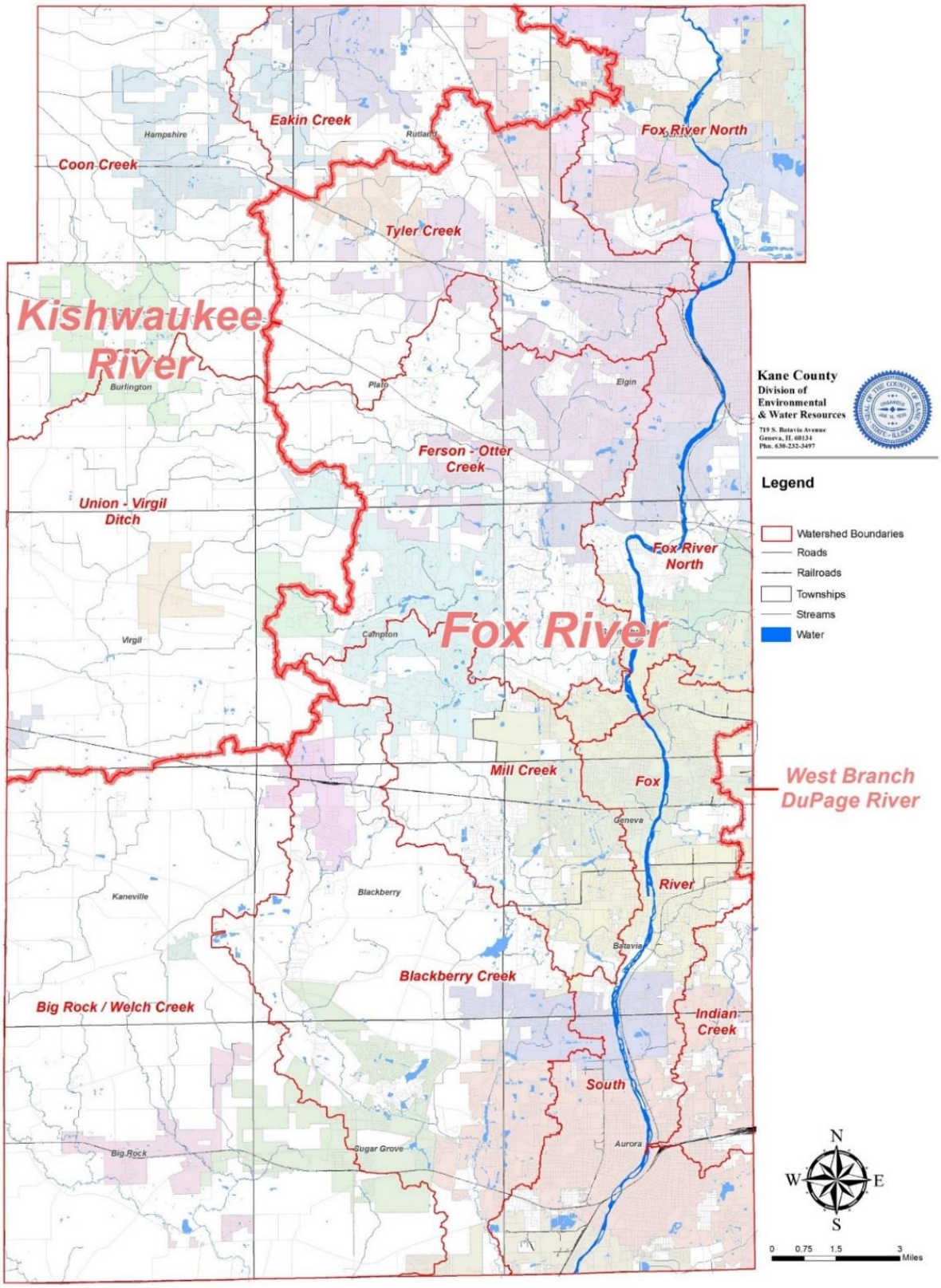
- Fox River North
- Tyler Creek
- Ferson-Otter Creek
- Mill Creek
- Indian Creek
- Blackberry Creek
- Big Rock-Welch Creek
- Fox River South

Within the DuPage River Basin:

- West Branch DuPage River

The twelve sub-watersheds are shown in *Figure 1* along with municipal boundaries, state and federal roads, and perennial streams.

Figure 1. Watersheds and Sub-watersheds in Kane County, Illinois



Section 2 — Program Management

This section describes the organizational structure of the County and further discusses the roles and responsibilities of the various involved parties.

2.1 Implementation of the Kane County SMPP

The SMPP includes detailed discussions on the types of tasks that are required to meet the permit conditions under the NPDES II program and how to perform these tasks. These tasks should be recorded and filed annually to track the progress of these tasks. It is anticipated that implementation of this SMPP constitutes compliance with the program. The SMPP must be posted on the County's website.

The Kane County Board (Board) is the policy and budget setting authority for the county. The Board makes high level decisions on funding and staffing to support the SMPP.

Multiple county departments work together to implement the SMPP, including the following:

- Kane County Building Management
- Kane County Development and Community Services Department
- Kane County Division of Environmental & Water Resources
- Kane County Division of Transportation
- Kane County Health Department
- Kane County Office of Emergency Management

The KCDEWR has the primary responsibility for managing the overall program, and reporting on program implementation to the Illinois Environmental Protection Agency (IEPA) (see Section 4.2).

Key responsibilities of each county department are identified in *Table 1*.

Table 1. Kane County Stormwater Program Plan Department Responsibilities

County Department	**Public Education and Outreach**	**Public Participation/ Involvement**	**Construction Site Runoff Control**	**Post-Construction Site Runoff Control**	**Illicit Discharge Detection and Elimination**	**Pollution Prevention / Good Housekeeping**
Building Management						X
Development					X	
Environmental & Water	X	X	X	X	X	X
Transportation					X	X
Health Department					X	
Emergency Management						X

2.2 Kane County Stormwater Management Committee

The Kane County Board originally passed Resolutions 88-133 and 89-188 that established Stormwater Management Planning at the County level. With this, the Board recognized that proper stormwater management and flood control are essential to insure the public health, safety, and welfare of all the residents of the County. The two resolutions were rescinded when the Illinois General Assembly passed 55 ILCS 5/5-1062. This Act to Amend Certain Acts in relation to Stormwater Management authorized counties, in conjunction with municipalities, to form County-Wide Stormwater Management Planning Committees with equal county and municipal representation to develop County-wide stormwater management plans. Ordinance No. 97-07: *Establishing Stormwater Management Planning Committee* formed the six geographic areas delineated by the respective Kane County Board Districts to represent the Kane County Stormwater Management Planning Committee (KCSMPC). The Committee itself is comprised of six members of the County Board appointed by the County Board Chairman and six members representing the municipalities of Kane County selected by a convention of the mayors in the County. Ordinance No. 97-07 was amended in December 2016 to reflect the change from 26 County Board Districts to 24 and to adjust the planning areas accordingly.

The KCSMPC established by-laws that have remained unchanged since adoption on February 10, 1997. The purpose of the by-laws is to establish the organizational structure and rules of procedure for the KCSMPC. Beyond the original Stormwater Management Plan development, the KCSMPC was also responsible for coordinating the plan with adjoining Counties, submitting the plan for approval to IDNR and CMAP, holding a public hearing, and updating the Executive Committee on progress. The Kane County department directed to serve the Committee was identified as the KCDEWR.

The by-laws also call for the establishment of a Technical Advisory Committee (TAC). The TAC was not developed to be an operating body, but rather a reviewing and investigative body that provides suggestions and recommendations to the KCSMPC. The TAC consists of County, municipal, and technical professionals that provide insight and expertise to the process.

Coordination between the MS4s and Kane County occurs through the Kane County Stormwater Management Ordinance requirements, the KCSMPC, and the Natural Hazards Mitigation Planning Committee. KCDEWR serves as the staff for the KCSMPC, in addition to providing coordination, reporting, and permit renewal of the NPDES and MS4 programs. The Director of the Kane County Office of Emergency Management is the lead contact for the Natural Hazards Mitigation Planning Committee.

2.3 Coordination with Other Parties

Implementation of the SMPP requires assistance from other parties within Kane County, including contractors, the public, the IEPA, and the development community.

2.3.1 Coordination with Contractors

The County may hire contracted services. The County also has a responsibility to hire contractors who are knowledgeable of the applicable requirements of the ILR40 and ILR10 permits. The County shall provide appropriate training, or require documentation that appropriate training has been attended, for all contractors responsible for municipal green infrastructure.

2.3.2 Coordination with the Public

Coordination with the public occurs on several levels. The Public Education and Outreach Program of this SMPP is discussed in *Section 3.1*. The Public Participation and Involvement Program of this SMPP is discussed in *Section 3.2*. The public has the opportunity to comment on the NPDES program by contacting any of the program staff.

2.3.3 Coordination with the IEPA

The County is required to complete annual reports which describe the status of compliance with the ILR40 permit conditions and other related information (see Section 4.2 *Recordkeeping and Reporting*). The annual report must be submitted to the IEPA by the first day of June each year. Annual reporting to IEPA shall consist of implemented SMPP tasks completed in accordance with this SMPP. Additional information should be provided for areas of enhancement or tasks not completed. Kane County is willing to provide additional information on SMPP implementation to the IEPA at any point needed throughout the year.

2.3.4 Coordination with the Development Community

The County has a responsibility to assist the development community in understanding when a ILR10 permit is required and whether construction sites comply with the general ILR10 and Stormwater Management Ordinance (SMO) permit conditions. The county should understand the role illicit discharges play in the overall NPDES II program. In general, an incidence of non-compliance (ION) must be filed with IEPA for illicit discharges exiting an MS4's outfall into a receiving water. Additionally, if the illicit discharge is generated by a construction site, it may be necessary for both the applicant and the MS4 to file the ION form with IEPA.

Furthermore, the County has a responsibility to inform parties within the development community of the requirement to hire contractors which meet the qualifications necessary under the program. Refer to *Section 3.4 Construction Site Runoff Control* for additional information on qualified personnel.

Section 3 — The Program

This SMPP includes six components, each of which is necessary in an effort to reduce and/or eliminate stormwater pollution in receiving water bodies. The County's approach to each component is further described in this section.

3.1 Public Education and Outreach

Kane County conducts public education programs that inform the community of potential impacts to receiving waters and the contributions the public can make to reduce pollutants in stormwater runoff. The programs target a wide-ranging audience, including: students, homeowners, local businesses, the general public, and other community organizations.

Kane County, in cooperation with local organizations, utilizes a variety of methods to educate and provide outreach to the public about the importance of managing pollutants that potentially could enter the stormwater system. The program includes the following activities which are discussed in greater detail in this section:

- Distributes educational material regarding stormwater BMPs, water quality BMPs, and proper hazardous waste use and disposal;
- Maintains a water quality/stormwater section in the County online newsletter, *Kane County Connects*;
- Publicizes and participates in local fairs and expos;
- Attend/sponsor outreach activities to homeowners/property owner associations, community organizations, schools, and other events;
- Distributes MS4 newsletter to surrounding MS4 municipalities, publicizing relevant training, educational material, and relevant events;
- Promoting a Public Service Announcement on the County's webpage;
- Maintains supply of "Kane County Stream Signs"; and

- Maintains county website which offers links to additional educational information and ways to contact County staff.

Through the *Clean Water for Kane* campaign (*Figure 2*), Kane County distributes educational materials to residents through a variety of printed, digital, and in-person methods. Public education and outreach activities provide up-to-date information on stormwater Best Management Practices (BMPs), water quality issues, and water conservation. *Clean Water for Kane* educational materials place special emphasis on the potential effects on stormwater due to climate change (Part IV.B.1.a) and are distributed to targeted areas identified as environmental justice areas within unincorporated Kane County (Part IV.B.2.d).

Figure 2. Logo Developed for the Public Education Campaign

3.1.1 Distribution of Paper Materials (BMP A.1)

Kane County includes a "Water Wise Corner" in the Kane County Recycles Green Guide that is developed and distributed throughout Kane County on an annual basis to a range of audiences, including: homeowners, local businesses, municipal offices (including other MS4 communities), schools, places of worship, and other community groups. The "Water Wise Corner" in Kane County Recycles Green Guide is revised each year prior to distribution to include relevant topics. The total number of Kane County Recycles Green Guide recipients is tracked each year for the printed and mailed guides, as well as recipients of the digital guide.

Publications are also provided at outreach events, through the County online newsletter, and at the Kane County Government Building in the Division of Environmental and Water Resources. Distributed materials include: Kane County “Clean Water Champion” brochures, resource cards for homeowners in Kane County, guidelines for draining swimming pools, water conservation tips flyers, “Clean Water for Kane” pledges, informational flyers specifying when a stormwater permit is required, Kane County rain garden brochures, and water conservation coloring books.

3.1.2 Speaking Engagement (BMP A.2)

Kane County provides educational presentations related to stormwater management on a regular basis through involvement in local watershed groups and other environmental committees, as well as through board meetings of the Kane County Energy & Environmental Committee and the Kane County Development Committee. Both committee meetings are open to the public.

KCDEWR provides regular educational presentations as relevant and appropriate throughout the year, ensuring a minimum of one public presentation annually (Part iV.B.2.c). NPDES program

information and updates are continuously included in these presentations. The number of speaking engagements, locations, topics presented, and number of attendees is tracked at each engagement.

3.1.3 Public Service Announcements (BMP A.3)

A public service announcement (PSA) for the "Clean Water for Kane" campaign was developed in 2014 by the KCDEWR to educate the public on stormwater management and water conservation. The PSA is made available to the community through the Kane County website, via links in Kane County Connects articles and social media sites, and through special showings at local movie theaters and other digital media outlets throughout Kane County. Each year, KCDEWR staff establishes a schedule to ensure widespread distribution of the "Clean Water for Kane" PSA. The number of PSA showings, locations, and audience reach is tracked each year.

3.1.4 Community Event (BMP A.4)

Kane County educates residents and other stakeholder groups on stormwater BMPs and Kane County's NPDES program through multiple community events. This involvement includes participation in environmental and watershed special events in the community, such as the Green Fair on the Fox and the It's Our River Day in Algonquin. Kane County also provides regular community education and training events, including the annual well and septic seminar hosted for the public by the Kane County Health Department.

Kane County coordinates a minimum of one public educational workshop per year. The KCDEWR staff also participates in other community outreach events as relevant. The number of events, locations, information distributed, and number of participants for each event is continuously tracked.

3.1.5 Classroom Education Material (BMP A.5)

The KCDEWR maintains a collection of stormwater-related educational materials for use in the classroom. These materials are also used to reach students in the community through educational displays at local libraries and other community venues. Educational displays focus on stormwater BMPs and water conservation for residents.

The classroom educational material database is updated on an annual basis. The number of educational displays, locations, materials distributed, and number of students reached throughout the year is continuously tracked.

3.1.6 Other Public Education (BMP A.6)

The KCDEWR maintains a "Clean Water for Kane" section of the County website to make stormwater educational resources easily accessible to a range of audiences. KCDEWR staff also develops seasonal stormwater-related informational articles that are distributed through the Kane County Connects e-newsletter, website, and social media pages (http://kanecountyconnects.com/).

KCDEWR updates the "Clean Water for Kane" web pages on an annual basis. The number of stormwater-related articles in Kane County Connects, topics covered, and audience reach is tracked each year.

Figure 3. Stormwater Education Website Maintained by Kane County

The KCDEWR also maintains a supply of "Kane County Streams" signs to be installed at road crossings throughout the County. Kane County provides the signs to MS4 communities as requested for installation within their own municipal boundaries. Kane County maintains a database of signs manufactured and installed each the year.

3.2 Public Participation and Involvement

Kane County provides leadership and support to local watershed groups, including the Fox River Study Group and the Fox River Ecosystem Partnership, in order to coordinate efforts that provide public participation and involvement opportunities throughout Kane County. The County ensures that a minimum of one public meeting is held per year (Part iV.B.2.c).

3.2.1 Stakeholder Meetings (BMP B.3)

Kane County is involved in watershed planning and management efforts that seek input from a variety of watershed stakeholders, including: municipalities, homeowner associations, developers, landowners, and other community organizations.
Notice of stakeholder meetings is provided on the Kane County website, and meeting information is distributed to stakeholder email lists. The number of watershed meetings hosted or co-hosted by the

County, meeting locations, topics discussed, and participation numbers are tracked throughout the year.

3.2.2 Volunteer Monitoring (BMP B.5)

Kane County continues to take a multi-level approach to supporting stream monitoring efforts throughout the County. KCDEWR staff holds a leadership role in watershed groups carrying out monitoring work. Kane County also provides financial support for local volunteer monitoring programs and river monitoring via stream gages maintained through a Joint Funding Agreement with the U.S. Geological Survey (USGS).

Kane County maintains the Joint Funding Agreement with the USGS and allocates funding for stream gages on an annual basis. The County also supports local volunteer monitoring programs. The number of leadership meetings attended and the funding provided is tracked on an annual basis.

3.2.3 Other Public Involvement (BMP B.7)

Kane County provides technical and financial support to the Friends of the Fox River and other local watershed groups as needed. The County allocates funding to support stream cleanups on an annual basis. This support ensures that opportunities exist for public involvement in stream cleanup efforts throughout the County. KCDEWR staff also participate in the stream cleanup events. The number of planning meetings or cleanup events attended by Kane County staff is tracked each year.

3.3. Illicit Discharge Detection and Elimination

Currently, illicit discharges (defined in 40 CFR 122.26(B)(2)) contribute considerable pollutant loads to receiving waters. There are two primary situations that constitute illicit discharges; these include non-stormwater runoff from contaminated sites and the deliberate discharge or dumping of non-stormwater. Illicit discharges can enter the storm sewer system as either an indirect or direct connection.

Kane County effectively prohibits non-stormwater discharges through regulatory mechanism into the County's MS4 by performing activities related to illicit discharge detection and elimination, including expanding stormwater system mapping and conducting staff training on the identification of illicit discharges.

3.3.1 Storm Sewer Map Preparation (BMP C.1)

Kane County continually updates its storm sewer mapping in GIS to include the location and size of all County-owned stormwater outfalls to receiving streams in the urbanized area. The County provides access to up-to-date mapping and information to County departments, including the Facilities, Transportation, and Emergency Management departments.

KCDEWR updates the stormwater system map layer on an annual basis with the intention of incorporating new stormwater outfalls identified and expanding the Kane County’s storm sewer map.

3.3.2 Regulatory Control Program (BMP C.2)

Kane County utilizes regulatory authority to prohibit, inspect, and follow-up with enforcement of illegal discharges into the County's MS4. To do this, the County follows established procedures at the Kane County Health Department (KCHD). Procedures address both illicit discharge complaints from the public and potential illicit discharges identified through visual observations by Health Department inspectors.

Kane County has regulatory authority to prohibit septic system discharges into the County-regulated storm sewers or open channels. If an illegal discharge is suspected, the Health Department inspects the site and may conduct a dye test and/or collect a water sample for analysis. If the discharge is illegal, the County issues the owner a 30-day notice to correct the deficiency. If the illegal discharge is not corrected, the County then turns the case over to the State Attorney to pursue legal action to enforce elimination of the illegal discharge. Non-septic system discharges are not regulated by the County and these types of suspected illegal discharges are addressed by notifying the regional IEPA office and providing assistance with their investigation as needed.

The County tracks the number of illicit discharges identified on an annual basis and documents the actions taken to eliminate the discharges.

3.3.3 Other Illicit Discharge Controls (BMP C.10)

Kane County's Environmental Health staff are trained on an annual basis to identify potential illicit discharges to the County's MS4 and follow the established procedures for eliminating the discharges.

The County continues to conduct illicit discharge detection training for Environmental Health staff on an annual basis, fulfilling the requirements of **Kane County NOI minimum control measure C.10**. The number of staff trained and total hours of training received are tracked during this process.

3.4 Construction Site Runoff Control

The goal of the Kane County Stormwater Management Ordinance (KCSMO) is to ensure that new development does not increase existing stormwater problems or create new ones. The KCSMO establishes countywide standards for runoff maintenance, detention sites, soil erosion and sediment control, water quality, wetlands, and floodplains. These provisions are only applicable for regulated development activities as defined by the KCSMO. Applicants that hydrologically disturb greater than 1-acre are also required to seek coverage under the statewide construction general permit by filing a Notice of Intent (NOI) with IEPA.

The KCSMO is implemented at the County and municipal level. The KCDEWR administers the KCSMO and issues permits for the developments within unincorporated Kane County and those municipalities which are classified as Non-Certified Communities. The Kane County Division of Transportation (KDOT) administers the KCSMO and issues permits for work confined to county and

township rights-of-way. Currently there are twenty-six "Certified Communities," which are municipalities designated to enforce KCSMO standards within their own jurisdictions.

3.4.1 Regulatory Program (BMP D.1)

The Kane County Stormwater Management Ordinance (KCSMO), which was adopted in 2001, fulfills the requirements of **Kane County NOI minimum control measure D.1** as the qualifying local program. All Kane County facilities adhere to the KCSMO for all internal development construction projects.

Applicants are directed to the KCDEWR for information pertaining to the permitting process. Developments that exceed the KCSMO minimum thresholds are provided with a Kane County Stormwater Permit application form. Applicants submit the completed forms and supporting documentation to the KCDEWR for review and comment. After the KCDEWR concurs that the applicable provisions of the KCSMO have been addressed, a permit is issued. Each permit lists any additional conditions that are applicable to the development.

Ordinance provisions include, but are not limited to, the following:

- Grading, soil erosion, and sediment control plan. The plan must:
  - Prevent discharge of sediment from the site through the implementation of soil erosion control practices, primarily, and sediment control secondarily; and
  - Protect receiving waters, natural areas and adjacent properties from damage which may result from the proposed grading.
- Water Quality;
- Established inspection duties for the applicant and procedures for inspections;
- Record keeping and reporting procedures;
- Security deposits to ensure faithful performance for subdivision developments, gravel pit reclamation plans and certain building demolition projects;
- Enforcement measures to achieve compliance; and
- One-year warranty period, for applicable developments.

The Kane County Technical Reference Manual and the Illinois Urban Manual (2014 edition or as amended) include detailed guidance on selection and implementation on related BMPs.

As part of the permit review process, applicants that hydrologically disturb greater than 1-acre are also required to seek coverage under the statewide construction general permit by filing a Notice of Intent (NOI) with IEPA. During construction, applicants are required to submit to IEPA Incidence of Noncompliance (ION) forms, as necessary. After the site is substantially stabilized, the applicant is required to submit a Notice of Termination (NOT). All forms are filed with the construction project itself.

3.4.2 Responsible Parties

3.4.2.1 Applicant

The applicant is ultimately responsible for ensuring compliant soil erosion and sediment control measures on-site during construction. General contractors, sub-contractors, and other hired employees of the applicant can assist the applicant in maintaining a compliant site; however, the applicant remains the responsible party. The applicant is also responsible for obtaining all other required state and federal permits (including an NOI with IEPA) and upholding all permit conditions (including completing inspection logs).

3.4.2.2 Stormwater Administrator

The Stormwater Administrator (SA) is responsible for administration and enforcement of the provisions of the KCSMO. Additionally, the SA is responsible for performing spot inspections of development. Review and inspection efforts can be performed by personnel under direct supervision of the SA. A full description of the SA responsibilities is included in Article X, 9-228 of the KCSMO. The SA follows established procedures for notifying applicants of deficiencies and maintaining site compliance (i.e. enforcement).

It is both the right and the responsibility of the SA to ensure that all incidences of non-compliance received from an inspector or complainant are resolved.

3.4.3 Erosion and Sediment Control BMPs

All Kane County unincorporated areas, non-certified communities, certified communities, Kane County Division of Transportation, and other facilities adhere to the following:

- Kane County Stormwater Management Ordinance (KCSMO);
- Illinois Environmental Protection Agency;
- U.S. Army Corps of Engineers;
- Illinois Department of Natural Resources;
- Illinois Urban Manual; and
- Kane County Soil & Water Conservation District soil and erosion control standards.

The KCSMO specifies the soil erosion and sediment control measures that must be used in conjunction with any land disturbing activities conducted on a development site. Ordinance provisions include, but are not limited to, the following:

- Grading, soil erosion and sediment control plan. The plan must:
  - Minimize soil disturbance;
  - Prevent discharge of sediment from the site through the implementation of soil erosion control practices primarily, and sediment control secondarily;
  - Protect receiving waters, natural areas, and adjacent properties from damage which may result from the proposed grading;

  - Complete installation of soil erosion and sediment control features prior to commencement of hydrologic disturbance;
  - Stabilize disturbed areas within 7 days of active disturbance;
  - Avoid disturbance of streams and sensitive areas, whenever possible;
  - Use controls that are appropriate for the size of the tributary drainage area;
  - Protect functioning storm sewers from sediment;
  - Prevent sediment from being tracked onto adjoining streets;
  - Limit earthen embankments to slopes of 3H:1V;
  - Identify soil stockpile areas; and
  - Utilize statewide standards and specifications as guidance for soil erosion and sediment control.
- Waste control;
- Runoff Volume Reduction Hierarchy and Water Quality;
- Established inspection duties for the applicant and procedures for inspections;
- Record keeping and reporting procedures; and
- Enforcement measures to achieve compliance

3.4.4 Construction Site Waste Control

The KCSMO does not include provisions that address illicit discharges generated by construction sites at this time. However, the applicant is required to prohibit the dumping, depositing, dropping, throwing, discarding, or leaving of litter and construction material and all other illicit discharges from entering the stormwater management system. Although this minimum control measure is not included in the County's NOI, the County enforces these requirements.

3.4.5 Development Tracking

KCDEWR tracks permitted development using CityView™ permit tracking software. Each permit is given a unique permit number based on Parcel Identification Number (PIN).

3.4.6 Pavement Projects

All construction work within County and Township road right-of-ways are permitted through KDOT. Pavement resurfacing and maintenance projects are determined through pavement evaluation studies performed through KDOT or the local township highway district. Project work shall follow IDOT Standard Specifications and applicable provisions of the KCSMO. At a minimum, drainage structures are protected with inlet filter bags or sediment logs during construction activities.

3.4.6 Site Plan Review Procedure: Minimum Construction Site Practices

The County enforces the KCSMO for all unincorporated areas of the county. Applicants are directed to the KCDEWR for information pertaining to the permitting process. Developments that exceed the KCSMO minimum thresholds are provided with a Stormwater Management Permit Application form. Applicants submit the completed form and supporting documentation to KCDEWR for review and comment. KCDEWR performs a review of the proposed site plan and provides comments to the applicant on any plan deficiencies and/or recommended plan enhancements. The plan review also

assists in identifying other approvals that the applicant may be required to obtain. The permit is issued once all applicable provisions of the KCSMO have been addressed. The permit lists any additional conditions that are applicable for the development. The applicant is required to post the permit at the construction site. As stated above, a site plan is required to comply with minimum prescribed practice requirements set forth in the KCSMO. The KCSMO also allows for the County to require additional measures, above and beyond minimum control measures, to prevent the discharge pollutants from construction sites. Design and implementation guidance is available in the Kane County Stormwater Technical Manual.

Minimum control measures may include, but are not limited to, the following:

- Construction site sequencing and phasing;
- Preservation of existing vegetation and natural resources (through the runoff volume reduction hierarchy provisions);
- Stormwater conveyance systems (including concentrated flows, diversions, etc.);
- Stockpile management;
- Soil erosion control measures (including blanket and seeding);
- Stabilized construction entrances/exits and haul routes;
- Sediment Control (including silt fence, inlet/outlet protection, ditch checks, sediment traps, sediment basins etc.);
- Wind and Dust control measures;
- Non-stormwater management (including dewatering practices, waste management practices, spill prevention and control practices etc.);
- Construction Buffers;
- Construction Details;
- Water quality protection; and
- Standard soil and sediment control notes.

3.4.7 Public Information Handling Procedures

Although the County did not include this minimum control measure in the current NOI, all departments have procedures in place for public information handling. Various methods of distributing information to the public include: speaking engagements, interviews, website updates, and newsletter dissemination.

3.4.8 Site Inspection/Enforcement Procedures

The KCSWO does not require mandatory site inspections of permitted projects during construction. However, KCDEWR staff perform periodic site inspections to ensure sediment and erosion control provisions of the ordinance are followed. KCDEWR staff also perform site inspections based upon requests made to the KCDEWR (from adjacent landowners, interested citizens, other regulatory agencies, etc.).

Representatives of the County are authorized to enter upon any land or water to inspect development activity and to verify the existing conditions of a development site that is under permit review. The

County may inspect site development at any stage in the construction process. For major developments, the KCDEWR or its designated representative shall conduct site inspections, at a minimum, at the end of the construction stages 1 and 7 listed below. Construction plans approved by the SA shall be maintained at the site during progress of the work. Recommended inspection intervals are the following:

1. Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading;
2. After stripping and clearing;
3. After rough grading;
4. After final grading;
5. After seeding and landscaping deadlines;
6. After every seven (7) calendar days or storm event with greater than 0.5-inches of rainfall; and
7. After final stabilization and landscaping, prior to removal of sediment controls.

3.4.8.1 KDOT Site Inspection Process

Per IDOT Construction Memorandum 03-07, the owner/contractor must attend pre-construction meetings for all transportation projects. KDOT attends the pre-construction meeting on all County owned transportation projects. During the pre-construction meeting, this *Storm Water Pollution Prevention Plan* (SMPP) is reviewed by all parties for needs and compliance. Before the project breaks ground, KDOT holds an additional pre-sediment and erosion control meeting with the Kane-Dupage Soil and Water Conservation District (KDSWCD). The KDSWCD inspects on behalf of the United States Army Corps of Engineers (USACE) when the project is in USACE jurisdiction.

3.4.8.2 Site Inspection Process

The KCDEWR, who oversees the KCSMO, strongly recommends pre-construction meetings with the developer. The developer is required to notify the County at various stages of work. The recommended site inspection process is outlined below:

1. The applicant notifies the appropriate County department when initial sediment and runoff controls measures have been installed.
2. The County representative inspects the initial sediment and runoff control measures and authorizes the start of general construction.
3. The County representative inspects the stormwater management system and authorizes additional site improvement activities.
4. The applicant performs site inspections at the recommended intervals listed above and completes the SE/SC Inspection Form.
5. The KCDEWR requires as-built documentation of the stormwater management system after final site stabilization. Tags of the seed mixes are kept by the developer and/or contractor for inspection and approval.

3.4.8.3 Complaints

The County frequently receives phone calls regarding a development, either during the review or construction phase. Both site design and construction related phone calls are directed to the SA or designee and/or KDOT Construction department, and documented. Site design comments are handled on a case by case basis. Construction related calls are typically addressed by performing a site inspection.

3.4.8.4 Performance Guarantees

Performance Guarantee (surety) is required for new subdivision improvement (i.e. sewer, water, right-of-way work), stormwater management system, and landscaping. The Engineer's Opinion of Probable Construction Cost (EOPCC) is provided to the SA for their review and approval. The required surety amount shall be 110% of the approved EOPCC. Refer to the Subdivision Ordinance for information regarding the surety requirements.

There is no deposit required at the time of the pre-construction meeting.

3.4.9 Other Construction Site Runoff Controls

The Kane County Stormwater Management Ordinance (KCSMO) fulfills the requirements of the **Kane County NOI minimum control measure D.1** as the qualifying local program. The KCSMO requires the following notifications:

"To facilitate inspections by the enforcement officer and to ensure compliance with the approved erosion and sediment control plan, the grading or building permit, and this Ordinance, the permittee shall notify the SA within two (2) working days of the completion of the construction stages specified below. For Intermediate and Major Development:

a) Upon completion of installation of sediment and runoff control (controls and diversions), prior to proceeding with any other earth disturbance or grading;
b) After stripping and clearing;
c) After rough grading;
d) After final grading;
e) After seeding and landscaping deadlines; and
f) After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall give notice at the completion of each of the above work stages in each phase or area. For Minor Development only a, c, and f of the above requirements shall apply."

3.4.9.1 Violation Notification Procedures: Drainage Complaint

A Drainage Complaint is a complaint about stormwater related issues via phone calls, letters, and/or in person. All complaints have the option to be anonymous. Once a complaint is made,

a correlating investigation is scheduled by staff from the KCDEWR or an inspector assigned to that area of the County. The following procedure is then followed:

- Once a call is received regarding a potential violation, a violation file is created and registered in the County's Cityview permitting software.
- If the determination is made that a violation has not occurred, the file will be closed. The KCDEWR will respond to the complainant, if requested, to notify them of the results.
- If the determination is made that a violation has occurred, a letter will be written to the property owner explaining the reason for the violation. The SA signs the letter. Property owners with stormwater violations are typically given 30 days to respond to the notice of violation.
- If the property owner has not responded to the letter within the 30-day time period, either by phone or by applying for a stormwater permit, a 14-day letter is sent. The SA signs the 14-day letter, which is then sent via certified mail. The date the letter was sent is noted on the file and in the Cityview software.
- If the owner responds to the letter, the KCDEWR will discuss with the owner what needs to be done to address the violation. Documentation of the agreed corrective action will be entered into Cityview. A day/date will be established for an application or further contact to be made. This will be noted on the file as well and used as a status update day/date.
- If an application is made, the permit will be reviewed and logged as if a typical application.
- If the owner applies, but does not provide any information after two weeks, a call is made to the owner to determine the status. A time is provided to the owner to either inform the County or remove the violation. In two weeks if no information has been received, a 10-day letter will be sent. If no information has been received by established date and the violation has not been removed (photos taken by an enforcement officer), one courtesy call is provided before court papers are sent. The file containing the signed court papers are given to the SA who files the paperwork with the Adjudication Officer in the Kane County Development Department. The SA attends the court proceedings to achieve compliance with the property owner.
- The timing of each of these steps depends on the time of year. A wetland delineation can only be performed during the growing season (typically May 1 through October 31 – there are exceptions), and obtaining a wetland consultant to hire and perform the work could take two to three weeks. A topographic survey can be difficult to do with snow on the ground (there are exceptions), and an engineer or surveyor may require six weeks from the date of hire to completion of the first submittal. If the violation has taken place during a season that makes it impossible for the owner to promptly provide the necessary plans and reports, KCDEWR will determine a reasonable schedule and timeline for completion with the property owner.
- If an engineer or consultant is required, the property owner will be responsible for providing the County with a letter from the engineer or consultant stating that they have been hired to perform the work, and a timeline explaining when the work will be performed.
- Projects that require inspections, review, and permits from the USACE and the Illinois Department of Natural Resources (IDNR) may take several months. During the waiting

period, KCDEWR requests continuous communication on the status of the project with the agencies and the property owner.

3.5 Post-Construction Runoff Control

The County complies with NDPES permit requirements by incorporating Ordinance and BMP standards to minimize the discharge of pollutants from development and transportation projects. This chapter describes how compliance is achieved with stormwater discharge permit requirements for long-term post-construction practices that protect water quality and control runoff flow. This SMPP creates and references extensive policies and procedures for regulating design and construction activities for protecting receiving waters. The design and construction site practices selected and implemented by the responsible party for a given site are expected to meet BMP measures described in the Kane County Technical Reference Manual and IEPA's Program recommendations. All proposed permanent stormwater treatment practices must be reviewed and approved by the designated County representative.

Kane County adopted a county-wide Stormwater Management Ordinance in 2001, which regulates construction site and post-development stormwater runoff. The County enforces this stormwater program in unincorporated areas of the County, as well as non-waiver communities without the in-house resources to administer and enforce the Ordinance. The KCSMO addresses all requirements of the **Construction Site Runoff control measures D.1-D.7** and the **Post-Construction Runoff control measures E.1-E.7** described in the Kane County NOI. Under the KCSMO, all applicants must adopt stormwater strategies which minimize increases in stormwater runoff rates and volumes, as well as pollutant loads from development sites. The effects of climate change are currently addressed in the ordinance through requirements to ensure overland flood routes are constructed/preserved in all new development as well as additional protections for the conveyance of excess stormwater through all newly designed stormwater detention facilities. Applicants proposing water quality BMPs under Article 16 of the KCSMO will be asked to consider the effects of climate change in the design of the proposed BMPs.

3.5.1 Community Control Strategy

Kane County has not included this minimum control measure in its permit program. The County will review and consider inclusion in future permits.

3.5.2 Regulatory Control Program (BMP E.2)

Kane County has adopted and enforces a Stormwater Management Ordinance (KCSMO) which regulates construction site and post-development stormwater runoff. The KCSMO fulfills the requirements of the **Kane County NOI minimum control measure E.2**. The KCDEWR enforces this stormwater program in unincorporated areas of the County as well as non-certified communities who do not have the in-house resources to administer and enforce the KCSMO.

The KCSMO is scheduled to be updated by the end of 2018 to enhance "construction/post-construction stormwater management" low impact design. This revision to the KCSMO is expected to be adopted by the County Board in late 2018.

KDOT enforces the KCSMO for their internal construction projects. KDOT will continue to comply with the BMPs set forth for permanent erosion and sediment control standards specified by the IEPA, USACE, Illinois Urban Manual, and KCSWCD, as well as other county ordinances.

The KCSMO includes numerous performance standards on grading, stormwater, and soil erosion/sediment control that must be met for all parties undertaking construction. The Kane County Technical Reference Manual is a guidance tool that describes BMP and implementation procedures for enforcing the KCSMO.

3.5.2.1 Runoff Volume Reduction Hierarchy

The Kane County Stormwater Commission and Technical Advisory Committee are currently working on developing a Runoff Volume Reduction Hierarchy that will require site plans to include a combination of structural and/or non-structural BMPs to reduce the discharge of pollutants and the volume and velocity of stormwater flow to the maximum extent practicable. Once complete, the amendments will go before County Board to be adopted, thereby the permittee should ensure that the development plan addresses these provisions during the plan review process.

3.5.2.1 Green Infrastructure

Each permittee should adopt strategies that incorporate storm water infiltration of *good quality water,* reuse, and evapotranspiration of storm water into the project to the maximum extent practicable. Site plan design and review should ensure that the development plan incorporates green infrastructure and/or low impact design techniques when possible. Types of techniques include: green roofs, rain gardens, rain barrels, bioswales, permeable piping, dry wells (with appropriate pre-treatment), and permeable pavement. This subject is recommended by the EPA under the most recent general permit ILR40.

3.5.3 Long-Term Operation and Maintenance Procedures

Developments must have a long-term operation and maintenance plan. This plan is enforced by the KCDEWR and KDOT. The KCSMO Article III.D.5 gives the KCDEWR the right to require deed restrictions, performance bonds or sureties, as-built certification, or maintenance guarantees as stipulated in the Ordinance to assure projects are built and maintained according to permitted plans.

The KDOT Access Management Ordinance (AMO) Section 4.4.4 requires a maintenance guarantee for a 1-year minimum maintenance period from the developer before KDOT accepts maintenance responsibilities for road improvements.

3.5.4 Pre-Construction Review of BMP Designs

Projects are reviewed with respect to stormwater by KCDEWR and KDOT, depending upon jurisdiction, resulting in all projects (development or road infrastructure) receiving a thorough review. All regulated development in Unincorporated Kane County and in non-certified communities is reviewed by KCDEWR to ensure adherence to the KCSMO. On all road projects by Kane County and all development projects fronting a County Route, the KDOT Drainage Engineer is responsible for reviewing all stormwater structural and non-structural BMPs used within the road right-of-ways.

3.5.5 Site Inspections During Construction

The KCSMO Article III does not mandate periodic inspections of erosion and sediment control practices. However, periodic inspections are performed by KCDEWR staff (or their designated representative) on multi-lot development projects or where site conditions necessitate close oversight.

Additionally, the IDOT Construction Memorandum No. 03-07 requires the owner/contractor to attend a pre-construction meeting for all County road projects, while the KCSMO Article V.E.3 requires periodic soil erosion and sediment control inspections during construction for both development and County road projects.

The County's general facilities are inspected on an as-needed basis based upon observations made by County staff reported to the KCDEWR.

3.5.6 Post-Construction Inspection

The KCSMO does not require a final inspection by a County Representative for all development projects in Unincorporated areas; however, KCDEWR inspects all projects that include a stormwater storage (detention) facility.

The following ordinances and state standard act as the qualifying program for this minimum control measure. For any developments that also have a KDOT Access Permit, KDOT requires a final inspection by KDOT for all associated road work. With respect to County road projects, the IDOT Standard Specifications for Road and Bridge Construction Article 105-13 requires a final inspection upon completion of construction

3.5.7 Other Post-Construction Runoff Controls

Although this minimum control measure is not included in the County's NOI, the County enforces necessary post-construction runoff controls per the KCSMO.

3.6 Pollution Prevention and Good Housekeeping

Kane County continues to coordinate the efforts of multiple departments to perform activities related to pollution prevention and good housekeeping within County operations. This section describes how

compliance with NPDES II permit requirements is achieved by incorporating pollution prevention and good housekeeping stormwater quality management into County operations. On-going education and training is provided to ensure that all County employees have the knowledge and skills necessary to perform their functions effectively and efficiently.

3.6.1 Employee Training Program (BMP F.1)

Kane County provides stormwater management training opportunities to County staff as well as other MS4 communities by coordinating a regular "MS4 Corner" e-newsletter. KCDEWR maintains an email contact list of MS4 community representatives and distributes the e-newsletter on a minimum of a quarterly basis. The e-newsletter contains information on a variety of training opportunities and other background resources. KCDEWR also hosts stormwater informational training webcasts as relevant at the Kane County Government Center. The e-newsletter advertises upcoming webcasts.

Figure 4. Graphic Used in Monthly e-Newsletter to MS4 Communities

These methods fulfill the requirements of the **Kane County NOI minimum control measure F.1**. The number of trainings provided and the number of attendees at each training are tracked throughout the year.

3.6.2 Inspection and Maintenance Program (BMP F.2)

Kane County continues to follow the established Operation and Maintenance Program, which fulfills the requirements of the **Kane County NOI minimum control measure F.2**. The program includes the KDOT clearing roadside swales of debris and garbage once a year, and inspecting and cleaning catch basins and storm inlets at KDOT facilities quarterly. Kane County adheres to an annual inspection and maintenance schedule for BMPs involving roadside swales, catch basins, and storm inlets installed on County properties. The County also utilizes available tools to implement a BMP Inventory & Evaluation Program. With these programs in place, Kane County is able to document pollutant load reduction on an annual basis.

3.6.3 Municipal Operations Waste Disposal (BMP F.4)

Kane County follows established procedures to maintain buildings, fleet vehicles, and equipment that fulfill the requirement for the **Kane County NOI minimum control measure F.4**. The County performs fleet inspections and recycles hazardous materials on an ongoing basis, documenting

compliance with procedures annually. Procedures include the proper disposal of wastes from municipal operations, in compliance with all local, State, and Federal regulations. Kane County departments continue to recycle all types of used oil (engine, transmission, gear and hydraulic), antifreeze, oil filters, tires, batteries, iron (scrap metal), and cardboard. The Executive Director of Building Management coordinates with a qualified disposal company to properly test and dispose of any municipal operations waste.

The majority of KDOT municipal operations waste disposal is led by the department's Inventory Manager. Fuel operations are led by the Facility Maintenance Supervisor. Procedures are followed according to the State Fire Marshall, and appropriate staff members are certified in the fuel storage and dispensing procedures operation.

3.6.4 Flood Management/Assessment Guidelines (BMP F.5)

Kane County continues to implement the Kane County Hazard Mitigation Program. In 2003, Kane County adopted the first multi-objective Natural Hazard Mitigation Plan in Illinois to fulfill the requirements of FEMA's Mitigation Grants program. The Hazard Mitigation Plan assessed Kane County's risk from multiple natural hazards and set objectives for improving the County's hazard preparedness. The Hazard Mitigation Plan fulfills the requirements of the **Kane County NOI minimum control measure F.5**.

Kane County coordinated the formation of the Kane County Hazard Mitigation Committee, comprised of municipal, township and nonprofit representatives. The committee is co-chaired by the Kane County Office of Emergency Management and Division of Environmental & Water Resources. The committee has worked to implement the Hazard Mitigation Plan since 2003 and updated the plan in 2015. A minimum of two Kane County Hazard Mitigation Committee meetings are held per year to coordinate ongoing implementation of the plan.

3.6.5 Other Municipal Operations Controls (BMP F.6)

Kane County implements established Road Salt Application and Storage procedures to minimize salt wash-off into the County's MS4. Procedures include: storing salt indoors throughout the year; calibrating KDOT trucks to the proper salt dispensing rate; equipping each salt truck with a reference table the driver can use to determine the optimal rate of pounds of salt dispensed per lane mile; and conducting regular deicer training and snow plow training on salt dispensing procedures.

Kane County trains staff on deicing and salt management procedures on an annual basis. The number of training events and participants are tracked each year. The additional measures specified in this section fulfill the requirements of the **Kane County NOI minimum control measure F.6**.

Section 4 — Program Evaluation and Reporting

The SMPP represents an organized approach to achieving compliance with the stormwater expectations of the NPDES Phase II program for both private and public activities within the County. This SMPP documents and organizes previously existing procedures and incorporates the objectives

of the Kane County Stormwater Management Ordinance and other procedure and policy manuals to create one cohesive program.

This section describes how Kane County will monitor and evaluate the implementation of this SMPP in order to comply with the requirements of the NPDES Phase II program.

As part of the stormwater management program, the County:

- Reviews its activities;
- Inspects its facilities;
- Oversees, guides, and trains its personnel; and
- Evaluates the allocation of resources available to implement stormwater quality efforts.

This section describes how program evaluation and reporting are performed.

4.1 Program Monitoring and Research

The KCDEWR will monitor research conducted by others regarding the effectiveness of various alternative stormwater practices, procedures, and technologies. The County will continue to seek innovative stormwater practices and technologies. Information and guidance obtained through SMPC meetings and other sources will be incorporated into this SMPP as practical. This information will be used to provide insight into how the program may need to evolve.

4.2 Program Evaluation

Program evaluation is performed on an annual basis. The primary mechanism for evaluating the program and ensuring that staff has adequate knowledge is supervision by responsible department managers. Management supported tasks include observing and evaluating design, construction, and field personnel as they implement the requirements of the SMPP on both municipal and private projects, and maintenance personnel as they conduct their assigned activities.

The following questions and topics are discussed annually among the Kane County departments involved in the implementation of this plan:

- Are proper stormwater management practices integrated into planning, designing, and constructing both County and private projects?
- Are efforts to incorporate stormwater practices into maintenance activities effective and efficient?
- Is the staff training program sufficient?
- Is the SMPP sufficient?
- Are the procedures for implementing the SMPP adequate?

Any program elements in need of modification and agreed upon by department personnel will be incorporated into the program. The applicable sections of the SMPP will be revised in response to

program modifications. Major highlights and deficiencies will be noted annually, and the plan revised accordingly on a minimum 5-year basis, or as necessary.

4.3 Recordkeeping and Reporting

This SMPP includes described tasks that are carried out by Kane County departments in order to meet the permit conditions under the NPDES II program. It is anticipated that implementation of this SMPP constitutes compliance with the program.

It is the responsibility of each Kane County department to maintain appropriate records of SMPP tasks performed by its department staff or contractors, and to provide this documentation to the KCDEWR upon request.

The KCDEWR prepares an annual report of program activities and performance each year in accordance with the deadline set by the IEPA. By June 1 of each program year, the annual report is submitted to the IEPA and subsequently posted on the Kane County website within 30 calendar days at: http://www.countyofkane.org/FDER/Pages/environmentalResources/npdes.aspx.

The KCDEWR will retain all annual reports and associated documentation for a minimum of five (5) years, and provide this information to the IEPA, or its authorized agent, in the case of an audit.

Section 5 — References

Illinois Environmental Protection Agency. 2016. *General NPDES Permit ILR40 for Discharge from Small Municipal Separate Storm Sewer Systems (MS4)*. Available at:
http://www.epa.illinois.gov/Assets/iepa/water-quality/surface-water/storm-water/ms4/general-ms4-permit.pdf

Kane County Department of Transportation. 2004. *KDOT Access Management Ordinance*. Available at: http://www.co.kane.il.us/dot/permits/manual/sectionII.pdf

Kane County. 2015. *Kane County Natural Hazard Mitigation Plan*. Available at:
http://www.kcoem.org/files/haz_mit_plan.pdf

Kane County. 2001. *Kane County Stormwater Management Ordinance*. Available at:
http://sterlingcodifiers.com/codebook/index.php?book_id=973&chapter_id=80730#s865033

Kane County. *Kane County Technical Reference Manual*. Available at:
http://www.countyofkane.org/FDER/Documents/waterOrdinances/technicalManual.pdf

US Environmental Protection Agency. 2016. *Surf Your Watershed.* Available at:
https://cfpub.epa.gov/surf/county.cfm?fips_code=17089

Appendices

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397
BRUCE RAUNER, GOVERNOR LISA BONNETT, DIRECTOR

217/782-0610

February 10, 2016

Re: General NPDES Permit ILR40 for Discharge from Small Municipal Separate Storm Sewer Systems (MS4)

Dear Permittee:

Enclosed with this letter is the reissued General NPDES Permit ILR40 for the discharge of storm water from small MS4s. Significant changes have been made in the final permit based on comments received by the Agency. Please review the final permit and make any necessary modifications to your storm water management program. The Agency has also provided a list of permit modifications and a summary of responses to comments received by the Agency.

Please note that the Agency will be reviewing the Notice of Intent (NOI) for all NOIs that have been received. If you have not submitted an NOI, you must submit a NOI within 90 days of the effective date of the permit. A separate permit coverage letter will be sent by the Agency to persons who have submitted a complete NOI after review of the NOI.

Should you have any questions or comments regarding this letter, please contact Melissa Parrott or Cathy Demeroukas of my staff at (217) 782-0610 or at the above address.

Sincerely,

Alan Keller

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

SAK:16020801bah/MS4 NOI Letter

4302 N. Main St., Rockford, IL 61103 (815) 987-7760
595 S. State, Elgin, IL 60123 (847) 608-3131
2125 S. First St., Champaign, IL 61820 (217) 278-5800
2009 Mall St., Collinsville, IL 62234 (618) 346-5120

9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000
412 SW Washington St., Suite D, Peoria, IL 61602 (309) 671-3022
2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-7200
100 W. Randolph, Suite 10-300, Chicago, IL 60601

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: February 28, 2021

Issue Date: February 10, 2016

Effective Date: March 1, 2016

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 (MS4s), 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 a Notice of Intent (NOI) as described in Part II of this permit to the Illinois Environmental Protection Agency (Illinois EPA). 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

NPDES/Hutton/stormwater/MS4/MSFinal2-9-16.daa

CONTENTS OF GENERAL PERMIT ILR40

PART I. COVERAGE UNDER GENERAL PERMIT ILR40

A. Permit Area

This permit covers all areas of the State of Illinois.

B. Eligibility

1. This permit authorizes discharges of storm water from MS4s as defined in 40 CFR 122.26 (b)(16) as designated for permit authorizations pursuant to 40 CFR 122.32.

2. This permit authorizes the following non-storm water discharges provided they have been determined not to be substantial contributors of pollutants to a particular small MS4 applying for coverage under this permit:

   - Water line and fire hydrant flushing,
   - Landscape irrigation water,
   - Rising ground waters,
   - Ground water infiltration,
   - Pumped ground water,
   - Discharges from potable water sources, (excluding wastewater discharges from water supply treatment plants)
   - Foundation drains,
   - Air conditioning condensate,
   - Irrigation water, (except for wastewater irrigation),
   - Springs,
   - Water from crawl space pumps,
   - Footing drains,
   - Storm sewer cleaning water,
   - Water from individual residential car washing,
   - Routine external building washdown which does not use detergents,
   - Flows from riparian habitats and wetlands,
   - Dechlorinated pH neutral swimming pool discharges,
   - Residual street wash water,
   - Discharges or flows from fire fighting activities
   - Dechlorinated water reservoir discharges, and
   - Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed).

3. Any municipality covered by this general permit is also granted automatic coverage under Permit No. ILR10 for the discharge of storm water associated with construction site activities for municipal construction projects disturbing one acre or more. The permittee is granted automatic coverage 30 days after Agency receipt of a Notice of Intent to Discharge Storm Water from Construction Site Activities from the permittee. The Agency will provide public notification of the construction site activity and assign a unique permit number for each project during this period. The permittee shall comply with all the requirements of Permit ILR10 for all such construction projects.

C. Limitations on Coverage

The following discharges are not authorized by this permit:

1. Storm water discharges that are mixed with non-storm water or storm water associated with industrial activity unless such discharges are:

   a. In compliance with a separate NPDES permit; or

   b. Identified by and in compliance with Part 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 or that introduce new or increased pollutant loading that may be a significant contributor of pollutants to the receiving waters.

3. Storm water discharges to any receiving water specified under 35 Ill. Adm. Code 302.105(d) (6).

4. The following non-storm water discharges are prohibited by this permit: concrete and wastewater from washout of concrete (unless managed by an appropriate control), drywall compound, wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, soaps, solvents, or detergents, toxic or hazardous substances from a spill or other release, or any other pollutant that could cause or tend to cause water pollution.

5. Discharges from dewatering activities (including discharges from dewatering of trenches and excavations) are allowable if managed by appropriate controls as specified in a project's storm water pollution prevention plan, erosion and sediment control plan, or storm water management plan.

D. Obtaining Authorization

In order for storm water discharges from small MS4s 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).

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, an MS4 owner submitting a complete NOI in accordance with the requirements of this permit will be authorized to discharge storm water from their small MS4s under the terms and conditions of this permit 30 days after the date that the NOI is received. Authorization will be by letter and include a copy of this permit. 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 (NOI) REQUIREMENTS

A. Deadlines for Notification

1. If an MS4 was 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 an MS4 has coverage under the previous general permit for storm water discharges from small MS4s, you must renew your permit coverage under this part. Unless previously submitted for this general permit, you must submit a new 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. The permittee shall comply with any new provisions of this general permit within 180 days of the effective date of this permit and include modifications pursuant to the NPDES permit in its Annual Report.

3. If an MS4 is designated in writing by Illinois EPA under 40 CFR 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. MS4s 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. Illinois EPA 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 the Illinois MS4 NOI form. The NOI shall be signed in accordance with Standard Condition 11 of this permit and shall include all of 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 and the name, address, telephone number, and email address of the person(s) responsible for implementation and compliance with the MS4 Permit; and

3. The name and segment identification of the receiving water(s), whether any segments(s) is or are listed as impaired on the most recently approved list pursuant to Section 303(d) of the Clean Water Act or any currently applicable Total Maximum Daily Load (TMDL) or alternate water quality study, and the pollutants for which the segment(s) is or are impaired. The most recent 303(d) list may be found at http://www.epa.state.il.us/water/water-quality/index.html. Information regarding TMDLs may be found at http://www.epa.state.il.us/water/tmdl/.

4. The following shall be provided as an attachment to the NOI:

   a. A description of the best management practices (BMPs) to be implemented and the measurable goals for each of the storm water minimum control measures in paragraph IV. B. of this permit designed to reduce the discharge of pollutants to the maximum extent practicable;

   b. The month and year in which you implemented any BMPs of the six minimum control measures, and the month and year in which you will start and fully implement any new minimum control measures or indicate the frequency of the action;

   c. For existing permittees, provide adequate information or justification on any BMPs from previous NOIs that could not be implemented; and

   d. Identification of a local qualifying program, or any partners of the program if any.

5. For existing permittees, certification that states the permittee has implemented necessary BMPs of the six minimum control measures.

C. All required information for the NOI shall be submitted electronically and in writing to the following addresses:

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

epa.ms4noipermit@illinois.gov

D. Shared Responsibilities

Permittees may partner with other MS4s to develop and implement their storm water management program. Each MS4 must fill out the NOI form. MS4s may also jointly submit their individual NOI in coordination with one or more MS4s. The description of their 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. The Permittee's 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 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, the permittee must:

1. Determine whether the approved TMDL is for a pollutant likely to be found in storm water discharges from your MS4.

2. Determine whether the TMDL includes a pollutant waste load allocation (WLA) or other performance requirements specifically for storm water discharge from your MS4.

3. Determine whether the TMDL addresses a flow regime likely to occur during periods of storm water discharge.

4. After the determinations above have been made and if it is found that your MS4 must implement specific WLA provisions of the TMDL, assess whether the WLAs are being met through implementation of existing storm water control measures or if additional control measures are necessary.

5. Document all control measures currently being implemented or planned to be implemented to comply with TMDL waste load allocation(s). Also include a schedule of implementation for all planned controls. Document the calculations or other evidence that shows that the WLA will be met.

6. Describe and implement a monitoring program to determine whether the storm water controls are adequate to meet the WLA.

7. If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions.

8. Continue requirements 4 through 7 above until monitoring from two continuous NPDES permit cycles demonstrate that the WLAs or water quality standards are being met.

9. If an additional individual permit or alternative general permit includes implementation of work pursuant to an approved TMDL or alternate water quality management plan, the provisions of the individual or alternative general permit shall supersede the conditions of Part III.C. TMDL information may be found at http://www.epa.state.il.us/water/tmdl/.

D. If the permittee performs any deicing activities that can cause or contribute to a violation of an applicable State chloride water quality standard, the permittee must participate in any watershed group(s) organized to implement control measures which will reduce the chloride concentration in any receiving stream in the watershed.

E. Authorization: Owners or operators must submit either an NOI in accordance with the requirements of this permit or an application for an individual NPDES Permit to be authorized to discharge under this General Permit. Authorization, if granted will be by letter and include a copy of this Permit. Upon review of an NOI, the Illinois EPA may deny coverage under this permit and require submittal of an application for an individual NPDES permit.

1. Automatic Continuation of Expired General Permit: Except as provided in III.E.2 below, when this General Permit expires the conditions of this permit shall be administratively continued until the earliest of the following:

   a. 150 days after the new General Permit is reissued;

   b. The Permittee submits a Notice of Termination (NOT) and that notice is approved by Illinois EPA;

   c. The Permittee is authorized for coverage under an individual permit or the renewed or reissued General Permit;

   d. The Permittee's application for an individual permit for a discharge or NOI for coverage under the renewed or reissued General Permit is denied by the Illinois EPA; or

   e. Illinois EPA issues a formal permit decision not to renew or reissue this General Permit. This General Permit shall be automatically administratively continued after such formal permit decision.

2. Duty to Reapply:

   a. If the permittee wishes to continue an activity regulated by this General Permit, the permittee must apply for permit coverage before the expiration of the administratively continued period specified in III.E.1 above.

   b. If the permittee reapplies in accordance with the provisions of III.E.2.a above, the conditions of this General Permit shall continue in full force and effect under the provisions of 5 ILCS 100/10-65 until the Illinois EPA makes a final determination on the application or NOI.

   c. Standard Condition 2 of Attachment H is not applicable to this General Permit.

F. 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 or alternative general 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 or alternative general NPDES permit application required by the Agency under this paragraph, then the applicability of this permit to the individual or alternative general NPDES permittee is automatically terminated by the date specified for application submittal.

G. 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 are adequate to support the request.

H. 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.

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 their MS4 to the maximum extent practicable, 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. The permittee's 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 specific program requirements by the date specified in the Agency's 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 the permittee's storm water management program are:

1. Public Education and Outreach on Storm Water Impacts

New permittees shall develop and implement elements of their storm water management program addressing the provisions listed below. Existing permittees renewing coverage under this permit shall maintain their current programs addressing this Minimum Control Measure, updating and enhancing their storm water management programs as necessary to comply with the terms of this section.

a. 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 educational materials shall include information on the potential impacts and effects on storm water discharge due to climate change. Information on climate change can be found at http://epa.gov/climatechange/. The permittee shall incorporate the following into its education materials, at a minimum:

i. Information on effective pollution prevention measures to minimize the discharge of pollutants from private property and activities into the storm sewer system, on the following topics:

A. Storage and disposal of fuels, oils and similar materials used in the operation of or leaking from, vehicles and other equipment;
B. Use of soaps, solvents or detergents used in the outdoor washing of vehicles, furniture and other property,
C. Paint and related décor;
D. Lawn and garden care; and
E. Winter de-icing material storage and use.

ii. 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, evaporated or reused.

iii. Information on the benefits and costs of such strategies and provide guidance to the public on how to implement them.

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 the permittee's storm water discharges to the maximum extent practicable; and

c. Provide an annual evaluation of public education and outreach BMPs and measurable goals. Report on this evaluation in the Annual Report pursuant to Part V.C.1.

2. Public Involvement/Participation

New permittees shall develop and implement elements of their storm water management program addressing the provisions listed below. Existing permittees renewing coverage under this permit shall maintain their current programs addressing this Minimum Control Measure, updating and enhancing their storm water management programs as necessary to comply with the terms of this section.

a. At a minimum, comply with State and local public notice requirements when implementing a public involvement/ participation program;

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 the permittee's storm water discharges to the maximum extent practicable;

c. Provide a minimum of one public meeting annually for the public to provide input as to the adequacy of the permittee's MS4 program. This requirement may be met in conjunction with or as part of a regular council or board meeting;

d. The permittee shall identify environmental justice areas within its jurisdiction and include appropriate public involvement/participation. Information on environmental justice concerns may be found at http://www.epa.gov/environmentaljustice/. This requirement may be met in conjunction with or as part of a regular council or board meeting; and

e. Provide an annual evaluation of public involvement/participation BMPs and measurable goals. Report on this evaluation in the Annual Report pursuant to Part V.C.1.

3. Illicit Discharge Detection and Elimination

New permittees shall develop and implement elements of their storm water management program addressing the provisions listed below. Existing permittees renewing coverage under this permit shall maintain their current programs addressing this Minimum Control Measure, updating and enhancing their storm water management programs as necessary to comply with the terms of this section.

a. Develop, implement, and enforce a program to detect and eliminate illicit connections or discharges into the permittee's 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. Existing permittees renewing coverage under this permit shall update their storm sewer system map to include any modifications to the sewer system;

c. To the extent allowable under state or local law, prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the permittee's 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 and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system;

e. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste and the requirements and mechanisms 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 firefighting 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);

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 inspections of the storm sewer outfalls in dry weather conditions for detection of non-storm water discharges and illegal dumping. The permittee may establish a prioritization plan for inspection of outfalls, placing priority on outfalls with the greatest potential for non-storm water discharges. Major/high priority outfalls shall be inspected at least annually; and

i. Provide an annual evaluation of illicit discharge detection and elimination BMPs and measurable goals. Report on this evaluation in the Annual Report pursuant to Part V.C.1.

4. Construction Site Storm Water Runoff Control

New permittees shall develop and implement elements of their storm water management program addressing the provisions listed below. Existing permittees renewing coverage under this permit shall maintain their current programs addressing this Minimum Control Measure, updating and enhancing their storm water management programs as necessary to comply with the terms of this section.

a. Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the permittee's 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.

At a minimum, the permittee must develop and implement the following:

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. Erosion and Sediment Controls - The permittee shall ensure that construction activities regulated by the storm water program require the construction site owner/operator to design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed, and maintained to:

A. Control storm water volume and velocity within the site to minimize soil erosion;
B. Control storm water discharges, including both peak flow rates and total storm water volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;
C. Minimize the amount of soil exposed during construction activity;
D. Minimize the disturbance of steep slopes;
E. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
F. Provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal, and maximize storm water infiltration, unless infeasible; and
G. Minimize soil compaction and preserve topsoil, unless infeasible.

iii. Requirements for construction site operators to control or prohibit non-storm water discharges that would include concrete and wastewater from washout of concrete (unless managed by an appropriate control), drywall compound, wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, soaps, solvents, or detergents, toxic or hazardous substances from a spill or other release, or any other pollutant that could cause or tend to cause water pollution;

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, 2014, or as amended including green infrastructure techniques where appropriate and practicable;

v. Procedures for site plan reviews which incorporate consideration of potential water quality impacts and site plan review of individual pre-construction site plans by the permittee to ensure consistency with local sediment and erosion control requirements;

vi. Procedures for receipt and consideration of information submitted by the public; and

vii. Site inspections and enforcement of ordinance provisions.

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.

c. Provide an annual evaluation of construction site storm water control BMPs and measureable goals in the Annual Report pursuant to Part V.C.1.

5. Post-Construction Storm Water Management in New Development and Redevelopment

New permittees shall develop and implement elements of their storm water management program addressing the provisions listed below. Existing permittees renewing coverage under this permit shall maintain their current programs addressing this Minimum Control Measure, updating and enhancing their storm water management programs, as necessary, to comply with the terms of this section.

a. Develop, implement, and enforce a program to address and minimize the volume and pollutant load of storm water runoff from projects for new development and redevelopment that disturb greater than or equal to one acre, 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 the permittee's small MS4 within the MS4's jurisdictional control. The permittee's 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 shall adopt strategies that incorporate the infiltration, reuse, and evapotranspiration of storm water into the project to the maximum extent practicable. The permittee shall also develop and implement procedures for receipt and consideration of information submitted by the public.

b. Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for all projects within the permittee's jurisdiction for all new development and redevelopment that disturb greater than or equal to1 acre (at a minimum) that will reduce the discharge of pollutants and the volume and velocity of storm water flow to the maximum extent practicable. These strategies shall include effective water quality and watershed protection elements and shall be amenable to modification due to climate change. Information on climate change can be found at http://www.epa.gov/climatechange/. When selecting BMPs to comply with requirements contained in this Part, the permittee shall adopt one or more of the following general strategies, listed in order of preference below. The proposal of a strategy shall include a rationale for not selecting an approach from among those with a higher preference.

   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. If a permittee requires new or additional approval of any development, redevelopment, linear project construction, replacement or repair on existing developed sites, or other land disturbing activity covered under this Part, the permittee shall require the person responsible for that activity to develop a long term operation and maintenance plan including the adoption of one or more of the strategies identified in Part IV.B.5.b. of this permit.

d. 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. Annual 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; and

   ii. Annual 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.

e. 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 must be documented and may contain the following elements:

   i. Source Identification – Establish 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. Evaluation of existing flood control techniques to determine the feasibility of pollution control retrofits;
      C. Evaluation of existing flood control techniques to determine potential impacts and effects due to climate change;
      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; and
      G. Street cleaning in targeted areas.

f. Infiltration practices should not be implemented in any of the following circumstances:

i. Areas/sites where vehicle fueling and/or maintenance occur;

ii. Areas/sites with shallow bedrock which allow movement of pollutants into the groundwater;

iii. Areas/sites near Karst features;

iv. Areas/sites where contaminants in soil or groundwater could be mobilized by infiltration of storm water;

v. Areas/sites within a delineated source water protection area for a public drinking water supply where the potential for an introduction of pollutants into the groundwater exists. Information on groundwater protection may be found at:

http://www.epa.state.il.us/water/groundwater/index.html

vi. Areas/sites within 400 feet of a community water supply well if there is not a wellhead protection delineation area or within 200 feet of a private water supply well. Information on wellhead protection may be found at :

http://www.epa.state.il.us/water/groundwater/index.html

g. Develop and implement 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.

h. Require all regulated construction sites to have post-construction management plans that meet or exceed the requirements of Part IV.D.2.h of NPDES permit No. ILR10 including management practices, controls, and other provisions at least as protective as the requirements contained in the most recent version of the Illinois Urban Manual, 2014.

i. Ensure adequate long-term operation and maintenance of BMPs.

j. 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.

k. Within 3 years of the effective date of the permit, the permittee must develop and implement a process to assess the water quality impacts in the design of all new and existing flood management projects that are associated with the permittee or that discharge to the MS4. This process must include consideration of controls that can be used to minimize the impacts to site water quality and hydrology while still meeting the project objectives. This will also include assessment of any potential impacts and effects on flood management projects due to climate change.

l. Provide an annual evaluation of post-construction storm water management BMPs and measureable goals in the Annual Report pursuant to Part V.C.1 .

6. Pollution Prevention/Good Housekeeping for Municipal Operations

New permittees shall develop and implement elements of their storm water management program addressing the provisions listed below. Existing permittees renewing coverage under this permit shall maintain their current programs addressing this Minimum Control Measure, updating and enhancing their storm water management programs as necessary to comply with the terms of this section.

a. Develop and implement an operation and maintenance program that includes an annual training component for municipal staff and contractors and is designed to prevent and reduce the discharge of pollutants to the maximum extent practicable.

b. Pollution Prevention- The permittee shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants from municipal properties, infrastructure, and operations. 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, chemical storage tanks, deicing material storage facilities and temporary stockpiles, detergents, sanitary waste, and other materials present on the site to precipitation and to storm water;

iii. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures; and

iv. Provide regular inspection of municipal storm water management BMPs. Based on inspection findings, the permittee shall determine if repair, replacement, or maintenance measures are necessary in order to ensure the structural integrity, proper function, and treatment effectiveness of structural storm water BMPs. Necessary maintenance shall be completed as soon as conditions allow to prevent or reduce the discharge of pollutants to storm water.

c. Deicing material must be stored in a permanent or temporary storage structure or seasonal tarping must be utilized. If no permanent structures are owned or operated by the Permittee, new permanent deicing material storage structures shall be constructed within two years of the effective date of this permit. Storage structures or stockpiles shall be located and managed to minimize storm water pollutant runoff from the stockpiles or loading/unloading areas of the stockpiles. Stockpiles and loading/unloading areas should be located as far as practicable from any area storm sewer drains. Fertilizer, pesticides, or other chemicals shall be stored indoors to prevent any discharge of such chemicals within the storm water runoff.

d. Using training materials that are available from USEPA, the State of Illinois, or other organizations, the permittee's program must include annual 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, deicing material storage handling and use on roadways, new construction and land disturbances, and storm water system maintenance procedures for proper disposal of street cleaning debris and catch basin material. In addition, training should include how flood management projects impact water quality, non-point source pollution control, green infrastructure controls, and aquatic habitat.

e. 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.

f. Provide an annual evaluation of pollution prevention/good housekeeping for municipal operations and measureable goals in the Annual Report pursuant to Part V.C.1.

C. Qualifying State, County, or Local Program

If an existing qualifying local program requires a permittee to implement one or more of the minimum control measures of Part IV. B. above, the permittee may follow that qualifying program's requirements rather than the requirements of Part IV.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 Part IV. B. Any qualifying local programs that permittees intend to follow shall be specified in their storm water management program.

D. Sharing Responsibility

1. Implementation of one or more of the minimum control measures may be shared with another entity, or the entity may fully take over the control measure. A permittee may rely on another entity only if:

a. The other entity 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 any minimum control measure on the permittee's behalf. A written agreement of this obligation is recommended. This obligation must be maintained as part of the description of the permittee's Storm Water Management Program. If the other entity agrees to report on the minimum control measure, the permittee must supply the other entity with the reporting requirements contained in Part V.C of this permit. If the other entity fails to implement the minimum control measure on the permittee's behalf, then the permittee remains liable for any discharges due to that failure to implement the minimum control measure.

E. Reviewing and Updating Storm Water Management Programs

1. Storm Water Management Program Review- The permittee must perform an annual review of its Storm Water Management Program in conjunction with preparation of the annual report required under Part V.C. The permittee must include in its annual report a plan for complying with any changes or new provisions in this permit, or in any State or federal regulations. The permittee must also include in its annual report a plan for complying with all applicable TMDL Report(s) or watershed management plan(s). Information on TMDLs may be found at:

http://www.epa.state.il.us/water/tmdl/.

2. Storm Water Management Program Update - The permittee may modify its Storm Water Management Program during the life of the permit in accordance with the following procedures:

a. Modifications 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;

b. Modifications replacing an ineffective or infeasible BMP specifically identified in the Storm Water Management Program with an alternate BMP may be requested at any time. Unless denied by the Agency, modifications proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If the request is denied, the Agency will send the permittee a written response giving a reason for the decision. The permittee's 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. Modification of any ordinances relative to the storm water management program, provided the updated ordinance is at least as stringent as the provisions stipulated in this permit; and

d. Modification 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. Modifications requested by the Agency must be made in writing, set forth the time schedule for permittees to develop the modifications, and offer permittees the opportunity to propose alternative program modifications to meet the objective of the requested modification. All modifications 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. The Agency may require modifications to the Storm Water Management Program as needed to:

a. Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;

b. Include more stringent requirements necessary to comply with new federal or State 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.

PART V. MONITORING, RECORDKEEPING, AND REPORTING

A. Monitoring

The permittee must develop and implement a monitoring and assessment program to evaluate the effectiveness of the BMPs being implemented to reduce pollutant loadings and water quality impacts within 180 days of the effective date of this permit. The program should be tailored to the size and characteristics of the MS4 and the watershed. The permittee shall provide a justification of its monitoring and assessment program in the Annual Report. By not later than 180 days after the effective date of this permit, the permittee shall initiate an evaluation of its storm water program. The plan for monitoring/evaluation shall be described in the Annual Report. Evaluation and/or monitoring results shall be provided in the Annual Report. The monitoring and assessment program may include evaluation of BMPs and/or direct water quality monitoring as follows:

1. An evaluation of BMPs based on estimated effectiveness from published research accompanied by an inventory of the number and location of BMPs implemented as part of the permittee's program and an estimate of pollutant reduction resulting from the BMPs, or

2. Monitoring the effectiveness of storm water control measures and progress towards the MS4's goals using one or more of the following:

a. MS4 permittees serving a population of less than 25,000 may conduct visual observations of the storm water discharge documenting color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, or other obvious indicators of storm water pollution; or

b. MS4 permittees may evaluate storm water quality and impacts using one or more of the following methods;

i. Instream monitoring in the highest level hydrological unit code segment in the MS4 area. Monitoring shall include, at a minimum, quarterly monitoring of receiving waters upstream and downstream of the MS4 discharges in the designated stream(s).

ii. Measuring pollutant concentrations over time.

iii. Sediment monitoring.

iv. Short-term extensive network monitoring. Short-term sampling at the outlets of numerous drainage areas to identify water quality issues and potential storm water impacts, and may help in ranking areas for implementation priority. Data collected simultaneously across the MS4 to help characterize the geographical distribution of pollutant sources.

v. Site-specific monitoring. High-value resources such as swimming beaches, shellfish beds, or high-priority habitats could warrant specific monitoring to assess the status of use support. Similarly, known high-priority pollutant sources or impaired water bodies with contaminated aquatic sediments, an eroding stream channel threatening property, or a stream reach with a degraded fish population could be monitored to assess impacts of storm water discharges and/or to identify improvements that result from the implementation of BMPs.

vi. Assessing physical/habitat characteristics such as stream bank erosion caused by storm water discharges.

vii. Outfall/Discharge monitoring.

viii. Sewershed-focused monitoring. Monitor for pollutants in storm water produced in different areas of the MS4. For example, identify which pollutants are present in storm water from industrial areas, commercial areas, and residential areas.

ix. BMP performance monitoring. Monitoring of individual BMP performance to provide a direct measure of the pollutant reduction efficiency of these key components of a MS4 program.

x. Collaborative watershed-scale monitoring. The permittee may choose to work collaboratively with other permittees and/or a watershed group to design and implement a watershed or sub-watershed-scale monitoring program that assesses the water quality of the water bodies and the sources of pollutants. Such programs must include elements which assess the impacts of the permittee's storm water discharges and/or the effectiveness of the BMPs being implemented.

c. If ambient water quality monitoring under 2b above is performed, the monitoring of storm water discharges and ambient monitoring intended to gauge storm water impacts shall be performed within 48 hours of a precipitation event greater than or equal to one quarter inch in a 24-hour period. At a minimum, analysis of storm water discharges or ambient water quality shall include the following parameters: total suspended solids, total nitrogen, total phosphorous, fecal coliform, chlorides, and oil and grease. In addition, monitoring shall be performed for any other pollutants associated with storm water runoff for which the receiving water is considered impaired pursuant to the most recently approved list under Section 303(d) of the Clean Water Act.

B. Recordkeeping

The permittee must keep records required by this permit for 5 years after the expiration of this permit. Records to be kept under this Part include the permittee's NOI, storm water management plan, annual reports, and monitoring data. 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, permittees must submit records to the Agency only when specifically requested to do so. Permittees must post their NOI, storm water management program plan, and annual reports on the permittee's website. The permittee must make its records available to the public at reasonable times during regular business hours. The permittee may require a member of the public to provide advance notice, in accordance with the applicable Freedom of Information Act requirements. 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. Annual Reports shall be maintained on the permittees' website for a period of 5 years. The Report must include:

1. An assessment of the appropriateness and effectiveness of the permittee's identified BMPs and progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable (MEP), and the permittee's identified measurable goals for each of the minimum control measures;

2. The status of compliance with permit conditions, including a description of each incidence of non-compliance with the permit, and the permittee's plan for achieving compliance with a timeline of actions taken or to be taken;

3. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;

4. A summary of the storm water activities the permittee plans to undertake during the next reporting cycle, including an implementation schedule;

5. A change in any identified BMPs or measurable goals that apply to the program elements;

6. Notice that the permittee is relying on another government entity to satisfy some of the permit obligations (if applicable);

7. Provide an updated summary of any BMP or adaptive management strategy constructed or implemented pursuant to any approved TMDL or alternate water quality management study. Use the results of your monitoring program to assess whether the WLA or other performance requirements for storm water discharges from your MS4 are being met; and

8. If a qualifying local program or programs with shared responsibilities is implementing all minimum control measures on behalf of one or more entities, then the local qualifying program or programs with shared responsibilities may submit a report on behalf of itself and any entities for which it is implementing all of the minimum control measures.

The Annual Reports shall be submitted to the following office and email addresses:

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

epa.ms4annualinsp@illinois.gov

PART VI. DEFINITIONS AND ACRONYMS

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. 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.

Environmental Justice (EJ) means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies

Environmental Justice Area means a community with a low-income and/or minority population greater than twice the statewide average. In addition, a community may be considered a potential EJ community if the low-income and/or minority population is less than twice the state-wide average but greater than the statewide average and it has identified itself as an EJ community. If the low-income and/or minority population percentage is equal to or less than the statewide average, the community should not be considered a potential EJ community.

Flood management project means any project which is intended to control, reduce or minimize high stream flows and associated damage. This may also include projects designed to mimic or improve natural conditions in the waterway.

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, 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.

Pollutants of Concern means pollutants identified in a TMDL waste load allocation (WLA) or on the Section 303(d) list for the receiving water, and any of the pollutants for which water monitoring is required in Part V.A. of this permit.

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.).

Attachment H

Standard Conditions

Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. 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 or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), 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. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA 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

(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.

(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.

(d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section 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 gather and evaluate 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.

(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. Notice is required when:

(1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29 (b); or

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42 (a)(1).

(3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

(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) **Transfers.** This permit is not transferable to any person except after notice to the Agency.

(d) **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.

(e) **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.

(f) **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) Any upset which exceeds any effluent limitation in the permit.

(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit or any pollutant which may endanger health or the environment.

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

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

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

(13) **Bypass.**

(a) Definitions.

(1) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (13)(c) and (13)(d).

(c) Notice.

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph (12)(f) (24-hour notice).

(d) Prohibition of bypass.

(1) Bypass is prohibited, and the Agency may take enforcement action against a permittee for bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The permittee submitted notices as required under paragraph (13)(c).

(2) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions listed above in paragraph (13)(d)(1).

(14) **Upset.**

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (14)(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated; and

(3) The permittee submitted notice of the upset as required in paragraph (12)(f)(2) (24-hour notice).

(4) The permittee complied with any remedial measures required under paragraph (4).

(d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(15) **Transfer of permits.** Permits may be transferred by modification or automatic transfer as described below:

(a) Transfers by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued pursuant to 40 CFR 122.62 (b) (2), or a minor modification made pursuant to 40 CFR 122.63 (d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

(b) Automatic transfers. As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:

(1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
(2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
(3) 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.

(16) 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.

(17) 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.

(18) 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.

(19) 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.

(20) 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.

(21) 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.

(22) 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 $25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 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.
Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41 (a)(2) and (3).

(23) 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 this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

(24) 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, 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.

(25) 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.

(26) In case of conflict between these standard conditions and any other condition(s) included in this permit, the other condition(s) shall govern.

(27) 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 or any court with jurisdiction.

(28) The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit is held invalid, the remaining provisions of this permit shall continue in full force and effect.

(Rev. 7-9-2010 bah)