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.

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Manager, Permit Section
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NPDES/Hutton/stormwater/MS4/MSFinal2-9-16.daa

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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.).