

NPDES Permit No.
ILR10

Public Notice Beginning Date: **August 08, 2023**

Public Notice Ending Date: **September 07, 2023**

National Pollutant Discharge Elimination System
(NPDES) Permit Program

PUBLIC NOTICE/FACT SHEET
of
Draft Reissued General NPDES Permit to Discharge
Storm Water From Construction Site Activities into Waters
of the United States

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to reissue NPDES General Permit No. ILR10 for the discharge of storm water associated with industrial activity from construction sites into waters of the United States for the types of dischargers specified below.

Coverage under this permit
This Permit covers all areas
of the State of Illinois

Eligibility

1. This permit shall authorize all discharges of storm water associated with industrial activity from construction sites that will result in the disturbance of one or more acres total land area, construction sites less than one acre of total land that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres total land area. Construction sites that were previously approved by the Agency, occurring after the effective date of this permit except for discharges identified under paragraph I.B.3 (Limitations on Coverage) are also authorized by this permit.
2. This permit may only authorize a storm water discharge associated with industrial activity from a construction site that is mixed with a storm water discharge from an industrial source other than construction, where:
 - a. the industrial source other than construction is located on the same site as the construction activity;
 - b. storm water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and
 - c. storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) are covered by a different NPDES general permit or individual permit authorizing such discharges.
3. **Limitations on Coverage.** The following storm water discharges from construction sites are not authorized by this permit:
 - a. storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has completed final stabilization.
 - b. discharges that are mixed with sources of non-storm water other than discharges identified in Part III.A (Prohibition on Non-Storm Water Discharges) of this permit and in compliance with Part IV.D.5 (Non-Storm Water Discharges) of this permit.
 - c. storm water discharges associated with industrial activity that are subject to an existing NPDES individual or general permit or which are issued a permit in accordance with Part VI.N (Requiring an Individual Permit or an Alternative General Permit) of this permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges.
 - d. storm water discharges from construction sites that the Agency has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard.
 - e. Storm water discharges that the Agency, at its discretion, determines are not appropriately authorized or controlled by this general permit.

Final Conditions

Length of Permit:	Approximately 5 Years
Classification of Receiving Waters:	All surface waters of the United States
Discharge No(s):	Various Locations
Type of Waste	Storm Water Runoff
Flow Rate:	Varies

Storm Water Pollution Prevention Plan

The Storm Water Pollution Prevention Plan (SWPPP) is considered to be the most important requirement of the General Permit. Each construction activity covered by the general permit must develop a Plan tailored to the site specific conditions and designed with the goal of controlling the amount of pollutants in storm water discharges from the site.

Components of the Plan -- The permit requires that the Plan contain a site description, and a description of the measures and controls to prevent or minimize pollution of storm water. The site description must include:

- A description of the nature of the construction activity
- A sequence of major construction activities
- An estimate of the total area of the site and of the area to be disturbed
- Identification of on-site or off-site stockpiling of soils or storage of materials
- An estimate of the runoff coefficient of the site after construction is complete
- Any existing data on the quality of storm water discharges from the site
- The name of the receiving water
- A site map indicating drainage patterns and slopes before and after grading activities are complete, areas of soil disturbance, the outline of the area to be disturbed, the location of off-site stockpiling of soils or storage of materials, the location of stabilization measures and controls, surface waters at the discharge points
- Contractors certifications of their understanding of the plan

Measures and Controls -- Measures and controls to prevent or minimize pollution of storm water must include three different types of controls: erosion and sediment controls, storm water management controls and other controls:

Erosion and Sediment Controls -- Stabilization (seeding, mulching, etc.) -- Disturbed areas where construction has temporarily ceased must be stabilized within 14 days of the last disturbance. (Areas which will be redisturbed within 14 days do not have to be stabilized).

Storm Water Management Controls -- Where construction results in an increase in the storm water discharged from the construction site, the permittee shall consider measures (storm water detention structures, infiltration measures, etc.) to control pollutants after construction is complete. Velocity dissipation devices must be installed in outfall channels to prevent erosive conditions if conditions warrant.

Use of Treatment Chemicals -- Identify the use of any polymer flocculant or treatment chemical at the site.

Other Controls -- The plan must insure that solid waste materials are not carried by storm water into the receiving waters. The owner must comply with State and/or local sanitary sewer or septic system regulations.

Local Programs -- Where Local programs for sediment and erosion control, storm water management or site permits exist, the Storm Water Pollution Prevention Plan should certify that their plan reflects the requirements of the local program. If local programs require plan approval, then the approved plan must be included in the Storm Water Pollution Prevention Plan.

Inspection/Maintenance -- Personnel must inspect the construction site at least once every 7 days and within 24 hours of a rainfall of 0.25 inches or more, or the next work day. At sites discharging dewatering water, personnel must inspect dewatering discharges during the discharge, once per each day on which the discharge occurs. The inspector must prepare a report documenting his/her findings on the conditions of the controls and stabilized areas.

Deadlines -- The plan must be completed and submitted to the Agency along with the Notice of Intent. The plan must be updated as appropriate during the construction period of the project. The construction project must comply with the provisions of the plan throughout the construction period.

Signature -- The plan must be signed by a responsible official such as the owner, president, vice president or general partner.

Plan Review -- The plan is to be kept at the construction facility during the entire construction period.

Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter I: Illinois Pollution Control Board Rules and Regulations and the Clean Water Act were applied in determining the applicable standards, limitations and conditions contained in the draft permit.

A general permit is a single permit issued to cover discharges from a number of facilities in a specified geographic area which involve the same or substantially similar types of operations. The facilities must discharge the "same type of wastes" which has been interpreted to mean the waste streams need not be identical but must be sufficiently similar that the same permit conditions are appropriate. A determination by the IEPA must be made that the discharges are more appropriately covered under a general permit than under individual permits.

A general permit is the equivalent of an individual permit in terms of effluent limitations, water quality standards, monitoring and reporting requirements, and enforceability. The effluent limits would be based on the more stringent of either technology-based or water quality-based requirements. Since the permit would be applicable to discharges into any receiving stream, no dilution or mixing will be allowed to meet water quality standards.

An applicant would be required to submit the same application information, using the required Federal forms, as for an individual permit or Notice of Intent (NOI). An updated NOI and SWPPP will be required from the owners or operators of discharges who are currently covered under the previous general permit, due within 180 days of the effective date of the re-issued general permit. Any owner or operator of these discharges may request to be excluded from the coverage of the general permit by submitting an application for individual permit with reasons supporting the request. IEPA will review the application and make a determination as to whether or not the general permit is appropriate to regulate the discharge. If the conclusion is that it would, the discharger will be notified of our decision to include him under the general permit. The IEPA's decision is appealable to the Pollution Control Board.

The general permit does not name any Permittees, nor does it authorize any person to discharge. The authorization to discharge under a general permit will be by separate letter, issued to a specific applicant. The letters can be issued at any time while the Permit is in effect.

The following modifications have been proposed to the previously issued General NPDES Permit ILR10:

- 1) Part II has been revised in compliance with the Federal Electronic Reporting Rule, requiring submission of documents through the Federal CDX system. All NOIs, SWPPPs, Notices of Termination, and other documents associated with application for or termination of permit coverage must be submitted electronically using the CDX System.
- 2) Part II(A)(2) has been revised to require dischargers covered under the current ILR10 permit to submit a new NOI and updated/revised SWPPP to the Agency no later than 180 days after the effective date of the reissued permit to maintain their coverage under the reissued permit.
- 3) Part III(A)(4)(a) and (c-e) have been revised to specify the limitations for discharges from dewatering activities (page 3).
- 4) Part IV(D)(2)(a)(v-vi) have been revised to include specific requirements for perimeter sediment controls and stormwater infiltration (page 5).
- 5) Part IV(D)(2)(c)(ii)(c) has been added to include documentation requirements for situations in which inlet protection measures are not required due to conveyance to a subsequent control (page 6).
- 6) Part IV(D)(2)(f)(iii) has been revised to include chemical storage and documentation requirements (page 6).
- 7) Part IV(D)(4)(c) has been revised to include inspection requirements for dewatering activities (page 8). The language previously found in this subsection has been renumbered as Part IV(D)(4)(d), and all subsequent subsections have been renumbered accordingly.
- 8) Part IV(D)(5) has been revised to include a paragraph with corrective action and/or documentation requirements for stormwater controls that require repair three or more times (page 8).
- 9) Part VIII has been revised to include definitions for the terms "Common Plan of Development or Sale", "Construction Site (or Site)", "Construction Support Activity", "Impairment", "Total Maximum Daily Loads (TMDLs)", and "Turbidity", (pages 12 and 13).
- 10) Attachment A has been revised based on updated operational areas for the Des Plaines Region and Peoria Region Field Offices following closure of the Rockford Field Office.

Interested persons are invited to submit written comments on the draft permits to the IEPA at the address below. The NPDES permit number(s) must appear on each comment page. Any interested person may submit a written request for a public hearing on a draft permit, stating his or her name and address, the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to those issues.

The Public Notice, Fact Sheet, draft permit, comments received, and other documents are available for inspection and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday.

All comments on the draft permit and requests for hearing must be received by the IEPA not later than 30 days from the date of this publication. If written comments or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. For further information call the Public Notice Clerk at 217/782-0610.

Public Notice/Fact Sheet Issued
By:

Illinois Environmental Protection
Agency Division of Water Pollution
Control Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-0610

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

**General NPDES Permit
For
Storm Water Discharges From Construction Site Activities**

Expiration Date:

Issue Date:

Effective Date:

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

Darin E. LeCrone, P.E.
Manager, Permit Section
Division of Water Pollution Control

Part I. COVERAGE UNDER THIS PERMIT

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

B. **Eligibility.**

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

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issued a permit in accordance with Part VI.N (Requiring an Individual Permit or an Alternative General Permit) of this permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges;

- d. storm water discharges from construction sites that the Agency has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard;
- e. storm water discharges that the Agency, at its discretion, determines are not appropriately authorized or controlled by this general permit; and
- f. storm water discharges to any receiving water specified under 35 Ill. Adm. Code 302.105(d) (6).

C. Authorization.

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

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

- 1. To receive authorization under this general permit, a discharger must submit a completed Notice of Intent (NOI) in accordance with Part VI.G (Signatory Requirements) and the requirements of this Part in sufficient time to allow a 30 day review period after the receipt of the NOI by the Agency and prior to the start of construction. In compliance with the Federal Electronic Reporting Rule, the Agency has transitioned all General Storm Water Permits for Construction Site Activities to the Central Data Exchange (CDX) system. NOIs shall be submitted electronically at <https://cdx.epa.gov>. More information, including registration information for the CDX system, can be obtained on the IEPA website, <https://epa.illinois.gov/topics/forms/water-permits/storm-water/construction.html>.
- 2. Where discharges associated with construction activities were initially covered under the previous version of ILR10 and are continuing, a new NOI and updated/revised Storm Water Pollution Prevention Plan must be submitted within 180 days of the effective date of this reissued permit, as necessary to ensure compliance with the provisions of the reissued ILR10. Updating of the SWPPP is not required if construction activities are completed and a Notice of Termination is submitted within 180 days of the effective date of this permit.
- 3. A discharger may submit an NOI in accordance with the requirements of this Part after the start of construction. In such instances, the Agency may bring an enforcement action for any discharges of storm water associated with industrial activity from a construction site that have occurred on or after the start of construction.

B. Failure to Notify. Dischargers who fail to notify the Agency of their intent to be covered, and discharge storm water associated with construction site activity to Waters of the United States without an NPDES permit are in violation of the Environmental Protection Act and Clean Water Act.

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

- 1. The mailing address, and location of the construction site for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the approximate center of the facility to the nearest 15 seconds, or the nearest quarter section (if the section, township and range is provided) that the construction site is located in;
- 2. The owner's name, address, telephone number, and status as Federal, State, private, public or other entity;
- 3. The name, address and telephone number of the general contractor(s) that have been identified at the time of the NOI submittal;
- 4. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water(s), the latitude and longitude of the discharge point, and any known impairments and completed TMDLs for the receiving water;
- 5. The number of any NPDES permits for any discharge (including non-storm water discharges) from the site that is currently authorized by an NPDES permit;
- 6. A description of the project, detailing the complete scope of the project, estimated timetable for major activities, an estimate of the number of acres of the site on which soil will be disturbed, an indication of whether or not the installation of stormwater controls will require subsurface earth disturbance, an indication of whether or not the pre-development land was used for agriculture, and an indication of whether or not the project will include demolition of structures built or renovated before January 1, 1980;
- 7. For projects that have complied with State law on historic preservation and endangered species prior to submittal of the NOI, through coordination with the Illinois Historic Preservation Agency and the Illinois Department of Natural Resources or through fulfillment of the terms of interagency agreements with those agencies, the NOI shall indicate that such compliance has occurred.

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8. An indication of whether or not polymers, flocculants, cationic treatment chemicals, or other treatment chemicals will be used at the construction site;
9. An electronic copy of the storm water pollution prevention plan that has been prepared for the site in accordance with Part IV of this permit.
10. The notice of intent shall be modified using the CDX system for any substantial modifications to the project such as: address changes, new contractors, area coverage, additional discharges to Waters of the United States, or other substantial modifications.

D. Where to Submit.

Construction activities which discharge storm water that requires a NPDES permit submit an NOI to the Agency. The applicable fee shall also be submitted. NOIs must be signed in accordance with Part VI.G (Signatory Requirements) of this permit. The NOI and SWPPP must be submitted to the Agency electronically using the CDX system with digital signature at the following website address: <https://cdx.epa.gov>. Registration specific to the permittee is required in order to file electronically.

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

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

- E. **Additional Notification.** Construction activities that are operating under approved local sediment and erosion plans, land disturbance permits, grading plans, or storm water management plans, in addition to filing copies of the Notice of Intent in accordance with Part D above, shall also submit signed copies of the Notice of Intent to the local agency approving such plans in accordance with the deadlines in Part A above. See Part IV.D.2.d (Approved State or Local Plans). A copy of the NOI shall be sent to the entity holding an active General NPDES Permit No. ILR40 if the permittee is located in an area covered by an active ILR40 permit.
- F. **Notice of Termination.** Where a site has completed final stabilization and all storm water discharges from construction activities that are authorized by this permit are eliminated, the permittee must submit a completed Notice of Termination (NOT) that is signed in accordance with Part VI.G (Signatory Requirements) of this permit. All Notices of Termination are to be submitted to the Agency electronically using the CDX system with digital signatures, at the web address listed in Part II.D.

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

1. Except as provided in Part I paragraph B.2 and paragraphs 2, 3 or 4 below, all discharges covered by this permit shall be comprised entirely of storm water.
2.
 - a. Except as provided in paragraph b below, discharges of materials other than storm water must be in compliance with a NPDES permit (other than this permit) issued for the discharge.
 - b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharges is in compliance with Part IV.D.5 (Non-Storm Water Discharges): discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; waters used to control dust; potable water sources including uncontaminated waterline flushings; landscape irrigation drainages; routine external building washdown which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; uncontaminated air conditioning condensate; uncontaminated spring water; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.
3. The following non-storm water discharges are prohibited by this permit: concrete and wastewater from washout of concrete (unless managed by an appropriate control), wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, soaps, solvents, or detergents, toxic or hazardous substances from a spill or other release, or any other pollutant that could cause or tend to cause water pollution.
4. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are allowable if managed by appropriate controls.
 - a. Dewatering discharges shall be routed through a sediment control (e.g., sediment trap or basin, pumped water filter bag) designed to prevent discharges with visual turbidity;
 - b. The discharge shall not include visible floating solids or foam;
 - c. The discharge must not cause the formation of a visible sheen on the water surface, or visible oily deposits on the bottom or shoreline of the receiving water. An oil-water separator or suitable filtration device shall be used to treat oil, grease, or other similar products if dewatering water is found to or expected to contain these materials;
 - d. To the extent feasible, use well-vegetated (e.g., grassy or wooded), upland areas of the site to infiltrate dewatering water before discharge. You are prohibited from using receiving waters as part of the treatment area;
 - e. To prevent dewatering-related erosion and related sediment discharges, use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) to discharge from dewatering controls. Do not place dewatering controls, such as pumped

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water filter bags, on steep slopes (15% or greater in grade);

- f. Backwash water (water used to backwash/clean any filters used as part of stormwater treatment) must be properly treated or hauled off-site for disposal; and
- g. Dewatering treatment devices shall be properly maintained.

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

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

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

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

Part IV. STORM WATER POLLUTION PREVENTION PLANS

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

A. Deadlines for Plan Preparation and Compliance.

The plan shall:

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

B. Signature, Plan Review and Notification.

- 1. The plan shall be signed in accordance with Part VI.G (Signatory Requirements), and be retained at the construction site which generates the storm water discharge in accordance with Part VI.E (Duty to Provide Information) of this permit. If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of the construction site.
- 2. Prior to commencement of construction, the permittee shall provide the plan to the Agency.
- 3. The permittee shall make plans available upon request from this Agency or a local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system. A list of permitted municipal separate storm sewer systems is available at: <https://epa.illinois.gov/topics/forms/water-permits/storm-water/urbanized-area-list.html>
- 4. The Agency may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 7 days from receipt of notification from the Agency, the permittee shall make the required changes to the plan and shall submit to the Agency a written certification that the requested changes have been made. Failure to comply shall terminate authorization under this permit.
- 5. A copy of the letter of notification of coverage along with the General NPDES Permit for Storm Water Discharges from Construction Site Activities or other indication that storm water discharges from the site are covered under an NPDES permit shall be posted at the site in a prominent place for public viewing (such as alongside a building permit).
- 6. All storm water pollution prevention plans and all completed inspection forms/reports required under this permit are considered reports that shall be available to the public at any reasonable time upon request. However, the permittee may claim any portion of a storm water pollution prevention plan as confidential in accordance with 40 CFR Part 2.

- C. **Keeping Plans Current.** The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to Waters of the United States and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under paragraph D.2 below, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with construction site activity. In addition, the plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the storm water pollution prevention plan. Amendments to the plan may be reviewed by the Agency in the same manner as Part IV.B above. The SWPPP and site map must be modified within 7 days for any changes to construction plans, stormwater controls or other activities at the site that are

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no longer accurately reflected in the SWPPP. Any revisions of the documents for the storm water pollution prevention plan shall be kept on site at all times.

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

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

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

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

- a. **Erosion and Sediment Controls.** The permittee shall design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:
 - (i) Control storm water volume and velocity within the site to minimize soil erosion;
 - (ii) Control storm water discharges, including both peak flowrates and total storm water volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion;
 - (iii) Minimize the amount of soil exposed during construction activity through the use of project phasing or other appropriate techniques;
 - (iv) Minimize the disturbance of steep slopes;
 - (v) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address 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. Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas, with both ends of the perimeter control installed upslope (e.g., at 45 degrees) to prevent stormwater from circumventing the edge of the perimeter control. After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem;
 - (vi) Provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration, unless infeasible unless infiltration would be inadvisable due to the underlying geology (e.g. karst topography) and ground water contamination concerns, or infeasible due to site conditions;
 - (vii) Minimize soil compaction and, unless infeasible, preserve topsoil;
 - (viii) Minimize sediment track-out. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S.; and,
 - (ix) Minimize dust. On areas of exposed soils, minimize the generation of dust through the appropriate application of water or other dust suppression techniques.
- b. **Stabilization Practices.** The storm water pollution prevention plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where practicable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporarily seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, staged or staggered development, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated, shall be included in the plan. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization of disturbed areas must be initiated within 1 working day of permanent or temporary cessation of earth disturbing activities and shall be completed as soon as possible but not later than 14 days from the initiation of stabilization work in an area. Exceptions to these time frames are specified as provided in paragraphs (i) and (ii) below:

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- (i) Where the initiation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
 - (ii) On areas where construction activity has temporarily ceased and will resume after 14 days, a temporary stabilization method can be used. Temporary stabilization techniques and materials shall be described in the SWPPP.
 - (iii) Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls are implemented to minimize sediment track-out.
- c. **Structural Practices.** A description of structural practices utilized to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree practicable. The installation of these devices may be subject to Section 404 of the CWA.
- (i) The following design requirements apply to sediment basins if such structural practices will be installed to reduce sediment concentrations in storm water discharges:
 - a. When discharging from the sediment basin, utilize outlet structures that withdraw water from the surface in order to minimize the discharge.
 - b. Prevent erosion of the sediment basin using stabilization controls (e.g., erosion control blankets), at the inlet and outlet using erosion controls and velocity dissipation devices:
 - c. Sediment basins shall be designed to facilitate maintenance, including sediment removal from the basins, as necessary.
 - (ii) The following requirements apply to protecting storm drain inlets:
 - a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a water of the U.S., provided you have authority to access the storm drain inlet; and
 - b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.
 - c. Where inlet protection measures are not required because the storm drain inlets to which your site discharges are conveyed to a sediment basin, sediment trap, or similarly effective control, include a short description of the control that receives the stormwater flow from the site.
- d. **Use of Treatment Chemicals.** Identify the use of all polymer flocculants or treatment chemicals at the site. Dosage of treatment chemicals shall be identified along with any information from any Material Safety Data Sheet. Describe the location of all storage areas for chemicals. Include any information from the manufacturer's specifications. Treatment chemicals must be stored in areas where they will not be exposed to precipitation. The SWPPP must describe procedures for use of treatment chemicals and staff responsible for use/application of treatment chemicals must be trained on the established procedures.
- e. **Best Management Practices for Impaired Waters.** For any site which discharges directly to an impaired water identified on the Agency's website for 303(d) listing for suspended solids, turbidity, or siltation the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations or the Illinois Urban Manual, the storm water pollution prevention plan shall adhere to a more restrictive design criteria. Please refer to the Agency's website at: <https://epa.illinois.gov/topics/water-quality/watershed-management/tmdls/303d-list.html>
- f. **Pollution Prevention.** The permittee shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:
- (i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - (ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to storm water. Minimization to exposure is not required for any products or materials where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or when exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use);
 - (iii) Minimize the exposure of fuel, oil, hydraulic fluids, other petroleum products, and other chemicals by storing in covered areas or containment areas. Any chemical container with a storage of 55 gallons or more must be stored a minimum of 50 feet from receiving waters, constructed or natural site drainage features, and storm drain inlets. If infeasible due to site constraints, store containers as far away as the site permits and document in your SWPPP the specific reasons why the 50-foot setback is infeasible and how the containers will be stored; and
 - (iv) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- g. **Other Controls.**
- (i) Waste Disposal. No solid materials, including building materials, shall be discharged to Waters of the United States, except as authorized by a Section 404 permit.
 - (ii) The plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.
 - (iii) For construction sites that receive concrete or asphalt from off-site locations, the plan must identify and include appropriate controls and measures to reduce or eliminate discharges from these activities.
 - (iv) The plan shall include spill response procedures and provisions for reporting if there are releases in excess of reportable quantities.
 - (v) The plan shall ensure that regulated hazardous or toxic waste must be stored and disposed in accordance with any applicable State and Federal regulations.
- h. **Best Management Practices for Post-Construction Storm Water Management.** Describe the measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.

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Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are responsible for only the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site.

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

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

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

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

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

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

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

3. **Maintenance.**

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

4. **Inspections.** Qualified personnel (provided by the permittee) shall inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm or by the end of the following business or work day that is 0.50 inches or greater. Qualified personnel means a person knowledgeable in the principles and practices of erosion and sediment controls measures, such as a licensed Professional Engineer (P.E.), a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Erosion Sediment and Storm Water Inspector (CESSWI), a Certified Stormwater Inspector (CSI) or other knowledgeable person who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activities. Areas inaccessible during inspections due to flooding or other unsafe conditions shall be inspected within 72 hours of becoming accessible.

- a. Inspections may be reduced to once per month when construction activities have ceased due to frozen conditions (when ground and/or air temperatures are at or below 32 degrees Fahrenheit). Weekly inspections will recommence when construction activities are conducted, or if there is a 0.50 inches or greater rain event, or a discharge due to snowmelt occurs.

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- b. Disturbed areas, areas used for storage of materials that are exposed to precipitation and all areas where stormwater typically flows within the site shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. All locations where stabilization measures have been implemented shall be observed to ensure that they are still stabilized. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
- c. For sites discharging dewatering water, you must conduct an inspection during the discharge, once per day on which the discharge occurs and record the following in a report within 24 hours of completing the inspection:
 - (i) The inspection date;
 - (ii) Names and titles of personnel performing the inspection;
 - (iii) Approximate times that the dewatering discharge began and ended on the day of inspection;
 - (iv) Estimates of the rate (in gallons per day) of discharge on the day of inspection;
 - (v) Whether or not any of the following indications of pollutant discharge were observed at the point of discharge: a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; and/or a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water.
- d. Based on the results of the inspection, the description of potential pollutant sources identified in the storm water pollution prevention plan in accordance with Part IV.D.1 (Site Description) of this permit and the pollution prevention control measures identified in the plan in accordance with Part IV.D.2 (Controls) of this permit shall be revised as appropriate as soon as practicable after such inspection to minimize the potential for such discharges. Such modifications shall provide for timely implementation of any changes to the plan and pollution prevention control measures within 7 calendar days following the inspection.
- e. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph b above shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the permit coverage expires or is terminated. All inspection reports shall be retained at the construction site. The report shall be signed in accordance with Part VI.G (Signatory Requirements) of this permit. Any flooding or other unsafe conditions that delay inspections shall be documented in the inspection report.
- f. The permittee shall notify the appropriate Agency Field Operations Section office by email at: epa.swnoncomp@illinois.gov, telephone or fax (see Attachment A) within 24 hours of any incidence of noncompliance for any violation of the storm water pollution prevention plan observed during any inspection conducted, or for violations of any condition of this permit. The permittee shall complete and submit within 5 days an "Incidence of Noncompliance" (ION) report for any violation of the storm water pollution prevention plan observed during any inspection conducted, or for violations of any condition of this permit. Submission shall be on forms provided by the Agency and include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance. Corrective actions must be undertaken immediately to address the identified non-compliance issue(s).
- g. All reports of noncompliance shall be signed by a responsible authority as defined in Part VI.G (Signatory Requirements).
- h. After the initial contact has been made with the appropriate Agency Field Operations Section Office, all reports of noncompliance shall be mailed to the Agency at the following address:

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

5. Corrective Actions. You must take corrective action to address any of the following conditions identified at your site:

- a. A stormwater control needs repair or replacement; or
- b. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
- c. Your discharges are causing an exceedance of applicable water quality standards; or
- d. A prohibited discharge has occurred.

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

In the event that maintenance is required for the same stormwater control at the same location three or more times, the control shall be repaired in a manner that prevents continued failure to the extent feasible, and you must document the condition and how it was repaired in your records. Alternatively, you must document in your records why the specific reoccurrence of this same issue should continue to be addressed as a routine maintenance fix.

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

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E. **Additional requirements for storm water discharges from industrial activities other than construction, including dedicated asphalt plants, and dedicated concrete plants.** This permit may only authorize any storm water discharge associated with industrial activity from a construction site that is mixed with a storm water discharge from an industrial source other than construction, where:

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

F. **Contractors.**

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

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

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

Part V. RETENTION OF RECORDS

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

Part VI. STANDARD PERMIT CONDITIONS

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

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1. All Notices of Intent shall be signed as follows:

- a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) any person authorized to sign documents that has been assigned or delegated said authority in accordance with corporate procedures;
- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by the permit and other information requested by the Agency shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. **Penalties for Falsification of Reports.** Section 309(c)(4) of the Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. Section 44(j)(4) and (5) of the Environmental Protection Act provides that any person who knowingly makes any false statement, representation, or certification in an application form, or form pertaining to a NPDES permit commits a Class A misdemeanor, and in addition to any other penalties provided by law is subject to a fine not to exceed \$10,000 for each day of violation.
- I. **Penalties for Falsification of Monitoring Systems.** The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Section 309 of the CWA. The Environmental Protection Act provides that any person who knowingly renders inaccurate any monitoring device or record required in connection with any NPDES permit or with any discharge which is subject to the provisions of subsection (f) of Section 12 of the Act commits a Class A misdemeanor, and in addition to any other penalties provided by law is subject to a fine not to exceed \$10,000 for each day of violation.
- J. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.
- K. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- L. **Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- M. **Transfers.** This permit is not transferable to any person except after notice to the Agency. The Agency may require the discharger to apply for and obtain an individual NPDES permit as stated in Part I.C (Authorization).
- N. **Requiring an Individual Permit or an Alternative General Permit.**

1. The Agency may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Agency to take action under this paragraph. Where the Agency requires a discharger authorized to discharge under this permit to apply for an individual NPDES permit, the Agency shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the Agency indicated in Part II.D (Where to Submit) of this permit. The Agency may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual NPDES permit application as required by the Agency under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified by the Agency for application submittal. The Agency may require an individual NPDES permit based on:

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- a. information received which indicates the receiving water may be of particular biological significance pursuant to 35 Ill. Adm. Code 302.105(d)(6);
- b. whether the receiving waters are impaired waters for suspended solids, turbidity or siltation as identified by the Agency's 303(d) listing;
- c. size of construction site, proximity of site to the receiving stream, etc.

The Agency may also require monitoring of any storm water discharge from any site to determine whether an individual permit is required.

- 2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the Agency at the address indicated in Part II.D (Where to Submit) of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
 - 3. When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to a discharger otherwise subject to this permit or the discharger is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee remains in effect, unless otherwise specified by the Agency.
- O. **State/Environmental Laws.** No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
- P. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all construction activities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.
- Q. **Inspection and Entry.** The permittee shall allow the IEPA, or an authorized representative upon presentation of credentials and other documents as may be required by law, to:
- 1. Enter upon the permittee's premises where a regulated construction activity is located or conducted, or where records must be kept under the conditions of this permit;
 - 2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
 - 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.
- R. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- S. **Bypasses and Upsets.** The provisions of 40 CFR Section 122.41(m) & (n) are applicable and are hereby incorporated by reference.

Part VII. REOPENER CLAUSE

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

Part VIII. DEFINITIONS

"Agency" means the Illinois Environmental Protection Agency.

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

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

"Common Plan of Development or Sale" A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

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

"Construction Site" or "Site" The land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether.

"Construction Support Activity" A construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

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

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

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

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

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

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

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

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

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

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

"Impairment" is the status of a surface water in which an applicable water quality standard is not being attained for a particular pollutant.

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

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

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

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

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

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

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

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"Total Maximum Daily Loads (TMDLs)" The calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that particular pollutant. A TMDL determines a pollutant reduction target and allocates load reductions necessary to the source(s) of the pollutant.

"Turbidity" means a condition of water quality characterized by the presence of suspended solids and/or organic material.

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

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

Attachment A

**Division of Water Pollution Control
Regions by County**

Des Plaines Region (FOS 2) Manager 847/294-4000

Boone Kane Ogle	Cook Kankakee Stephenson	DeKalb Kendall Will	DuPage Lake Winnebago	Grundy Lee	Jo Daviess McHenry
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Peoria Region (FOS 3) Manager 309/671-3022

Bureau Knox Putnam Woodford	Carroll LaSalle Rock Island	Fulton Marshall Stark	Hancock McDonough Tazewell	Henderson Mercer Warren	Henry Peoria Whiteside
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Champaign Region (FOS 4) Manager 217/278-5800

Champaign Douglas Livingston Vermilion	Clark Edgar Macon	Coles Effingham McLean	Crawford Ford Moultrie	Cumberland Iroquois Piatt	DeWitt Jasper Shelby
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Springfield Region (FOS 5) Manager 217/557-8761

Adams Jersey Morgan	Brown Logan Pike	Calhoun Macoupin Sangamon	Cass Mason Schuyler	Christian Menard Scott	Green Montgomery
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Collinsville Region (FOS 6) Manager 618/346-5120

Bond Randolph	Clinton St. Clair	Fayette Washington	Madison	Marion	Monroe
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Marion Region (FOS 7) Manager 618/993-7200

Alexander Hardin Perry Wabash	Clay Jackson Pope Wayne	Edwards Jefferson Pulaski White	Franklin Johnson Richland Williamson	Gallatin Lawrence Saline	Hamilton Massac Union
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