

STORMWATER MANAGEMENT PLAN

FOR

THE VILLAGE OF THIRD LAKE
LAKE COUNTY, ILLINOIS

MAY 14, 2009

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1 Overview of the Stormwater Management Program Plan

1.1 Introduction

This Stormwater Management Program Plan (SMPP) was developed by the Village of Third Lake based off a SMPP template provided by the Lake County Stormwater Management Commission. The purpose of the SMPP is to meet the minimum standards required by the United States Environmental Protection Agency (USEPA) under the National Pollutant Discharge Elimination System (NPDES) Phase II program. Federal regulations through the USEPA require that all Municipal Separate Storm Sewer Systems (MS4s), partially or fully in urbanized areas based on the 2000 census, obtain stormwater permits for their discharges into receiving waters. There are many different types of MS4s including municipalities, park districts, drainage districts, township highway departments, counties and county and state transportation departments (LCDOT and IDOT).

The SMPP describes the procedures and practices that can be implemented by the Village of Third Lake toward the goal of reducing the discharge of pollutants within stormwater runoff in order to comply with Federal standards. Compliance with the plan is intended to protect water quality thus contributing to the following amenities:

- cleaner lakes and streams,
- improved recreational opportunities and tourism,
- flood damage reduction,
- better aesthetics and wildlife habitat, and
- a safer and healthier environment for the citizens.

The SMPP addresses the primary program elements for all the Village of Third Lake activities, including the manner in which the Village of Third Lake:

- reviews, permits and inspects construction activity within its limits;
- manages the planning, design and construction of projects performed within its limits;
- maintains its facilities and performs its day-to-day operations;
- works toward protecting the receiving waters from illicit discharges;
- provides public education and outreach;
- trains its employees in carrying out and reporting program activities; and
- continually monitors and evaluates the program.

1.2 State & Federal Regulations

Federal environmental regulations based on the 1972 Clean Water Act (CWA) require that MS4s, construction sites and industrial activities control polluted stormwater runoff from entering receiving bodies of water (including navigable streams and lakes). The NPDES permit process regulates the discharge from these sources based on amendments to CWA in 1987 and the subsequent 1990 and 1999 regulations by the U.S. Environmental Protection Agency (USEPA). In Illinois, the USEPA has delegated administration of the Federal NPDES program to the Illinois Environmental Protection Agency (IEPA). On December 20, 1999 the IEPA issued a general NPDES Phase II permit for all MS4s. The General Permit is included in **Appendix 5.1**. Under the General ILR 40 Permit each MS4 was required to submit a Notice of Intent (NOI) declaring compliance with the conditions of the permit by March 10, 2003. The original NOI describes the proposed activities and best management practices that occurred over the original 5-year period toward the ultimate goal of developing a compliant SMPP. At the end of the 5th year (March 1, 2008) the components of the SMPP were required to be implemented; per the ILR40 permit. The IEPA reissued the ILR 40 permit on April 1, 2009.

Additionally, under the General ILR10 permit also administered by IEPA, all construction projects that disturb greater than 1 acre of total land area are required to obtain an NPDES permit from IEPA prior to the start of construction. Municipalities covered by the General ILR40 permit, are automatically covered under ILR10 30 days after the IEPA receives the NOI from the municipality.

1.3 Countywide Approach to NPDES Compliance

The Lake County Stormwater Management Commission (SMC) is a countywide governmental agency created by county ordinance under the authority of Illinois Revised Statute 55/5-1062. SMC's goals include the reduction of flood damage and water quality degradation. Another purpose of SMC is to assure that new development addresses non-point source pollution, does not increase flood and drainage hazards to others, or create unstable conditions susceptible to erosion. To accomplish this, the SMC works cooperatively with individuals, groups, and units of government as well as serving as the corporate enforcement authority for the Lake County Watershed Development Ordinance. SMC enforces the WDO in non-certified communities on behalf of the municipality. The municipality is responsible for enforcing the WDO in Certified Communities. A municipality is considered a Certified Community after its petition is approved by SMC. SMC utilizes technical assistance, education programs and watershed planning to increase public awareness of natural resources and the impacts of urbanization on stormwater quality. In addition, SMC provides solutions to problems related to stormwater and identifies effective ways of managing natural resources.

In 2002, SMC formed an Ad Hoc Municipal Advisory Committee (MAC) specifically to advise MS4s on the NPDES Phase II Permit program. Municipalities, townships, drainage districts, consultants and county representatives comprise the MAC. SMC advised and assisted the MS4s in preparing their NOIs, but is not a permittee as it does not own or operate any sewer systems.

The General Permit allows for MS4s to take credit for activities being performed by a Qualifying Local Program (QLP) toward meeting its permit requirements. The Lake County Stormwater Management

Commission (SMC) is a Qualifying Local Program for MS4s in Lake County. As part of their ongoing services, SMC performs some functions related to each of the six minimum control measures. SMC has been providing services under four of the six minimum control categories since it began implementing a comprehensive, countywide stormwater program in 1991. However, MS4s are required to provide additional services for each of the Minimum Control Measures with the greatest effort in the Illicit Discharge Detection and Elimination and Pollution Prevention/Good Housekeeping categories.

SMC sponsors informative workshops and roundtable discussions. It formed the Municipal Advisory Committee (MAC) to receive input on how SMC can best assist local governments during the permit application process and implementation period. Through these discussions, it was decided that each municipality (or MS4) submit its own "Notice of Intent" (NOI) to be covered under IEPA's statewide general permit. However, using the countywide approach, municipalities may take credit for the programs and ordinances developed by SMC as well as tailor specific local BMP programs for compliance with the Phase II rules.

As part of the countywide approach to comply with the NPDES Phase II program, SMC assists municipalities with the following:

- Supports NPDES II presentations to local boards,
- Develops model Notice of Intent (NOI),
- Provides countywide drainage system overview and receiving waters map,
- Provides general 5-year BMP Plan for NOI,
- Develops specific BMP Measurable Goals and program development tasks,
- Serves as a clearinghouse for all support information and acts as a liaison to IEPA and USEPA,
- Supports an on-going Municipal Advisory Committee (MAC),
- Drafts a model of the Annual Performance Report and specific BMP Measurable Goals for the subsequent years, and
- Provides model Illicit Discharge Ordinance language.
- Provides SMPP Template.

SMC countywide services qualify for credit under four of the six Minimum Control Measures. Additionally, SMC developed the SMPP template for revision/adoption by the MS4s. This template is intended to be reviewed, revised and accepted by MS4s within the county and describes a program intended to be in compliance with the ILR40 permit requirements. A general list below summarizes additional SMC services under the 6 minimum control categories:

1. **Public Education and Outreach:** SMC provides, through its Public Information Coordinator, various training workshops, homeowners workshops, brochures, training manuals, teacher/student education, videos, etc.,
2. **Public Participation and Involvement:** SMC coordinates and participates in public meetings and committees, including the Municipal Advisory Committee (MAC), SMC Board of Commissioners, Technical Advisory Committee (TAC), citizen watershed planning committees, Watershed Management Board (WMB), and volunteer support.
3. **Construction Site Runoff Control:** SMC adopted the countywide Watershed Development Ordinance in 1992, which establishes the minimum stormwater management requirements for development in Lake County. The WDO, which is enforced by SMC as well as by certified communities in the county, establishes standards for construction site runoff control.
4. **Post-Construction Runoff Control:** The Watershed Development Ordinance also establishes standards for post-construction runoff control.

1.4 Organization of SMPP

The SMPP identifies best management practices to be implemented in six different categories. These categories are:

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

Chapter 1: Overview of the Stormwater Management Program Plan - discusses the format of the SMPP document and the regulations associated with NPDES II through county, state and federal agencies.

Chapter 2: Program Management - discusses the logistics of the Plan. This includes the organization, implementation and responsible parties necessary to achieve overall compliance with the SMPP and Permit. It also identifies how the Village of Third Lake coordinates with other

county and state agencies and discusses the legal authority that the MS4s have to implement the Plan components.

Chapter 3: The Program - addresses stormwater pollutant control measures implemented by the Village of Third Lake per the six minimum control categories established by the USEPA:

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

Chapter 4: Monitoring, Program Evaluation and Reporting - describes the monitoring, evaluation and reporting procedures associated with the program.

Chapter 5: Appendices – General Permit ILR40.

1.5 Watersheds, Sub-Watersheds and Receiving Waters

The Village of Third Lake is primarily located within the Des Plaines River Watershed. The main receiving water, tributary to the Des Plaines River, is Mill Creek. Lakes and other on-stream bodies of water are also considered part of the receiving water system.

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

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

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

Des Plaines River Watershed

The Des Plaines River watershed originates in Racine and Kenosha Counties in Wisconsin flowing south into Illinois. The Des Plaines watershed in Lake County drains an area of approximately 202 square miles or 129,577 acres. It is the largest of the county's four major watersheds. The topography of the watershed is dominated by a gently rolling landscape with numerous wet marshy areas. The Lake County portion of the watershed is divided into nine sub-watersheds.

The Des Plaines River watershed wholly or predominantly includes the communities of Arlington Heights, Buffalo Grove, Deer Park, Grayslake, Gurnee, Hawthorn Woods, Indian Creek, Kildeer, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Mettawa, Mundelein, Old Mill Creek, Riverwoods, Third Lake, Vernon Hills, Wadsworth and Wheeling. New development has centered on the many lakes in the watershed. Open space areas are concentrated along the Des Plaines River, where the Lake County Forest Preserve District has substantial holdings, which stretch uninterrupted from the Wisconsin-Illinois border into Cook County. Watershed planning activities continue for the entire Des Plaines River watershed and planning sponsors include the Illinois Department of Natural Resources, U.S. Army Corps of Engineers, Lake, Cook and DuPage Counties. The Lake County Stormwater Management Commission has completed watershed management plans for the Indian Creek, Bull Creek/Bull's Brook, and Squaw Creek sub-watersheds to date. As funding becomes available, future watershed planning efforts will be implemented.

2 Program Management

This Chapter describes the organizational structures of the Village of Third Lake, the County and IEPA. It further discusses the roles and responsibilities of the various involved parties.

2.1 Implementation of this SMPP

The SMPP includes detailed discussions on the types of tasks that are required to meet the permit conditions under the NPDES II program and how to perform these tasks. It is anticipated that implementation of this SMPP constitutes compliance with the program. The SMPP must be posted on the Village of Third Lake website.

2.2 Intra-Department Coordination

The Board of Trustees is the policy and budget setting authority for the Village of Third Lake. The Department of Public Works and the Village Engineer work together to implement this SMPP. The Stormwater Coordinator has primary responsibility for managing the overall program.

2.2.A Stormwater Coordinator

The Village Engineer is the Stormwater Coordinator and is responsible for the oversight and implementation of this SMPP. The Stormwater Coordinator has many different responsibilities, he/she:

- is the lead contact for coordination with the Lake County Stormwater Management Commission, the Illinois Environmental Protection Agency, contractors, the development community and other external regulatory agencies;
- understands the requirements of ILR40, ensures that the SMPP meets the requirements of the permit and that the Village of Third Lake effectively implements the SMPP;
- ensures, or assists the Enforcement Officer in ensuring, that the Village of Third Lake complies with all minimum Watershed Development Ordinance (WDO) provisions;
- ensures that the Municipal Facilities comply with all minimum ILR40 permit requirements;
- is aware when a Municipal Project is required to be authorized under the ILR10 permit. In these cases the Stormwater Coordinator should ensure that the NOI is received by IEPA at least 30 days prior to the start of construction; and
- assists the development community in understanding when a ILR10 permit is required and whether construction sites comply with the general ILR10 and WDO permit conditions; and

- should understand the role illicit discharges play in the overall NPDES II program. In general, an incidence of non-compliance must be filed with IEPA for illicit discharges exiting an MS4's outfall into a receiving water. Additionally, if the illicit discharge is generated by a construction site, it may be necessary for both the applicant and the MS4 to file the ION form with IEPA.

2.2.B Engineering Department

Engineering personnel support the Stormwater Coordinator in obtaining compliance with both the NDPEs and WDO programs.

The Village Engineer is also the Enforcement Officer with respect to the administration and enforcement of the Lake County Watershed Development Ordinance (WDO). The design and construction of all public projects shall comply with the WDO. As the Enforcement Officer, the Village Engineer has the responsibility to concur that projects meet WDO standards prior to the issuance of permits, and oversee site inspections during construction. Refer to Chapter 3.4-3.5 for additional information on this process.

2.2.C Public Works Department

Infrastructure maintenance activities within the MS4 are carried out by Public Works personnel. Public Works personnel are designated as the primary entity responsible for performing the duties specified under Chapter 3.3 Illicit Discharge Detection and Elimination and Chapter 3.6 Pollution Prevention and Good Housekeeping.

2.3 Coordination with Lake County Stormwater Management Commission

Coordination between the MS4 and the Lake County Stormwater Management Commission (SMC) occurs through both participation in the SMC sponsored MAC forums and through the Certified Community Status under the Lake County Watershed Development Ordinance (WDO). The MS4's Stormwater Coordinator is the lead contact for participation in the MAC forums. If the MS4 is a Certified Community, the MS4's Enforcement Officer is responsible for enforcement of the WDO and is designated by the MS4 to the SMC.

2.4 Coordination with Consultants

The MS4 may enlist the services of consultants to assist in the implementation of the WDO (including, but not limited to, plan review, site inspections and enforcement), and the design of MS4 projects. The Village Engineer has the responsibility of administering these contracts.

2.5 Coordination of Contractors

The MS4 may hire contracted services. The Village Engineer also has a responsibility to educate contractors hired by the municipality in the requirements of this SMPP and applicable requirements of the ILR40 and ILR10 permits. Furthermore, the municipality has a responsibility to ensure that the development community hires contractors which meet the qualifications necessary under the program.

2.6 Coordination with the Public

Coordination with the Public occurs on several levels. The Public Education and Outreach Program of this SMPP is discussed in Chapter 3.1. The Public Participation and Involvement Program of this SMPP is discussed in Chapter 3.2.

2.7 Coordination with the IEPA

The Village of Third Lake is required to complete an annual report which describes the status of compliance with the ILR40 permit conditions and other related information as presented on the annual report template provided by the QLP. The annual report must be posted on the (insert MS4 type's) website and submitted to the IEPA by the first day of June each year. Annual reporting to IEPA should consist of "implemented SMPP" for all tasks completed in accordance with this SMPP. Additional information should be provided for areas of enhancement or tasks not completed.

2.8 Coordination with the Development Community

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

3 The Program

This Stormwater Management Program Plan includes six components, each of which is necessary in an effort to reduce/eliminate stormwater pollution in receiving water bodies. Chapter 3.1 describes the efforts to educate the public about stormwater pollution and stormwater pollution prevention. The manner in which Village of Third Lake incorporates public participation and involvement into the SMPP is explained in Chapter 3.2. Chapter 3.3 describes the approach to detecting and eliminating stormwater illicit discharges. Construction and post construction runoff control is addressed in Chapters 3.4 and 3.5. Lastly, Chapter 3.6 discusses responsibilities for the care and upkeep of its general facilities, associated maintenance yards, and municipal roads and to minimize pollution. This chapter also discusses necessary training for employees on the implementation of the SMPP.

3.1 Public Education and Outreach

The Village of Third Lake conducts public education programs that inform the community of potential impacts to receiving waters and the contributions the public can make to reduce pollutants in stormwater runoff.

The Village of Third Lake, in cooperation with the Lake County SMC and QLP, utilizes a variety of methods to educate and provide outreach to the public about the importance of managing pollutants that potentially could enter the stormwater system. The program includes the following activities which are discussed in greater detail in this chapter.

- Distribute information sheets regarding stormwater BMPs, water quality BMPs, and proper hazardous waste use and disposal.
- Maintain a water quality/stormwater section in the newsletter distributed by the Village of Third Lake
- Maintain the Village of Third Lake website which offers links to additional educational information, and ways to contact appropriate personnel.
- The Village of Third Lake has a Lakes Commission that, among other items, is responsible for the upkeep and well being of the lakes and all tributaries thereof within the Village limits.

3.2 Public Participation and Involvement

The Lake County SMC coordinates and participates in public meetings and committees, including the Municipal Advisory Committee (MAC), SMC Board of Commissioners, Technical Advisory Committee (TAC), citizen watershed planning committees, Watershed Management Board (WMB), and volunteer support. The SMPP should be evaluated annually. Major highlights and deficiencies should be noted annually and the plan revised accordingly on a minimum 5-yr basis, or as necessary.

3.3 Illicit Discharge Detection and Elimination¹

Currently, illicit discharges (defined in 40 CFR 122.26(B)(2)) contribute considerable pollutant loads to receiving waters. There are two primary situations that constitute illicit discharges; these include non-stormwater runoff from contaminated sites and the deliberate discharge or dumping of non-stormwater. The Village frequently monitors and inspects its lakes, streams, storm sewer system, etc. for visual signs of illicit discharges and takes authoritative measures as outlined below.

3.3.A Regulatory Authority

Effective implementation of an IDDE program requires adequate legal authority to remove illicit discharges and prohibit future illicit discharges. This regulatory authority is achieved through adoption of the Lake County Watershed Development Ordinance (WDO). Additionally, IEPA has regulatory authority to control pollutant discharges and can take the necessary steps to correct or remove an inappropriate discharge over and above MS4 jurisdiction.

3.3.A.1 Watershed Development Ordinance

Several provisions of the Lake County Watershed Development Ordinance (WDO) prohibit illicit discharges as part of the development process. These provisions are only applicable for regulated development activities as defined by the WDO. Regulated developments are required to meet the soil erosion and sediment control standards of the WDO. Furthermore, the WDO requires that the applicant prohibit illicit discharges into the stormwater management system generated during the development process.

The WDO allows the Village of Third Lake to require inspection deposits, performance bonds, and to adopt/enforce violation procedures. These tools assist in achieving complaint construction sites. These items are further discussed in Chapters 3.4 and 3.5.

3.3.A.2 Subdivision and Public Utility Ordinance

The Village of Third Lake created and adopted a Municipal Zoning Ordinance. This Ordinance is administered by the Building and Engineering Departments and can be used to further support the activities required by the SMPP.

¹ Section 3.3 is a revision of the Lake Michigan Watershed Stormwater Outfall Screening Program Training Program (April 1994 by SMC), and incorporates material from the Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments (October 2004 by the Center for Watershed Protection and Robert Pitt, University of Alabama).

3.4 Construction Site Runoff Control

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

The WDO is implemented primarily at the local level. In October of 2008, forty-two of fifty-three municipalities in the county were "Certified Communities." The designation allows those communities to enforce WDO standards within their own jurisdictions.

The Village of Third Lake has adopted the Lake County Watershed Development Ordinance (WDO) and is currently a Certified Community for the review, permitting, inspection and enforcement of the provisions of the WDO. The community designates an Enforcement Officer; this person is responsible for the administration and enforcement of the WDO. The Village has created an Inspection and Violation Notification Procedure to ensure compliance with the WDO.

3.5 Post Construction Runoff Control

The Lake County Watershed Development Ordinance (WDO) also establishes standards for post-construction runoff control. As an Enforcement Officer of the WDO, the Village of Third Lake permits and enforces all developments within the Village in accordance with said ordinance. The Village also complies with NDPES permit requirements by incorporating Ordinance and BMP standards to minimize the discharge of pollutants of development projects. This chapter describes how the compliance with stormwater discharge permit requirements for long-term post-construction practices that protect water quality and control runoff flow is achieved.

3.6 Pollution Prevention and Good Housekeeping

The Village of Third Lake is responsible for the care and upkeep of the general facilities, municipal roads, its general facilities and associated maintenance yards. Many maintenance activities are most regularly performed directly by staff; however from time to time contractors are employed to perform specific activities. This chapter describes how the compliance with permit requirements is achieved by incorporating pollution prevention and good housekeeping stormwater quality management into day-to-day operations. On-going education and training is provided to ensure that all of its employees have the knowledge and skills necessary to perform their functions effectively and efficiently.

3.6.A.1 Street Sweeping

Street sweeping operations are performed, as necessary, to reduce potential illicit discharges and to provide a clean environment.

3.6.A.2 Drainageways

Drainageways include any river, stream, creek, brook, branch, natural or artificial depression, ponded area, lakes, flowage, slough, ditch, conduit, culvert, gully, ravine, swale, wash, or natural or man-made drainageway, in or into which surface or groundwater flows, either perennially or intermittently.

3.6.A.2.a DRIVEWAY CULVERTS

Maintenance and replacement of driveway culverts is the property owner's responsibility. Permits are required for culvert replacement; a soil erosion and sediment control plan may be required as part of the permit. The Village Engineer inspects the culvert when it is set to grade and prior to backfilling. The Village may rod/clean culverts on an as needed basis.

3.6.A.2.b STORM SEWERS SYSTEM

The Village storm sewer system, including but not limited to storm sewer pipe, inlets, catch basins, manholes, outlets, ponds, swales, etc are inspected annually and cleaned/repared as needed.

3.6.A.3 Landscape Maintenance

The Village maintains care and upkeep of its general facilities, municipal roads, associated maintenance yards, and other public areas. Municipal staff is responsible for Litter and Debris control.

3.6.A.4 Snow Removal and Ice Control

During snow removal and ice control activities, salt, de-icing chemicals, abrasives and snow melt may pollute stormwater runoff. The Village uses the minimum amount of roadway ice control materials as necessary for effective control. Snow plowing activities direct snow off the pavement and onto the parkways to reduce the amount of salt, chemical additives, abrasives or other pollutants that go directly into the storm sewer system.

4 Program and Performance Monitoring, Evaluation and Reporting

The SMPP represents an organized approach to achieving compliance with the stormwater expectations of the NPDES Phase II program for both private and public activities within the Village of Third Lake development; redevelopment and transportation improvement projects were required to comply with the provisions of the WDO prior acceptance of the SMPP. Additionally, the Village had numerous written and unwritten procedures for various tasks. This SMPP documents and organizes previously existing procedures and incorporates the objectives of the WDO to create one cohesive program addressing pre-development, construction, post-development activities and municipal operations.

In addition, the Village regularly inspects and monitors the stormwater management system for visual signs of degradation and failure as well as signs of BMP failure and Illicit Discharge. If the system is found to be functioning improperly in any manor, the Village makes the necessary changes to improve the system and ensure that it is compliant.

5 Appendices

5.1 General Permit ILR40

General NPDES Permit No. ILR40

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Expiration Date: March 31, 2014

Issue Date: February 20, 2009

Effective Date: April 1, 2009

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

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

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

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



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

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ATTACHMENT H. STANDARD CONDITIONS Page 12

PART I. COVERAGE UNDER THIS PERMIT

A. Permit Area

This permit covers all areas of the State of Illinois.

B. Eligibility

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

C. Limitations on Coverage

The following discharges are not authorized by this permit:

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

D. Obtaining Authorization

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

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

PART II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification

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

B. Contents of Notice of Intent

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

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

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- b. the month and year in which you implemented any BMPs of the six minimum control measures, and the month and year in which you will start and fully implement any new minimum control measures or indicate the frequency of the action;
 - c. for existing permittees, provide adequate information or justification on any BMPs from previous NOIs that could not be implemented; and
 - d. identification of a local qualifying program, or any partners of the program if any.
5. For existing permittees, certification that states the permittee has implemented necessary BMPs of the six minimum control measures.
- C. All required information for the NOI shall be submitted electronically to the following email and office addresses:
epa.ms4noipermit@illinois.gov

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

D. Shared Responsibilities

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

PART III. SPECIAL CONDITIONS

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

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

PART IV. STORM WATER MANAGEMENT PROGRAMS

A. Requirements

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

B. Minimum Control Measures

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

1. Public education and outreach on storm water impacts

The permittee must:

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

2. Public Involvement/Participation

The permittee must:

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

3. Illicit discharge detection and elimination

The permittee must:

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

4. Construction site storm water runoff control

The permittee must:

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

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

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

The permittee must:

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

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

The permittee must:

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

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

C. Qualifying State, County, or Local Program

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

D. Sharing Responsibility

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

E. Reviewing and Updating Storm Water Management Programs

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

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

PART V. MONITORING, RECORDKEEPING AND REPORTING

A. Monitoring

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

B. Recordkeeping

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

C. Reporting

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

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

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

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

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

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

BMP is an acronym for "Best Management Practices."

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

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

CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 3 U.S.C. 1251 et. seq.

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

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

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

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

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

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

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

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

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

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

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

Permitting Authority means the Illinois EPA.

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

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

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

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

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

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

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

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

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

ILR40TML_FINAL

**Attachment H
Standard Conditions
Definitions**

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) means Pub. L. 95-90, as amended, 33 U.S.C. 1251 et seq.

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

EPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related apparatus which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, funding, adequate operator staffing and training, and adequate laboratory and control systems, including appropriate quality assurance procedures. This provision requires operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.
- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated, or cause by the Agency pursuant to 40 CFR 122.62. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notified planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, including an exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency, at a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.
- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to:
 - (a) Enter upon the permittee's premises where a regulated facility or activity is located, or where records must be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
 - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) **Monitoring and records.**
 - (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and all data used to complete the application for this permit, for a period of at least one year from the date of this permit, measurement, report or application. This period may be extended by request of the Agency at any time.
 - (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
 - (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. When a test procedure under 40 CFR Part 136 has been approved, the permittee must use that test procedure to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
 - (a) **Application.** All permit applications shall be signed as follows:
 - (1) For a corporation: by a principal executive officer of at least the level of a president or a person or position having overall responsibility for environmental matters for the corporation;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

- (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- (b) Reports. All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in paragraph (a); and
 - (2) The authorization specifies either an individual or a position responsible for overall operation of the facility, from which the discharge originates, such as plant manager, superintendent or person of equivalent responsibility; and
 - (3) The written authorization is submitted to the Agency.
- (c) Changes of Authorization. If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- 12) Reporting requirements.
- (a) Planned changes. The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility.
- (b) Anticipated noncompliance. The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).
 - (2) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - (3) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Agency in the permit.
- (e) Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - (2) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Agency in the permit to be reported within 24 hours.
- The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (f) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (12)(c), (d), or (e), at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (12)(e).
- (g) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Agency, it shall promptly submit such facts or information.
- 3) Transfer of permits. A permit may be automatically transferred to a new permittee if:
- (a) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
 - (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees; and
 - (c) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.
- (14) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
 - (4) The level established by the Agency in this permit.
 - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.
- (15) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
- (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
 - (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (16) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
- (a) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
 - (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
 - (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.
- (17) If an applicable standard or limitation is promulgated under Section 301(b)(2)(C) and (D), 304(b)(2), or 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked, and reissued to conform to that effluent standard or limitation.
- (18) Any authorization to construct issued to the permittee pursuant to 35 Ill. Adm. Code 309.154 is hereby incorporated by reference as a condition of this permit.
- (19) The permittee shall not make any false statement, representation or certification in any application, record, report, plan or other document submitted to the Agency or the USEPA, or required to be maintained under this permit.
- (20) The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.
- (21) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under permit shall, upon conviction, be punished by a fine of not more than \$10,000 per

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

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