General NPDES Permit No. ILR40

Illinois Environmental Protection Agency
Division of Water Pollution Control
2520 West Iles Avenue
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: July 31, 2030

Issue Date: July 8, 2025

Effective Date: August 1, 2025

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

Discharges of only storm water from small municipal separate storm sewer systems (MS4s), as defined and limited herein. Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

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

To receive authorization to discharge under this General Permit, a discharger shall submit a Notice of Intent (NOI) as described in Part II of this Permit to the Illinois Environmental Protection Agency (Illinois EPA or Agency). Authorization, if granted, will be by letter and include a copy of this Permit. This Permit is a Comprehensive General Permit as defined by the Remand Rule.

BDF:CWB:20081701

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PART I. COVERAGE UNDER GENERAL PERMIT ILR40

A. Permit Area

This Permit covers all areas of the State of Illinois.

B. Eligibility

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

2. This Permit authorizes the following non-storm water discharges provided the discharge is not a substantial contributor of pollutants to the small MS4 applying for coverage under this Permit:

- Water line and fire hydrant flushing,
- Landscape irrigation water,
- Diverted stream flows,
- Rising ground waters,
- Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(b)(20),
- Uncontaminated 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 firefighting 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 (other than General NPDES Permit No. ILR40); 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 covered by this General Permit. This determination may include

discharges identified in Part 1.B.2 or that introduce new or increased pollutant loading that may be a substantial contributor of pollutants to the receiving waters.

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

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

5. Discharges from dewatering activities (including discharges from dewatering of trenches and excavations) are allowable if managed by appropriate controls as specified in a project's Storm Water Pollution Prevention Plan ("SWPPP"), erosion and sediment control plan, or Storm Water Management Program (SWMP).

D. Obtaining Authorization

In order for storm water discharges from small MS4s to be authorized to discharge under this General Permit, a permittee shall:

1. Submit a Notice of Intent to apply for coverage under the General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (NOI) in accordance with the requirements of Part II of this permit. More information is provided at the following webpage: https://epa.illinois.gov/topics/forms/water-permits/storm-water/ms4.html

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, a permittee submitting a complete NOI in accordance with the requirements of this Permit will be authorized to discharge storm water from their small MS4 under the terms and conditions of this Permit after the NOI is received and posted to Illinois EPA website for public notification. Authorization will be by letter and include a copy of this Permit. The Agency may deny coverage under this Permit and require submittal of an application for an individual NPDES Permit based on a review of the NOI or other information.

PART II. NOTICE OF INTENT (NOI) REQUIREMENTS

A. Deadlines for Notification

1. If a permittee has coverage under the previous General Permit No. ILR40, the permittee shall renew Permit coverage under this Part. Unless an NOI has already been submitted, the permittee shall submit a NOI within 90 days of the effective date of this reissued General Permit for storm water discharges from small MS4s to renew NPDES Permit coverage. The permittee shall comply with any new provisions of this General Permit 12 months from the coverage letter and include those new provisions in the next Annual Report following this date.

2. If an MS4 is designated in writing by Illinois EPA under 40 CFR 122.32(a)(2) during the term of this General Permit, the designated MS4 shall submit an NOI within 180 days of such notice.

3. MS4s are not prohibited from submitting an NOI after established deadlines for NOI submittals. If a late NOI is submitted, the permittees authorization is only for discharges that occur after Permit coverage is granted. Illinois EPA reserves the right to take appropriate enforcement actions against MS4s that have not submitted a timely NOI.

B. Contents of NOI

Permittees seeking coverage under this Permit shall submit the Illinois MS4 NOI form. The NOI shall be signed in accordance with Standard Condition 11 of this Permit and shall include all of the following information:

1. The street address, county, and the latitude and longitude of the municipal office for which the notification is submitted;

2. The name, address, and telephone number of the operator(s) filing the NOI for Permit coverage and the name, address, telephone number, and email address of the person(s) responsible for implementation and compliance with the MS4 Permit; and

3. The name and segment identification of the receiving water(s), whether any segments(s) is or are listed as impaired on the most recently approved list pursuant to Section 303(d) of the Clean Water Act or any currently applicable Total Maximum Daily Load (TMDL) or alternate water quality study, and the pollutants for which the segment(s) is or are impaired. The most recent 303(d) list may be found at the following webpage: https://epa.illinois.gov/topics/water-quality/watershed-management/tmdls/303d-list.html Information regarding TMDLs may be found at the following webpage: https://epa.illinois.gov/topics/water-quality/watershed-management/tmdls.html

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;

   b. The month and year in which the permittee implemented any BMPs of the six minimum control measures, and the month and year in which the permittee 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.

e. 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 epa.ms4noipermit@illinois.gov with the permit number in the subject line of the email for existing permittees or the City or Village name for new permittees or in writing to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Permit Section, Mail Code #15
Post Office Box 19276
Springfield, Illinois 62794-9276

USEPA published the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule on October 22, 2015. Among the multiphase requirements of this rule, is the transition to online/electronic processes for filing a Notice of Intent, Notice of Termination, and all types of reporting for general NPDES permits.

Beginning December 21, 2025, or later if waived by USEPA in which case you will be notified of the new date, all NOIs shall be received electronically through the Central Data Exchange (CDX) platform, which is available at the following webpage: https://cdx.epa.gov/

D. Shared Responsibilities

ILR40 Permit permittees may partner with other ILR40 Permit permittees to develop and implement a SWMP Each ILR40 Permit permittee shall fill out an NOI form. ILR40 Permit permittees may also submit an individual NOI in coordination with one or more other ILR40 Permit permittees. The description of the SWMP shall clearly describe which permittees are responsible for implementing each of the control measures. Each permittee shall be responsible for implementation of BMPs for the SWMP within its jurisdiction.

PART III. SPECIAL CONDITIONS

A. The Permittee's discharges, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard outlined in 35 Ill. Adm. Code 302.

B. If there is evidence indicating that the storm water discharges authorized by this Permit cause or have the reasonable potential to cause or contribute to a violation of water quality standards, the permittee may be required to obtain an individual Permit or an alternative general Permit, or the Permit may be modified to include different limitations and/or requirements.

C. If a TMDL allocation or watershed management plan is approved for any water body into which the permittee discharge, the permittee shall review the permittees SWMP to determine whether the TMDL or watershed management plan includes requirements for control of storm water discharges. If the permittee is not meeting the TMDL allocations, the permittee shall modify the permittees SWMP to implement the TMDL or watershed management plan within 12 (twelve) months of notification by the Agency of the TMDL or watershed management plan approval. Where a TMDL or watershed management plan is approved, the permittee shall:

1. Determine whether the approved TMDL is for a pollutant likely to be found in storm water discharges from the permittee's MS4 system.
2. Determine whether the TMDL includes a pollutant waste load allocation (WLA) or other performance requirements specifically for storm water discharge from the permittees 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 the permittee's MS4 system shall implement specific WLA provisions of the TMDL, assess whether the WLAs are being met through implementation of existing storm water control measures or if additional control measures are necessary.
5. Document all control measures currently being implemented or planned to be implemented to comply with TMDL waste load allocation(s). Also include a schedule of implementation for all planned controls. Document the calculations or other evidence that shows that the WLA will be met.
6. Describe and implement a monitoring program to determine whether the storm water controls are adequate to meet the WLA.
7. If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions.
8. Continue requirements 4 through 7 above until monitoring from two continuous NPDES Permit cycles demonstrate that the WLAs or water quality standards are being met.
9. If an additional individual Permit or alternative general Permit includes implementation of work pursuant to an approved TMDL

or alternate water quality management plan, the provisions of the individual or alternative general Permit shall supersede the conditions of Part III.C. TMDL information may be found at the following webpage: https://epa.illinois.gov/topics/water-quality/watershed-management/tmdls.html

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

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

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

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

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

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

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

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

2. Duty to Reapply:

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

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

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

3. Waiver from Electronic Reporting

   The permittee may seek a waiver from electronic reporting to continue submitting reports on paper. To obtain an electronic reporting waiver, a permittee must first submit an electronic reporting waiver request to Illinois EPA at the address below:

   Illinois Environmental Protection Agency
   Division of Water Pollution Control
   Compliance Assurance Section, Mail Code #19
   Municipal Annual Inspection Report
   2520 West Iles Avenue
   P.O. Box 19276
   Springfield, Illinois 62794-9276

   The waiver request should contain the following details:

   a. Facility name;
   b. NPDES permit number (if applicable);
   c. Facility address;
   d. Name, address and contact information for the owner, operator, or duly authorized facility representative;
   e. Brief written statement regarding the basis for claiming a waiver; and

   Illinois EPA will either approve or deny this electronic reporting waiver request within 120 days. Permanent waivers from electronic reporting are only available to facilities owned or operated by members of religious communities that choose not to use certain technologies. The duration of a temporary waiver may not exceed 5 years, which is the normal period for an NPDES permit term. If a permittee wishes to continue coverage under a waiver from electronic reporting, they must re-apply for a new temporary waiver before the expiration of their existing waiver, even if this NPDES permit is administratively continued. Approved electronic reporting waivers are not transferrable, whether permanent or temporary, are not transferrable and the facility will need to re-apply for a waiver upon any change in facility ownership.

   Permittees with an approved and effective electronic reporting waiver must use the forms or formats provided by Illinois EPA and must be postmarked by the 15th day of the month following the completed reporting period. The permittee must sign and certify all submissions in accordance with the requirements of Standard Condition 11 of this permit ("Signatory Requirements"). The permittee must submit the legible originals of these documents to the following address:

   Illinois Environmental Protection Agency

Division of Water Pollution Control
Permit Section, Mail Code #15
Post Office Box 19276
Springfield, Illinois 62794-9276

F. The Agency may require any person authorized to discharge by this Permit to apply for and obtain either an individual NPDES Permit or an alternative NPDES general Permit. Any interested person may petition the Agency to take action under this paragraph. The Agency may require any owner or operator authorized to discharge under this Permit to apply for an individual or alternative general NPDES Permit only if the owner or operator has been notified in writing that a Permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES Permit or the alternative general Permit as it applies to the individual permittee, coverage under this general Permit shall automatically terminate. The Agency may grant additional time to submit the application upon request of the permittee. If an owner or operator fails to submit in a timely manner an individual or alternative general NPDES Permit application required by the Agency under this paragraph, then the applicability of this Permit to the individual or alternative general NPDES permittee is automatically terminated by the date specified for application submittal.

G. Any owner or operator authorized by this Permit may request to be excluded from the coverage of this Permit by applying for an individual Permit. The owner or operator shall submit an individual application with reasons supporting the request, in accordance with the requirements of 40 CFR 122.28, to the Agency. The request will be granted by issuing an individual Permit or an alternative general Permit if the reasons cited by the owner are adequate to support the request.

H. When an individual NPDES Permit is issued to an owner or operator otherwise subject to this Permit, or the owner or operator is approved for coverage under an alternative NPDES general Permit, the applicability of this Permit to the individual NPDES permittee is automatically terminated on the issue date of the individual Permit or the date of approval for coverage under the alternative general Permit, whichever the case may be.

PART IV. STORM WATER MANAGEMENT PROGRAMS

A. Requirements

The permittee shall develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from their MS4, to protect water quality, and to satisfy the appropriate water quality requirements of the Illinois Pollution Control Board Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter 1) and the Clean Water Act. The SWMP shall include the minimum control measures described in section B of this Part. For new permittees, the permittee shall develop and implement specific program requirements by the date specified in the Agency's coverage letter. The U.S. Environmental Protection Agency's National Menu of Storm Water Best Management Practices, which can be found on the following webpage https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater and the most recent version of the Illinois Urban Manual, which can be found on the following webpage https://illinoisurbanmanual.org/ should be consulted regarding the selection of appropriate BMPs.

B. Minimum Control Measures

The 6 minimum control measures to be included in the permittee's storm water management program are:

1. Public Education and Outreach on Storm Water Impacts (40 CFR 122.34(b)(1))

New permittees shall develop and implement elements of the storm water management program addressing the provisions listed below. Existing permittees renewing coverage under this Permit shall maintain the current program and revise if necessary addressing this Minimum Control Measure, updating and enhancing the storm water management programs as necessary to comply with the terms of this Section. The educational materials shall include information on the potential impacts and effects on storm water discharge due to climate change. Information on climate change can be found at the following webpage: http://epa.gov/climatechange/. The storm water management program shall, pertaining to Public Education and Outreach, at a minimum include:

a. Public Education and Outreach shall include the following:

i. Identify appropriate BMP's for this minimum control measure and measurable goals for each BMP, which shall ensure the reduction of all of the pollutants of concern in the permittee's storm water discharges;

ii. Identify and analyze the target audience(s);

iii. Create an appropriate message(s) based on at least three targeted residential issues and three targeted industrial/commercial issues including items from viii below;

iv. Develop/distribute appropriate educational materials. The materials can utilize various media such as digital/social media, printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, websites, presentations to homeowners associations, educational groups and professional/commercial associates, etc;

v. Determine methods and process of distribution;

vi. Inform the public on effective pollution prevention measures to minimize the discharge of pollutants from private

property and activities into the storm sewer system, on the following topics, but not limited to:

A. Storage and disposal of fuels, oils, and similar materials used in the operation of or leaking from, vehicles and other equipment;

B. Use of soaps, solvents, or detergents used in the outdoor washing of vehicles, furniture, and other property;

C. Paint and related décor;

D. Lawn and garden care; and

E. Winter de-icing material storage and use.

vii. Inform the public about green infrastructure strategies such as green roofs, rain gardens, rain barrels, bioswales, permeable piping, dry wells, and permeable pavement that mimic natural processes and direct storm water to areas where it can be infiltrated, evaporated, or reused; and

viii. Educational materials should include information on the benefits and cost savings of such strategies and provide guidance on how to implement strategies.

b. During the term of the Permit, the permittee shall distribute the educational materials, using whichever methods and procedures determined appropriate by the permittee, in such a way that is designed to convey the program's message to the target audience each year

c. The permittee shall annually assess changes in public awareness and behavior resulting from the implementation of the SWMP and modify the education/outreach program accordingly. The permittee shall report on this assessment and any modifications made in the Annual Report pursuant to Part V.C.

d. The permittee shall assess its storm water education/outreach program annually and report on this evaluation in the Annual Report pursuant to Part V.C. The permittee shall adjust the educational materials and the delivery of such materials to address any shortcomings found as a result of this assessment. The assessment shall include a summary of the following measurable actions, if applicable:

i. Number of educational pamphlets, brochures, or other materials produced and an estimation of the percent of the MS4 population reached;

ii. Number of educational posters/placards posted to public areas;

iii. Number of presentations, including but not limited to homeowners' associations, education groups, and professional/commercial associates and other public groups, etc.; and

iv. Other actions deemed appropriate by the permittee.

2. Public Involvement/Participation (40 CFR 122.34(b)(2))

New permittees shall develop and implement elements of their storm water management program addressing the provisions listed below. Existing permittees renewing coverage under this Permit shall maintain their current programs and revise, if necessary, within one year of Permit coverage addressing this Minimum Control Measure, updating and enhancing their storm water management programs as necessary to comply with the terms of this section. The storm water management program shall, at a minimum include:

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

b. Define appropriate BMPs for this minimum control measure and measurable goals for each BMP, which shall ensure the reduction of all of the pollutants of concern in the permittee's storm water discharges;

c. Provide a minimum of one public meeting or public outreach event annually for the public to provide input as to the adequacy of the permittee's MS4 program. Utilize public input (e.g., the opportunity for public comment, public meetings, etc.) in the development of the Storm Water Management Program. This requirement may be met in conjunction with or as part of a regular council or board meeting;

d. The permittee shall identify any watershed work groups within its jurisdiction. The permittee should participate with watershed workgroups and other stakeholders, when feasible, in the watershed to enhance the storm water management program through the watershed group(s) or as an independent MS4.

e. The permittee shall identify environmental justice areas within its jurisdiction and include appropriate public involvement/participation. Information on environmental justice concerns may be found at the following webpage: https://epa.illinois.gov/topics/environmental-justice/ej-policy.html. This requirement may be met in conjunction with or as part of a regular council or board meeting; and

f. Provide an annual evaluation of public involvement/participation BMPs and measurable goals. Report on this evaluation in the Annual Report pursuant to Part V.C. The assessment shall include a summary of the following measurable actions, if applicable:

i. Number of public forums to notify and solicit public comment on Storm Water Management Programs;

ii. Number of park or stream cleanup events;

iii. Number of training activities to educate volunteers on recognizing illicit discharges as defined in Part VI, Definitions and Acronyms below; and

iv. Any other measurable actions deemed appropriate by the permittee.

3. Illicit Discharge Detection and Elimination (IDDE) (40 CFR 122.34(b)(3))

New permittees shall develop and implement a program to detect, investigate, and eliminate non-storm water discharges, including illegal dumping, into its system. Existing permittees renewing coverage under this Permit shall maintain their current programs and revise, if necessary, within one year of Permit coverage addressing this Minimum Control Measure, updating and enhancing their storm water management programs as necessary to comply with the terms of this Section. The storm water management program shall, at a minimum include:

a. The IDDE program shall include the following measurable goals:

i. To the extent allowable under state or local law, a prohibition, through ordinance, or other regulatory mechanism, of non-storm water discharges into the permittee's storm sewer system and implement appropriate enforcement procedures and actions, including enforceable requirements for the prompt reporting to the MS4 of all releases, spills, and other unpermitted discharges to the separate storm sewer system, and a program to respond to such reports within 30 days;

ii. If identified as a significant contributor of pollutants to the permittees MS4, procedures to address the categories of non-storm water discharges listed in Section I.B.2 (discharges or flows from firefighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States); and

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

iv. Develop, implement, and enforce a program to detect and eliminate illicit connections or discharges into the permittee's MS4;

v. Review and update within 12 months from the coverage letter and include in the next Annual Report following this date the storm sewer system map showing the location of all outfalls and the names and location of all waters that receive discharges from those outfalls, if necessary. Existing permittees renewing coverage under this Permit shall update their storm sewer system map to include any modifications to the sewer system;

vi. Procedures for identifying priority areas within the MS4 likely to have illicit discharges and a list of all such areas;

vii. Field screening to detect illicit discharges;

viii. Procedures for tracing the source of the illicit discharge;

ix. Procedures for removing the source of the discharge;

x. Procedures for program evaluation and assessment;

xi. Procedures to identify any surface discharging private sewage disposal system that discharges into the MS4;

xii. Procedures and educational presentations to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste and the requirements and mechanisms for reporting such discharges;

b. When implementing the IDDE program, the permittee may conduct investigations, contract for investigations, coordinate with storm drain investigation activities of others, or use any combination of these approaches.

c. If illicit connections or illicit discharges are observed related to another operator's municipal storm sewer system then the permittee shall notify the other operator within 7 calendar days of discovery. If another MS4 operator notifies the permittee of an illicit discharge, a nonstormwater discharge or discharge not listed in Part I.B.2 to the MS4, then the permittee shall remove the discharge within 7 calendar days of discovery.

d. Written procedures for implementing the IDDE program shall be incorporated into the SWMP document.

e. Provide an annual evaluation of, IDDE BMPs and measurable goals. Report on this evaluation in the Annual Report pursuant to Part V.C. The assessment shall include a summary of the following measurable actions, if applicable:

i. Number of dry weather inspections conducted;

ii. Number of illicit discharges eliminated;

iii. Number of educational presentations or educational information provided to commercial/industrial groups regarding recognition and correction of illicit discharges; and

iv. Any other actions deemed appropriate by the permittee.

4. Construction Site Storm Water Runoff Control (40 CFR 122.34(b)(4))

New permittees shall develop and implement elements of their storm water management program addressing the provisions listed below. Existing permittees renewing coverage under this Permit shall maintain their current programs addressing this Minimum Control Measure, updating and enhancing their storm water management programs as necessary to comply with the terms of this Section. The storm water management program shall, at a minimum include:

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

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

i. An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, tribal, or local law;

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

A. Control storm water velocity within the site to minimize soil erosion;

B. Control storm water discharges to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;

C. Minimize the amount of soil exposed during construction activity;

D. Minimize the disturbance of steep slopes;

E. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls shall address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

F. Provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal, and maximize storm water infiltration; and

G. Minimize soil compaction and preserve topsoil.

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

iv. Require all regulated construction sites to have a SWPPP 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 current version of the Illinois Urban Manual, or as amended including green infrastructure techniques where appropriate and practicable;

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

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

vii. Site inspections and enforcement of ordinance provisions.

b. Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. These measurable goals shall ensure the reduction of all of the pollutants of concern in the permittees storm water discharges.

c. The permittee shall continue to maintain an inventory of all active public and private construction sites that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. The inventory shall be continuously updated as new projects are permitted and projects are completed. The inventory shall contain relevant contact information for each project (e.g., name, address,

phone, etc.) and the ILR10 number or the area of disturbance in acres. The permittee shall include the inventory or identify the entity responsible for maintaining the inventory in the Annual Report.

d. The permittee shall adequately inspect the following phases of construction at least once:

   i. Prior to Land Disturbance: The permittee shall ensure all necessary erosion and sediment controls are in place.

   ii. During Construction: During construction, the permittee is required to conduct inspections.

e. The permittee shall track the number of inspections for the inventoried construction sites throughout the reporting period to verify that the sites are inspected at least once prior to land disturbance and once during construction. Inspection findings shall be documented and maintained for review by the Illinois EPA upon request.

f. Based on construction site inspections, the permittee shall take all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance with Part IV.B.4.d.

   i. The permittee shall ensure that all staff and third-party inspectors whose job duties include implementing the construction storm water program, including permitting, plan review, construction site inspections, and enforcement, are qualified and trained to conduct these activities. Qualified personnel means a person knowledgeable in the principles and practices of erosion and sediment controls measures, such as a licensed Professional Engineer (P.E.), a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Erosion Sediment and Storm Water Inspector (CESSWI), a Certified Storm water Inspector (CSI) or other knowledgeable person who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges.

g. Construction Operator Education.

   The permittee shall develop or utilize existing outreach tools (i.e., brochures, posters, website, plan notes, manuals, etc.) aimed at educating construction operators on appropriate selection, installation, implementation, and maintenance of storm water controls, as well as overall program compliance.

h. Provide an annual evaluation of construction site storm water control BMPs and measurable goals in the Annual Report pursuant to Part V.C. The assessment shall include a summary of the following measurable actions, if applicable:

   i. Number of pre-construction meetings/reviews conducted by the permittee

   ii. Number of site inspections conducted by the permittee

   iii. Number of violations found during site inspections

   iv. Number of enforcement/corrective actions taken by the permittee

   v. Number of attendees training classes for contractors, developers, or others involved with the construction process.

5. Post-Construction Storm Water Management in New Development and Redevelopment (40 CFR 122.34(b)(5))

   New permittees shall develop and implement elements of their storm water management program addressing the provisions listed below. Existing permittees renewing coverage under this Permit shall maintain their current programs addressing this Minimum Control Measure, updating and enhancing their storm water management programs, as necessary, to comply with the terms of this Section. The storm water management program shall, at a minimum include:

   a. Develop, implement, and enforce a post-construction program for new development and redevelopment to address and minimize the volume and pollutant load of storm water runoff from projects that disturb greater than or equal to one acre, projects less than one acre that are part of a larger common plan of development or sale or that have been designated to protect water quality, that discharge into the permittee's small MS4 within the MS4's jurisdictional control. The permittee's program shall ensure that appropriate controls are in place that would protect water quality and reduce the discharge of pollutants. In addition, each permittee shall adopt strategies that incorporate the infiltration, reuse, and evapotranspiration of storm water into the project. The permittee shall also develop and implement procedures for receipt and consideration of information submitted by the public.

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

      i. Preservation of the natural features of development sites, including natural storage and infiltration characteristics;

      ii. Preservation of existing natural streams, channels, and drainage ways;

      iii. Minimization of new impervious surfaces;

iv. Conveyance of storm water in open vegetated channels;

v. Construction of structures that provide both quantity and quality control, with structures serving multiple sites being preferable to those serving individual sites; and

vi. Construction of structures that provide only quantity control, with structures serving multiple sites being preferable to those serving individual sites.

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

d. Develop and implement a program to minimize the volume of storm water runoff and pollutants from public highways, streets, roads, parking lots, and sidewalks (public surfaces) through the use of BMPs that alone or in combination result in physical, chemical, or biological pollutant load reduction, increased infiltration, evapotranspiration, and reuse of storm water. The program shall include, but not be limited to the following elements:

i. Annual Training for all MS4 employees who manage or are directly involved in (or who retain others who manage or are directly involved in) the routine maintenance, repair, or replacement of public surfaces in current green infrastructure or low impact design techniques applicable to such projects; and

e. Develop and implement a program to minimize the volume of storm water runoff and pollutants from existing privately owned developed property that contributes storm water to the MS4 within the MS4 jurisdictional control. Such program shall be documented and may contain the following elements:

i. Source Identification – Establish an inventory of storm water and pollutants discharged to the MS4;

ii. Implementation of appropriate BMPs to accomplish the following:

A. Education on green infrastructure BMPs;

B. Evaluation of existing flood control techniques to determine the feasibility of pollution control retrofits;

C. Evaluation of existing flood control techniques to determine potential impacts and effects due to climate change;

D. Implementation of additional controls for special events expected to generate significant pollution (fairs, parades, performances);

E. Implementation of appropriate maintenance programs, (including maintenance agreements, for structural pollution control devices or systems);

F. Management of pesticides and fertilizers; and

G. Street cleaning in targeted areas.

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

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

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

iii. Areas/sites near Karst features;

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

v. Areas/sites within a delineated source water protection area for a public drinking water supply where the potential for an introduction of pollutants into the groundwater exists. Information on groundwater protection may be found at the following webpage: https://epa.illinois.gov/topics/water-quality/groundwater.html

vi. Areas/sites within 400 feet of a community water supply well if there is not a wellhead protection delineation area or within 200 feet of a private water supply well. Information on wellhead protection may be found at the following webpage: https://epa.illinois.gov/topics/water-quality/groundwater/wellhead-protection.html

g. Develop and implement an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects, public surfaces, and existing developed property as set forth above to the extent allowable under state or local law.

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

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

j. Define appropriate BMPs for this minimum control measure and measurable goals for each BMP. These measurable

goals shall ensure the reduction of all of the pollutants of concern in the permittees storm water discharges.

k. Provide an annual evaluation of post-construction storm water management BMPs and measurable goals in the Annual Report pursuant to Part V.C. The evaluation shall include the total number of the following measurable actions, if applicable:

   i. Annual training conducted.

   ii. BMPs implemented and the estimated percent reduction in storm water runoff and pollutants.

l. New permittees shall, within 3 years of obtaining Permit coverage, develop and implement a process to assess the water quality impacts in the design of all new and existing flood management projects that are associated with the permittee or that discharge to the MS4. Existing permittees renewing coverage under this Permit shall maintain their current programs addressing this Minimum Control Measure, updating and enhancing their storm water management programs as necessary to comply with the terms of this section. This process shall include consideration of controls that can be used to minimize the impacts to site water quality and hydrology while still meeting the project objectives. This will also include assessment of any potential impacts and effects on flood management projects due to climate change.

6. Pollution Prevention/Good Housekeeping for Municipal Operations (40 CFR 122.34(b)(6))

New permittees shall develop and implement elements of their storm water management program addressing the requirements listed below. Existing permittees renewing coverage under this Permit shall maintain their current programs addressing this Minimum Control Measure, updating and enhancing their storm water management programs as necessary to comply with the terms of this Section. The storm water management program shall, at a minimum include:

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

b. Pollution Prevention- The permittee shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants from municipal properties, infrastructure, and operations. At a minimum, such measures shall be designed, installed, implemented, and maintained to:

   i. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

   ii. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, chemical storage tanks, deicing material storage facilities and temporary stockpiles, detergents, sanitary waste, and other materials present on the site to precipitation and to storm water;

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

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

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

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

e. Define appropriate BMPs for this Minimum Control Measure and measurable goals for each BMP. These measurable goals shall ensure the reduction of all of the pollutants of concern in the permittees storm water discharges.

f. Development of a Municipal Facility and Storm water Control Inventory. The permittee shall develop and maintain an inventory of municipally-owned or operated facilities and storm water controls, including but not limited to the following:

   i. Composting facilities

   ii. Equipment storage and maintenance facilities

iii. Fuel farms

iv. Hazardous waste disposal facilities

v. Hazardous waste handling and transfer facilities

vi. Incinerators

vii. Landfills

viii. Landscape maintenance on municipal property

ix. Materials storage yards

x. Pesticide storage facilities

xi. Public buildings, including schools, libraries, police stations, fire stations, municipal buildings, and similar buildings

xii. Public parking lots

xiii. Public golf courses

xiv. Public swimming pools

xv. Public works yards

xvi. Recycling facilities

xvii. Salt storage facilities

xviii. Solid waste handling facilities and solid waste transfer facilities

xix. Street repair and maintenance sites

xx. Vehicle storage and maintenance yards

xxi. Municipally-owned and/or maintained structural storm water controls

g. Documentation. The list of municipally-owned or operated facilities, contact information and storm water controls shall be maintained and available for review by the Illinois EPA.

h. Mapping. On a map of the area covered by the MS4 Permit, the permittee shall identify where the municipally-owned or operated facilities and storm water controls are located. The map shall identify the storm water outfalls corresponding to each of the facilities as well as the receiving waters to which these facilities discharge. The map shall be maintained and updated and be available for review by the Illinois EPA upon request.

i. Inspections and Visual Monitoring:

i. Quarterly visual inspections. The permittee shall perform quarterly visual inspections of the facilities identified in item f above to ensure materials and equipment is clean and orderly, and to minimize the potential for pollutant discharge. The permittee shall look for evidence of spills. If found, Corrective Action shall be taken immediately to prevent contact with precipitation or runoff. The quarterly inspections shall be tracked in a log for every facility, and records kept with the SWMP documents. The inspection report shall also include any identified deficiencies and the corrective actions taken to fix the deficiencies.

ii. Quarterly visual observation of storm water discharges from the facilities identified in item f above. At least once per quarter, the permittee shall visually observe the storm water discharges from the facilities unless climate conditions preclude doing so, (in which case the permittee shall evaluate the discharges four times during the wet season). Any observed problems (e.g., color, foam, sheen, turbidity) that can be associated with pollutant sources or controls shall be remedied within 7 days. Visual observations shall be documented. The inspection report shall also include any identified deficiencies and the corrective actions taken to fix the deficiencies.

iii. For sites i and ii above, that have had no corrective actions necessary over the past 12 months, may be inspected on a semi-annual basis.

j. MS4 catch basin maintenance:

Assessment/prioritization of catch basins. The permittee shall develop a catch basin cleaning schedule.

k. Street Sweeping and Cleaning:

The permittee shall evaluate and rate all municipally-owned streets, roads, and public parking lots within their jurisdiction. The permittee shall include in the evaluation the sweeping frequency, timing, and efficiency of existing street sweeping programs. The street sweeping frequency shall be based on land use, trash, and storm water pollutant levels generated.

l. Landscape maintenance:

The permittee shall evaluate the materials used and activities performed on public spaces such as parks, schools, golf

courses, easements, public rights of way, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions may include mowing, fertilization, pesticide application, irrigation, etc. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, organic debris, among others. The permittee shall implement measures to minimize landscaping-related pollutants.

m. Provide an annual evaluation of pollution prevention/good housekeeping for municipal operations and measurable goals in the Annual Report pursuant to Part V.C. The assessment shall include a summary of the following measurable actions, if applicable:

i. Annual training conducted

ii. Number of pollution prevention inspections of the permittee's facilities

iii. Street sweeping activities

iv. Catch basin cleaning activities

v. Landscape material reduction activities and material disposed of.

C. Qualifying State, County, or Local Program.

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

D. Sharing Responsibility

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

a. The other entity implements the control measure;

b. The particular control measure, or component of that measure is at least as stringent as the corresponding Permit requirement;

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

E. Reviewing and Updating Storm Water Management Programs

1. Storm Water Management Program Review- The permittee shall perform an annual review of its Storm Water Management Program in conjunction with preparation of the annual report required under Part V.C. The permittee shall include in its annual report a plan for complying with any changes or new provisions in this Permit, or in any State or federal regulations. The permittee shall also include in its annual report a plan for complying with all applicable TMDL Report(s) or watershed management plan(s). Information on TMDLs may be found at the following webpage: https://epa.illinois.gov/topics/water-quality/watershed-management/tmdls.html

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

a. Modifications adding (but not subtracting or replacing) components, controls, or requirements to the Storm Water Management Program may be made at any time upon written notification to the Agency;

b. Modifications replacing an ineffective or infeasible BMP specifically identified in the Storm Water Management Program with an alternate BMP may be requested at any time. Unless denied by the Agency, modifications proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If the request is denied, the Agency will send the permittee a written response giving a reason for the decision. The permittee's modification requests shall include the following:

(1) An analysis of why the BMP is ineffective or infeasible (including cost prohibitive);

(2) Expectations on the effectiveness of the replacement BMP; and

(3) An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

c. Modification of any ordinances relative to the storm water management program, provided the updated ordinance is at least as stringent as the provisions stipulated in this Permit; and

d. Modification requests or notifications shall be made in writing and signed in accordance with Standard Condition 2.

3. Storm Water Management Program Updates Required by the Agency. Modifications requested by the Agency shall be made in writing, set forth the time schedule for permittees to develop the modifications, and offer permittees the opportunity to propose alternative program modifications to meet the objective of the requested modification. All modifications required by the Permitting Authority will be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate 40 CFR 122.63. The Agency may require modifications to the Storm Water Management Program as needed to:

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

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

   c. Include such other conditions deemed necessary by the Agency to comply with the goals and requirements of the Clean Water Act.

PART V. MONITORING, RECORDKEEPING, AND REPORTING

A. Monitoring

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

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

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

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

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

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

      ii. Measuring pollutant concentrations over time.

      iii. Sediment monitoring.

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

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

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

      vii. Outfall/Discharge monitoring.

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

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

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

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

B. Recordkeeping

The permittee shall keep records required by this Permit for 5 years after the expiration of this Permit. Records to be kept under this Part include the permittee's NOI, Storm Water Management Program, annual reports, and monitoring data. All records shall be kept onsite or locally available and shall be made accessible to the Agency for review at the time of an on-site inspection. Except as otherwise provided in this Permit, permittees shall submit records to the Agency only when specifically requested to do so. Permittees shall post their NOI, storm water management program, and annual reports on the permittee's website. The permittee shall make its records available to the public at reasonable times during regular business hours. The permittee may require a member of the public to provide advance notice, in accordance with the applicable Freedom of Information Act requirements. Storm sewer maps may be withheld for security reasons.

C. Reporting

The permittee shall 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 31st of the previous year through March 31st of the current year. Annual Reports shall be maintained on the permittees' website for a period of 5 years. The Report shall include:

1. An assessment of the appropriateness and effectiveness of the permittee's identified BMPs and progress towards achieving the statutory goal of reducing the discharge of pollutants, and the permittee's identified measurable goals for each of the 6 (six) control measures;
2. The status of compliance with Permit conditions, including a description of each incidence of non-compliance with the Permit, and the permittee's plan for achieving compliance with a timeline of actions taken or to be taken;
3. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;
4. A summary of the storm water activities the permittee plans to undertake during the next reporting cycle, including an implementation schedule;
5. A change in any identified BMPs or measurable goals that apply to the program elements;
6. Notice that the permittee is relying on another government entity to satisfy some of the Permit obligations (if applicable);
7. Provide an updated summary of any BMP or adaptive management strategy constructed or implemented pursuant to any approved TMDL or alternate water quality management study. Use the results of the permittees monitoring program to assess whether the WLA or other performance requirements for storm water discharges from the permittees MS4 are being met; and
8. If a qualifying local program or programs with shared responsibilities is implementing all minimum control measures on behalf of one or more entities, then the local qualifying program or programs with shared responsibilities may submit a report on behalf of itself and any entities for which it is implementing all of the minimum control measures.

The Annual Reports shall be submitted electronically to epa.ms4annualinsp@illinois.gov with the permit number in the subject line of the email or a hard copy may be submitted to the following mailing address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section, Mail Code #19
Municipal Annual Inspection Report
2520 West Iles Avenue
P.O. Box 19276
Springfield, Illinois 62794-9276

Beginning December 21, 2025 or later if waived by USEPA in which case you will be notified of the new date, all Annual Reports shall be received electronically through the Central Data Exchange (CDX) platform, which is available at the following webpage: https://cdx.epa.gov/

PART VI. DEFINITIONS AND ACRONYMS

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

Best Management Practices (BMPs) means structural or nonstructural controls, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include

treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BMP is an acronym for "Best Management Practices."

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

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

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

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

Diverted Stream Flows means changes in flow or discharge regime and flow-related structural habitat characteristics such as water velocity and water depth.

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

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

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

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

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

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

Illicit Discharge Detection and Elimination (IDDE) is a program to find, fix and prevent illicit discharges along with techniques to meet these objectives.

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

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

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

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

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

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

Permitting Authority means the Illinois EPA.

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

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

Public Meetings are any assemblies or gatherings (such as conferences, informational sessions, seminars, workshops, or other activities) which the responsible agency intends to open to anyone wishing to attend.

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.

Storm Water Pollution Prevention Plan (SWPPP) is a site-specific, written document that identifies potential sources of stormwater pollution due to construction activity, describes practices to reduce pollutants in stormwater discharges from the construction site and identifies procedures the operator will implement to comply with the terms and conditions of a construction general permit.

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

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

Waste Load Allocation (WLA) is the portion of a receiving waterbody's loading capacity attributed to an existing or future point source of pollution.

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

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

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Definitions

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

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

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

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

USEPA means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause by the Agency pursuant to 40 CFR 122.62 and 40 CFR 122.63. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.

(8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency upon request, copies of records required to be kept by this permit.

(9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency or USEPA (including an authorized contractor acting as a representative of the Agency or USEPA), upon the presentation of credentials and other documents as may be required by law, to:

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(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
(d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.

(10) **Monitoring and records.**
(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
(b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. Records related to the permittee's sewage sludge use and disposal activities shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503). This period may be extended by request of the Agency or USEPA at any time.
(c) Records of monitoring information shall include:
(1) The date, exact place, and time of sampling or measurements;
(2) The individual(s) who performed the sampling or measurements;
(3) The date(s) analyses were performed;
(4) The individual(s) who performed the analyses;
(5) The analytical techniques or methods used; and
(6) The results of such analyses.
(d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.

(11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
(a) **Application.** All permit applications shall be signed as follows:
(1) For a corporation: by a principal executive officer of at least the level of vice president or a person or position having overall responsibility for environmental matters for the corporation:
(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
(b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
(1) The authorization is made in writing by a person described in paragraph (a); and
(2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as plant manager, superintendent or person of equivalent responsibility; and
(3) The written authorization is submitted to the Agency.
(c) **Changes of Authorization.** If an authorization under (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
(d) **Certification.** Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

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

(12) **Reporting requirements.**
(a) **Planned changes.** The permittee shall give notice to the Agency as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when:
(1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source pursuant to 40 CFR 122.29(b); or
(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements pursuant to 40 CFR 122.42(a)(1).
(3) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
(b) **Anticipated noncompliance.** The permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
(c) **Transfers.** This permit is not transferable to any person except after notice to the Agency.
(d) **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
(e) **Monitoring reports.** Monitoring results shall be reported at the intervals specified elsewhere in this permit.
(1) Monitoring results must be reported on a Discharge Monitoring Report (DMR).

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

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

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

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

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

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

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

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

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

(13) **Bypass.**

(a) Definitions.

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

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

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

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

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

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

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

(14) **Upset.**

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

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

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

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

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

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

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

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

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

(a) Transfers by modification. Except as provided in paragraph (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has

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been modified or revoked and reissued pursuant to 40 CFR 122.62(b)(2), or a minor modification made pursuant to 40 CFR 122.63(d), to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

(b) Automatic transfers. As an alternative to transfers under paragraph (a), any NPDES permit may be automatically transferred to a new permittee if:
  (1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date;
  (2) The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage and liability between the existing and new permittees; and
  (3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement.

(16) All manufacturing, commercial, mining, and silvicultural dischargers must notify the Agency as soon as they know or have reason to believe:
  (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant identified under Section 307 of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    (1) One hundred micrograms per liter (100 µg/l);
    (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6 dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
    (3) Five (5) times the maximum concentration value reported for that pollutant in the NPDES permit application; or
    (4) The level established by the Agency in this permit.
  (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NPDES permit application.

(17) All Publicly Owned Treatment Works (POTWs) must provide adequate notice to the Agency of the following:
  (a) Any new introduction of pollutants into that POTW from an indirect discharge which would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants; and
  (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
  (c) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(18) If the permit is issued to a publicly owned or publicly regulated treatment works, the permittee shall require any industrial user of such treatment works to comply with federal requirements concerning:
  (a) User charges pursuant to Section 204(b) of the Clean Water Act, and applicable regulations appearing in 40 CFR 35;
  (b) Toxic pollutant effluent standards and pretreatment standards pursuant to Section 307 of the Clean Water Act; and
  (c) Inspection, monitoring and entry pursuant to Section 308 of the Clean Water Act.

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

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

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

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

Additional penalties for violating these sections of the Clean Water Act are identified in 40 CFR 122.41(a)(2) and (3).

(23) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this pe shall, upon conviction, be punished by a fine of not more t $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

(24) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(25) Collected screening, slurries, sludges, and other solids shall be disposed of in such a manner as to prevent entry of those wastes (or runoff from the wastes) into waters of the United States. The proper authorization for such disposal shall be obtained from the Agency and is incorporated as part hereof by reference.

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

(27) The permittee shall comply with, in addition to the requirements of the permit, all applicable provisions of 35 Ill. Adm. Code, Subtitle C, Subtitle D, Subtitle E, and all applicable orders of the Board or any court with jurisdiction.

(28) The provisions of this permit are severable, and if 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.