

Illinois MS4 Permit Program Update

By Corey Branson

Overview

Current Permit

Minimum Control Measures

Status of Renewal

Waiver Requirements

Reporting

Current permit

Effective date: March 1, 2016

Expiration date: February 28, 2021

A reissued permit has been public noticed and should be approved soon.

Storm Water Management Program

- Develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from their small municipal separate storm sewer system and must include the minimum control measures.

Minimum Control Measures

- Public education and outreach on stormwater impacts
- Public involvement/Participation
- Illicit discharge detection and elimination
- Construction site storm water runoff control
- Post-construction storm water management in new development and redevelopment
- Pollution prevention/good housekeeping for municipal operations

Status of Renewal

- Went to Public Notice August-September 2021.
- Many comments to sort through and answer (close to 200).
- Needs final in-house review.
- Should be Issued very soon.

MS4 Waiver Requirements

- The Permittee's population is 1,000 or less within the urbanized area, a waiver can be granted:
 - If they do not have a WLA due to a TMDL
- The permittee's population is 10,000 or less but greater than 1,000 within the urbanized area, a waiver can be granted:
 - If they do not have a WLA due to a TMDL
 - No stormwater receiving streams, within or near the urbanized area (within 3 miles) are listed with a cause of Source ID 177 – Urban Runoff/Storm Sewers in “Appendix B02. Specific Assessment Information for Streams, 2018”
 - Not part of the Chloride time-limited water quality standard.

Reporting

- Annual reports are due June 1st of each year the permit is in effect.
 - Reports are from March 31st of the previous year to March 31st of the following year.
- The Annual Reports shall be submitted to the following email address: epa.ms4annualinsp@illinois.gov
- NOI, SWMP and Annual Reports must be maintained on the permittee's website for 5 years.

Stormwater Discharges from Construction Site Activities

Overview

General Construction Stormwater Permit

Applicable Sites

Application Submittal

What is the General Construction Stormwater Permit?

- The authorization for the discharges of stormwater associated from construction sites to waters of the State.
- Current Permit
 - Effective date: August 3, 2018
 - Expiration date: July 31, 2023

What sites need the General Construction Stormwater Permit?

- Area to be disturbed is greater than one acre
- Area to be disturbed is less than one acre, but part of a larger common plan of development that disturbs one or more acres
- Not needed for a stand-alone site if the land disturbance is less than one acre (although local and/or county permit requirements may apply).

Construction Permit Application

- The notice of intent (NOI) must be submitted 30 days before you plan to start clearing, grading, and excavating.
 - Electronic Copy of Storm Water Pollution Prevention Plan (SWPPP)
 - Copy of Historic Preservation Office (SHPO) approval Letter
 - Copy of Eco-CAT consultation approval Letter
- Initial Application Fee
 - Projects with less than 5 acres: \$250
 - Projects with 5 acres or more: \$750
 - Projects that are owned by an Active MS4 Community, Public Schools, and Federal and State Agencies are exempt from a fee.

Construction Permit Application

NOI's are now submitted via the Environmental Protection Agency's Central Data Exchange (CDX). Before submitting an NOI on the new system permittees must register for an account on the CDX website <https://cdx.epa.gov>

CGP Net User Guide: <https://epanet.zendesk.com/hc/en-us/articles/115007219988-CGP-NeT-User-Guide>

Stormwater Pollution Prevention Plan

- The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from construction site activities.
 - Site Description
 - Best Management Practices (BMPs) and Controls
 - Maintenance and Inspection Procedures
 - Non-Stormwater Discharges

Stormwater Discharges from Industrial Activities

Overview

General Industrial Stormwater Permit

Applicable Industries

Application Submittal

Reporting

What is the General Industrial Stormwater Permit?

- The authorization of stormwater discharge from specific industrial activities to waters of the State.
- 40 CFR 122.26(b)(14)(i)-(xi) requires an NPDES permit for 11 specific categories of industrial activities.
 - General Industrial Stormwater Permit lists applicable industries and non-stormwater discharges.
 - No exposure certification for 10 out of the 11 categories



Current Permit

Effective date: April 5, 2017

Expiration date: March 31, 2022

The Agency is working on renewing the General Permit. Applicants will receive notification when general permit is public noticed.

Industrial Permit Application

- The notice of intent (NOI) must be submitted 180 days before discharge for new discharges and 150 days after new general permit is issued for existing dischargers.
 - Electronic Copy of Storm Water Pollution Prevention Plan (SWPPP)
 - Copy of Historic Preservation Office (SHPO) approval Letter
 - Copy of Eco-CAT consultation approval Letter
- New and Renewal applications shall be submitted to epa.indilr00swppp@illinois.gov
- Annual Fee: \$500
 - No fee for renewal applications

Stormwater Pollution Prevention Plan

- The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from industrial activities at the facility.
 - Topographic and Site Maps
 - Description of Potential Pollutant Sources
 - BMPs and control measures
 - Monitoring, Maintenance, and Inspection Procedures
 - Non-Stormwater Discharges

Reporting Requirement

- Annual Inspection Report
 - Quarterly Benchmark Monitoring
 - Quarterly Facility Inspections
- Reports shall be submitted within 60 days after the original date of effective coverage.
 - New permittees, shall submit 60 days after 1 year has elapsed.
- Reports shall be retained for at least 3 years.
- Reports shall be submitted to epa.indannualinsp@illinois.gov

Clean Water Act (CWA) Section 401 Water Quality Certification

Overview

Regulatory Changes

Who needs a Certification?

Application Process

Section 401 of the Clean Water Act

- Section 401 of the Clean Water Act (CWA) provides states and authorized tribes to issue water quality certifications for activities that result in a discharge into waters of the United States, including wetlands.
- On June 2, 2021, USEPA and USACE announced their intent to revise the 2020 CWA Section 401 Certification Rule.
 - Certifying process may change

Do I need a Section 401 Water Quality Certification?

- U.S. Army Corps of Engineers (USACE) may issue an Individual Section 404, a Regional Permit, or a Nationwide Permit.
 - USACE determines if a Section 401 Certification is necessary.
 - A Regional Permit or a Nationwide Permit may require an individual permit.



IEPA Application Process

- Submittal of Joint Application
 - Submitted to USACE, IDNR, and IEPA
 - EPA.401.BOW@illinois.gov
- Pre-filing Meeting Request Letter
- Response to the Pre-filing Meeting Request Letter
 - Reasonable Period of Time: 90-180 days
- Typically, 15-day Public Notice

JOINT APPLICATION FORM FOR ILLINOIS				
ITEMS 1 AND 2 FOR AGENCY USE				
1. Application Number		2. Date Received		
3. and 4. (SEE SPECIAL INSTRUCTIONS) NAME, MAILING ADDRESS AND TELEPHONE NUMBERS				
3a. Applicant's Name:		3b. Co-Applicant/Property Owner Name (if needed or if different from applicant):		4. Authorized Agent (an agent is not required):
Company Name (if any):		Company Name (if any):		Company Name (if any):
Address:		Address:		Address:
Email Address:		Email Address:		Email Address:
Applicant's Phone Nos. w/area code		Applicant's Phone Nos. w/area code		Agent's Phone Nos. w/area code
Business:		Business:		Business:
Residence:		Residence:		Residence:
Cell:		Cell:		Cell:
Fax:		Fax:		Fax:
STATEMENT OF AUTHORIZATION				
I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.				
Applicant's Signature		Date		
5. ADJOINING PROPERTY OWNERS (Upstream and Downstream of the water body and within Visual Reach of Project)				
Name	Mailing Address	Phone No. w/area code		
a.				
b.				
c.				
d.				
6. PROJECT TITLE:				
7. PROJECT LOCATION:				
LATITUDE:		"N		UTMs
LONGITUDE:		"W		Northing:
				Easting:
STREET, ROAD, OR OTHER DESCRIPTIVE LOCATION		LEGAL DESCRIPT	QUARTER	SECTION
				TOWNSHIP NO.
				RANGE
<input type="checkbox"/> IN OR <input type="checkbox"/> NEAR CITY OF TOWN (check appropriate box)		WATERWAY		RIVER MILE (if applicable)
Municipality Name				
COUNTY	STATE	ZIP CODE		
Revised 2010				
<input type="checkbox"/> Corps of Engineers		<input type="checkbox"/> IL Dept of Natural Resources		<input type="checkbox"/> IL Environmental Protection Agency
<input type="checkbox"/> Applicant's Copy Agency				

Pre-filing Meeting Request Letter

1. Identify the project proponent(s) and a point of contact;
2. Identify the proposed project;
3. Identify the applicable federal license or permit;
4. Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters;
5. Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge;
6. Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received;
7. Include documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request;
8. Contain the following statement: The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief; and
9. Contain the following statement: The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Antidegradation Assessment

- Regulatory 35 IAC Section 302.105(f)
 - Scope of impacts to the environment
 - Stream assessment and/or wetland delineation
 - Description and qualification of unavoidable impacts
 - Avoidance and minimization measures
 - Socio-economic benefits
 - Alternative analysis
 - Mitigation
 - Soil erosion and sediment control
 - Eco-CAT Consultation

Certification Fee

- The fee for certification is \$350 or 1% of the gross value of the proposed project, whichever is greater, but not to exceed \$10,000.
- Fee is required prior to issuance of certification.

Questions?

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