



NPDES Construction Site Permit Requirements

By Karen Katamay, CPESC

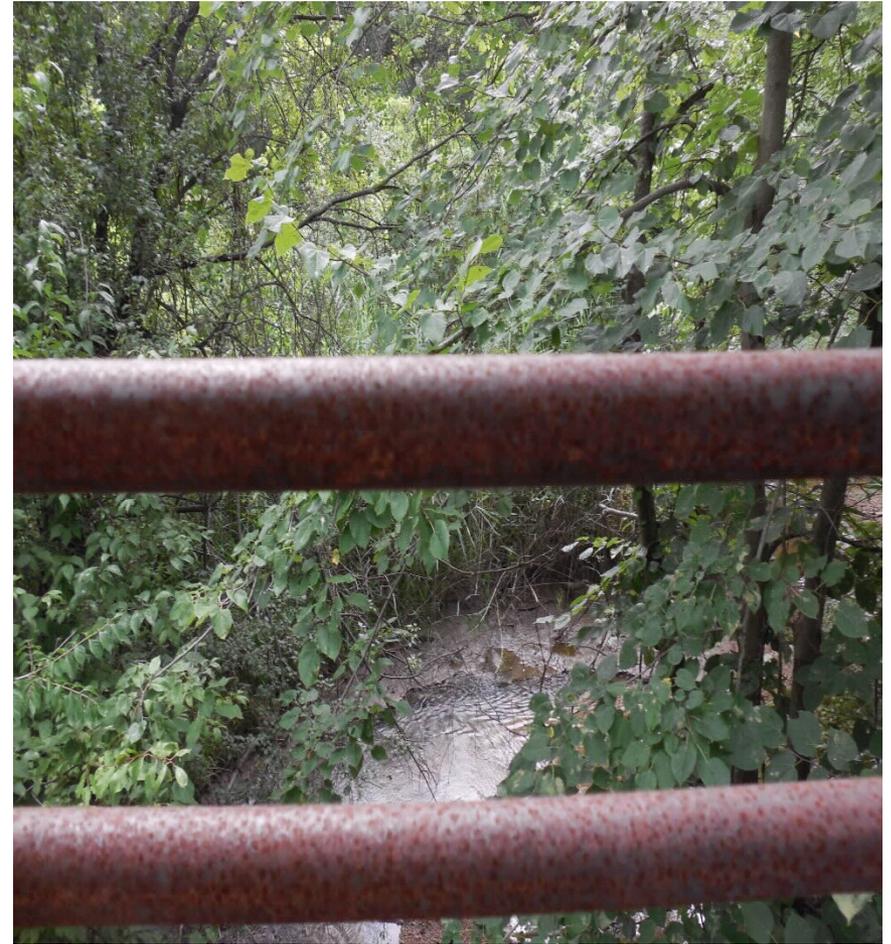
Sr. Environmental Protection Engineer

Illinois EPA

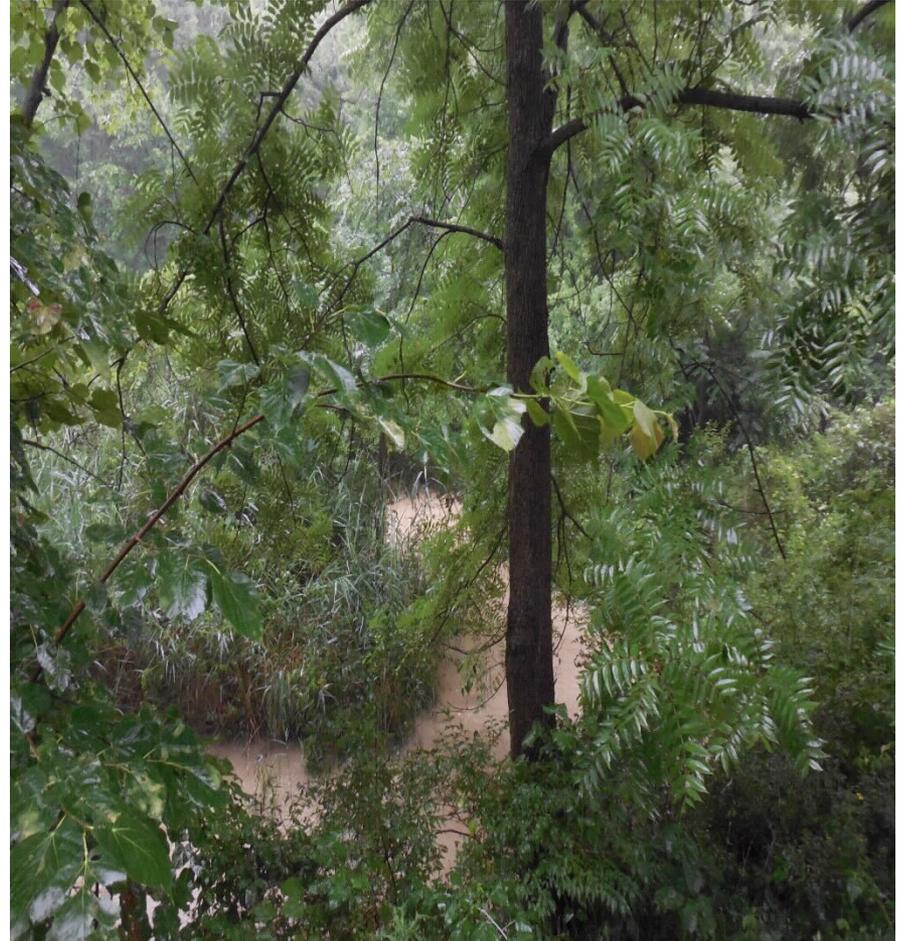
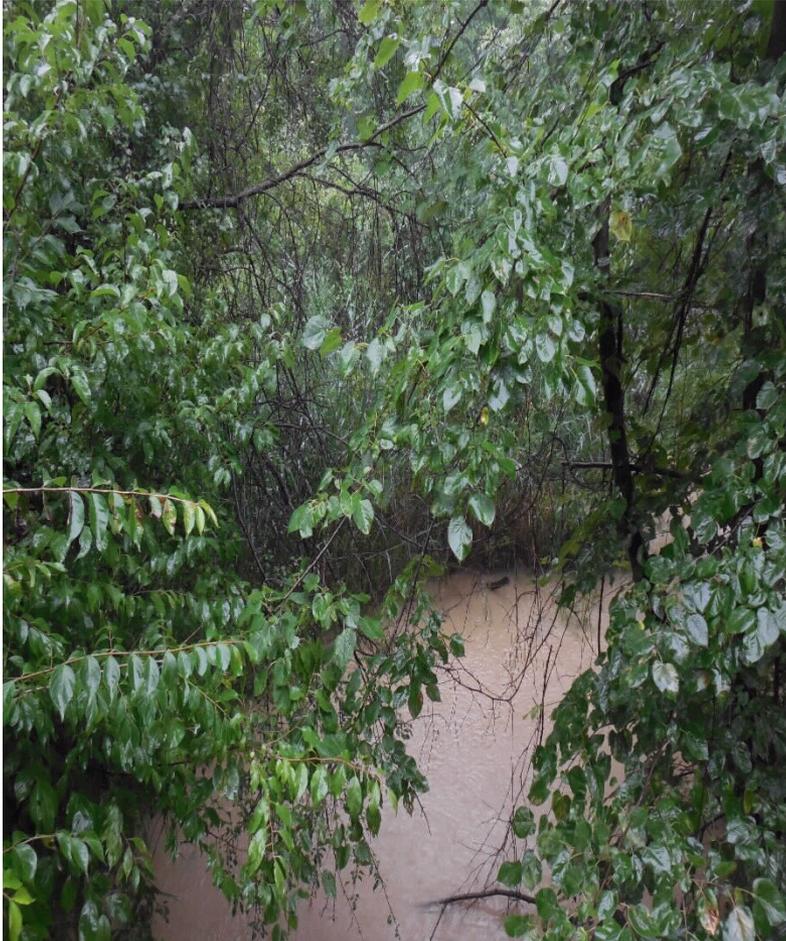
McHenry County Water Resources Div.

E.O. Training Workshop, Nov. 28, 2018

Why do we have SW Construction Permits? Before Rain Event



After Rain Event



General Construction Permit



- **Permit issued August 3, 2018**
 - Expiration date: July 31, 2023
 - Several changes were made, many to conform to USEPA general permit.



General MS4 permit



- Construction site requirements also covered under the MS4 permit (MCM # 4)
- **New MS4 permit issued Feb. 10, 2016**
 - Effective date: March 1, 2016
 - Expiration date: Feb. 28, 2021
- **Specifies that construction site owner/operator is required to design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.**
- Requires regulated construction sites (1 acre or more) to meet the requirements of the ILR10 permit.
- Requires practices to be at least as protective as practices in the Illinois Urban Manual.



General MS4 permit, cont.

- MS4 permit also covers post-construction development and redevelopment requirements (MCM #5)
 - Requirements for structural and non-structural BMPs
 - Control of SW runoff for both quality and quantity
 - Defines when infiltration can and cannot be used
 - Also requires O & M plans for post-construction BMPs

What sites need an ILR10 permit?



- If the site is greater than one acre
- If the site is less than one acre, but **part of a larger common plan of development that disturbs one or more acres!**
- It is not needed if it is a stand-alone site and the land disturbance is less than one acre **(although local and/or county permit requirements may apply).**



Custom lots in subdivisions

- If a developer buys a lot or lots in a subdivision (common plan of development), they will need to submit an NOI for construction on that lot or lots
- They will need their own SWPPP for their portion of the development
- They can use the previous developer's SWPPP if they update it to show what they will be doing and who their contractors and subcontractors are.
- If the BMPs they will be relying on are not on their lot(s), such as a detention basin, they must have an agreement with whoever owns and manages that BMP that it is okay to use it as their BMP.
- They must retain their NOI coverage until their parcel(s) is/are fully stabilized.
- The original owner/operator should indicate in their SWPPP the transfer of lots to a new owner/operator.

New!!!

Permit NOI requirements

- If a permittee was covered under the previous permit, they are automatically covered under the new permit.
- Update SWPPP to match new permit requirements.
 - Exception for previous projects who complete within 1 year of new permit issue date.

NOI Requirements



- Should be submitted at least 30 days prior to start of construction (permit becomes effective 30 days **after receipt** by IEPA, unless notified otherwise)
- Information required:
 - Owner's name and contact info
 - Name of general contractor and contact info
 - Are they in an MS4 community?
 - Construction site name and location
 - Approx. start and end dates



NOI Requirements, cont.

- Total size of the site in acres
- If the site is less than 1 acre, but part of a common plan of development, check box
- Did they submit their SWPPP electronically?
- Where will the SWPPP be located for viewing?
- Who is the contact person for the SWPPP and how are they qualified? (Drop down box for qualifications)
- Who is the inspector, if different from contact?

NOI Requirements, cont.



- Pick construction project type from drop down box (industrial, residential, commercial, transportation, redevelopment, etc.)
- List SIC code
 - Example: 1521 is SIC code for general construction – single family homes
- Detailed description of project (scope, sequencing of project, etc.)
- Did they submit their project to Illinois Historic Preservation Agency and IDNR (endangered species) for review?
- Receiving water info (water body or municipal storm sewer)
- Signature and date

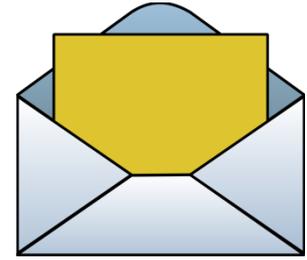


Revisions

- The NOI should be revised and resubmitted if there are any substantial changes, such as in the scope of project, general contractor changes, contact info changes, etc.
- **New** – change of contractor is considered a substantial change!



NOI submittal



- Use IEPA form
- Can submit electronically with digital signature using link in permit (registration is required for the digital signature)
 - **Still need to submit fee by mail**
- Can submit NOI by certified mail with fee, but still submit an electronic copy of NOI and SWPPP to be posted on our database
- If also following local programs, submit a copy of NOI to them as well



Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

Division of Water Pollution Control Notice of Intent (NOI) for General Permit to Discharge Storm Water Associated with Construction Site Activities

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Permit Section at the above address.

For Office Use Only

OWNER INFORMATION

Company/Owner Name: _____

Permit No. ILR10 _____

Mailing Address: _____ Phone: _____

City: _____ State: _____ Zip: _____ Fax: _____

Contact Person: _____ E-mail: _____

Owner Type (select one) _____

MS4 Community: Yes No

CONTRACTOR INFORMATION

Contractor Name: _____

Mailing Address: _____ Phone: _____

City: _____ State: _____ Zip: _____ Fax: _____

CONSTRUCTION SITE INFORMATION

Select One: New Change of information for: ILR10 _____

Project Name: _____ County: _____

Street Address: _____ City: _____ IL Zip: _____

Latitude: _____ Longitude: _____

(Deg) (Min) (Sec) (Deg) (Min) (Sec) Section Township Range

Approximate Construction Start Date _____ Approximate Construction End Date _____

Total size of construction site in acres: _____

If less than 1 acre, is the site part of a larger common plan of development?

Yes No

Fee Schedule for Construction Sites:
Less than 5 acres - \$250
5 or more acres - \$750

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

Has the SWPPP been submitted to the Agency? Yes No

(Submit SWPPP electronically to: epa.constilr10swppp@illinois.gov)

Location of SWPPP for viewing: Address: _____ City: _____

SWPPP contact information:

Inspector qualifications:

Contact Name: _____

Phone: _____ Fax: _____ E-mail: _____

Project inspector, if different from above

Inspector qualifications:

Inspector's Name: _____

Phone: _____ Fax: _____ E-mail: _____

This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 54, 5/35). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 54/2) and may also prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

TYPE OF CONSTRUCTION (select one)

Construction Type

SIC Code:

Type a detailed description of the project:

HISTORIC PRESERVATION AND ENDANGERED SPECIES COMPLIANCE

Has the project been submitted to the following state agencies to satisfy applicable requirements for compliance with Illinois law on:

Historic Preservation Agency Yes No <http://www.illinoishistory.gov/PS/rcdocument.htm>

Endangered Species Yes No <http://dnr.illinois.gov/ecopublic/>

RECEIVING WATER INFORMATION

Does your storm water discharge directly to: Waters of the State or Storm Sewer

Owner of storm sewer system:

Name of closest receiving water body to which you discharge:

Mail completed form to: Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Permit Section
Post Office Box 19276
Springfield, Illinois 62794-9276
or call (217) 782-0610
FAX: (217) 782-9891

Or submit electronically to: epa.constit10swppp@illinois.gov

I certify under penalty of law that this document and all attachments were prepared under my direction and 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 this 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. In addition, I certify that the provisions of the permit, including the development and implementation of a storm water pollution prevention plan and a monitoring program plan, will be complied with.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Owner Signature:

Date:

Printed Name:

Title:



Notice of Termination

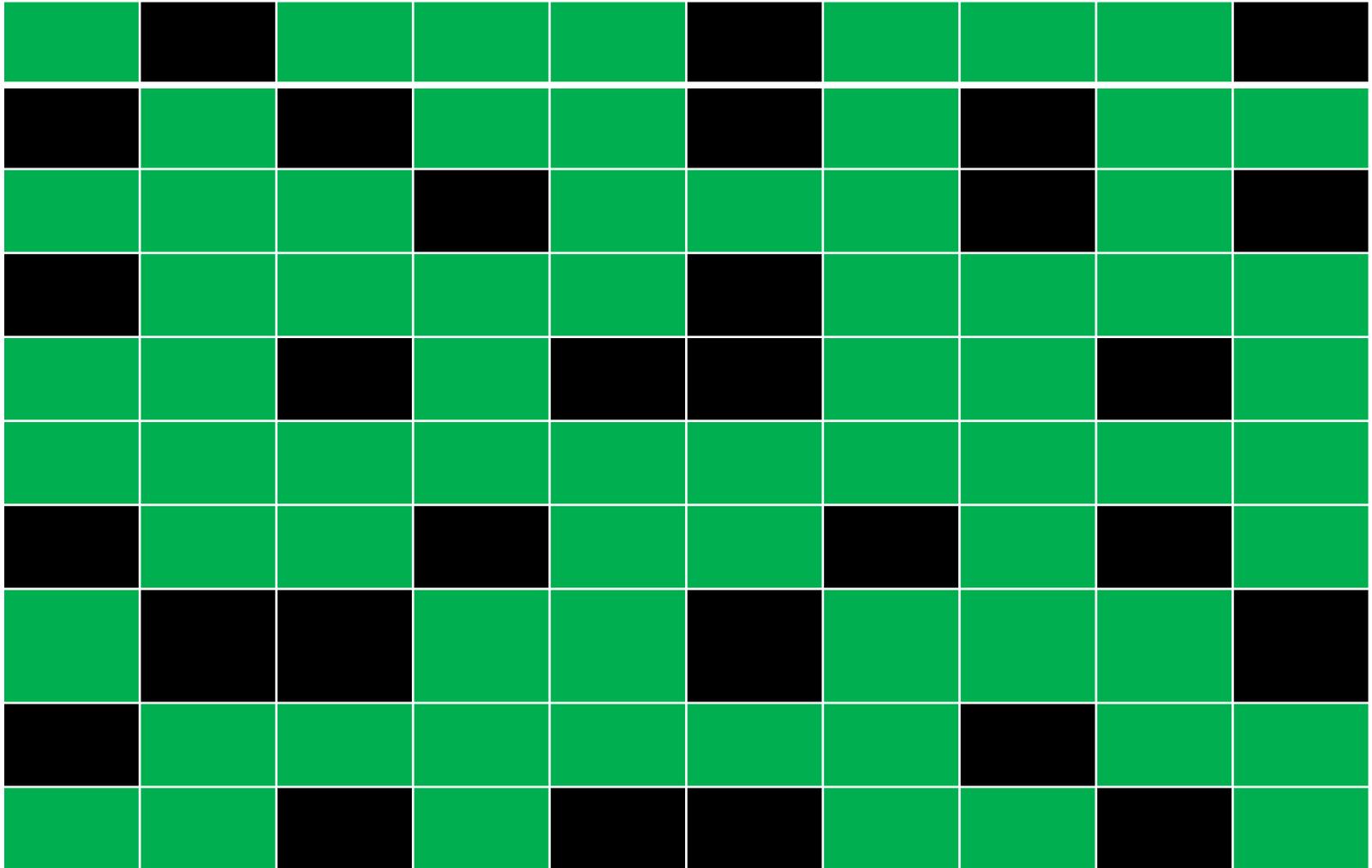
- Use IEPA form
 - Owner info and permit number
 - Contact person for permit
 - Contractor information
 - Construction site name and location
 - Permit number
 - Latitude and longitude for site
 - Date project was completed and finally stabilized!
 - Owner signature and date
- Can be submitted by mail or electronically

New!!!

For Permit Termination

- Project completed and stabilized, but you want to leave equipment/materials for next phase?
 - Indicate what will remain onsite on NOT
 - Indicate how items will be maintained to protect water quality.

70% Coverage



Not 70% Cover





Illinois Environmental Protection Agency

Bureau of Water • 1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Division of Water Pollution Control NOTICE OF TERMINATION (NOT)

You must have Adobe Acrobat Reader 6.0 or above installed to use the features on this form.

of Coverage under the General Permit for Storm Water Discharges Associated with Construction Site Activities

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Permit Section at the above address.

OWNER INFORMATION

Permit No. ILR10

Owner Name: _____

Owner Type (select one) _____

Mailing Address: _____ Phone: _____

City: _____ State: _____ Zip: _____ Fax: _____

Contact Person: _____ E-mail: _____

CONTRACTOR INFORMATION

Contractor Name: _____

Mailing Address: _____ Phone: _____

City: _____ State: _____ Zip: _____ Fax: _____

CONSTRUCTION SITE INFORMATION

Facility Name: _____

Street Address: _____

City: _____ IL Zip: _____ County: _____

NPDES Storm Water General Permit Number: ILR10 _____

Latitude: _____ Longitude: _____
(Deg) (Min) (Sec) (Deg) (Min) (Sec) Section Township Range

DATE PROJECT HAS BEEN COMPLETED AND STABILIZED: _____

NOTE: Coverage under this permit cannot be terminated without the completion date.

I certify under penalty of law that disturbed soils at the identified facility have been finally stabilized or that all storm water discharges associated with industrial activity from the identified facility that are authorized by an NPDES general permit have otherwise been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity by the general permit, and that discharging pollutants in storm water associated with industrial activity to Waters of the State is unlawful under the Environmental Protection Act and the Clean Water Act where the discharge is not authorized by an NPDES Permit.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Owner Signature: _____

Date: _____

Mail completed form to: Illinois Environmental Protection Agency
Division of Water Pollution Control, Attn: Permit Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

(Do not submit additional documentation unless requested)

This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42) and may also prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

Incidence of Non-Compliance



- Required for violations of the SWPPP or permit noted during inspections
- Maintenance items can qualify if they are not corrected within 7 days
- Developer should notify first by e-mail, phone or fax within 24 hours
- Follow up with ION form within 5 days
- **If the developer has doubts about if an ION is needed or not for their situation, tell them to call their local IEPA office and ask!**



Incidence of Non-Compliance information

- Permittee name and address
- Construction site name and location, including latitude and longitude
- Cause of non-compliance
- Actions taken to prevent recurrence
- Environmental impact from non-compliance
- Actions taken to mitigate the impact
- Owner signature and date



Bureau of Water • 1021 N. Grand Avenue E. • P.O. Box 10276 • Springfield • Illinois • 62794-0276

Division of Water Pollution Control

Construction Site Storm Water Discharge Incidence of Non-Compliance (ION)

You must have Adobe Acrobat Reader 8.0 or above installed to use the features on this form.

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Compliance Assurance Section at the above address. You may email this completed form to: epa.swnoncomp@illinois.gov

Permittee Information:

For Office Use Only

Permit No. ILR10

Name: Street Address: P.O. Box: City: State: IL Zip Code: County: Phone: Email:

Construction Site Information:

Site Name: Street Address: City: State: IL Zip Code: Latitude: Longitude: (Deg) (Min) (Sec) (Deg) (Min) (Sec) Section Township Range

Cause of Non-Compliance

Actions Taken to Prevent Any Further Non-Compliance

Environmental Impact Resulting From the Non-Compliance

Actions Taken to Reduce the Environmental Impact Resulting From the Non-Compliance

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Owner Signature: Printed Name:

Date: Title:

Examples – ION not needed

(unless not corrected within 7 days)



Examples – ION needed



Inlet maintenance needed!



TMDL Requirements

- If your storm water discharges to a TMDL listed waterway, you may have discharge limitations.
- <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/default.aspx>
- All stormwater discharges must meet water quality standards.

New SWPPP Requirements

- **Prohibition of Non-Storm Water Discharges:**
 - If dewatering, and oil/grease is present in dewatering water, you must treat water with a BMP.
 - Do not pull out an inlet basket and backwash into the drain. Either capture solids on site away from inlet or haul backwash water.

New SWPPP Requirements, cont.

- If developer can't store SWPPP on site when personnel are not present, they should post location of SWPPP or contact info near entrance.
- If developer has offsite stockpiles or storage, they need to include BMPs for these, unless they have a separate permit for offsite.
- SWPPP should include details and/or drawings on proper installation of BMPs (**can get from IUM**)

New SWPPP Requirements, cont.

- For linear construction projects where project entrance and exit keeps shifting, stabilized entrance/exit can be skipped if other BMPs to avoid tracking are used.
- Dust minimization requirement added.
- Regular maintenance of inlet BMPs required.
- For pollution prevention, you only need to protect materials that may cause water pollution.

Material storage – not this!



New SWPPP Requirements, cont.

- Provide a 50 ft. natural buffer between construction activity and waters of US, unless:
 - Army Corps permit for this activity
 - Additional ESC BMPs are used to protect waterway
- Sediment basin maintenance includes post-construction clean-out if basin is permanent.

Inspection Requirements

- Inspections remain at least once every 7 calendar days and within 24 hours or end of first business day following a storm event of ½ inch or greater.
- Winter (frozen) inspections can be once per month, if construction has ceased. **Resume weekly inspections if activity resumes or there is rain or snow melt.**
- Qualified personnel means someone who has the knowledge and skills to assess site conditions. **What training/certification do they have?**

Retention of Records

- If you reference other manuals or documents, such as IDOT or Tollway manuals or specifications, include these with your SWPPP.
- Keep records for at least 3 years after NOT.

For more information

For permit information and links:

<https://www2.illinois.gov/epa/topics/forms/water-permits/storm-water/Pages/construction.aspx>

For general questions:

Storm water coordinators:

melissa.parrott@illinois.gov

terri.lemasters@Illinois.gov

Permit section - Springfield: (217)782-0610

thaddeus.faight@Illinois.gov

Or contact your regional IEPA office

Des Plaines: (847) 294-4000

Helpful links

- USEPA stormwater construction info:
 - <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>
- Illinois TMDL info:
 - <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/default.aspx>
- SIC codes:
 - <https://www.osha.gov/pls/imis/sicsearch.html>

Any questions?



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