

NPDES Phase II “ILR10” Permit Update & Recommendations

March 19, 2014
Winnebago County SWCD
NIU Rockford Campus

Today's Topics

- ILR10 Changes in 2013
- AISWCD-Facilitated Group
 - Recommendations
 - Some Future Considerations
- IL EPA Compliance and Enforcement
- Questions



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Purpose of All SW Permits (In the Simplest Terms)



CONTROL
the Silt.

STOP Erosion
and



General NPDES Permit for Storm Water Discharges From Construction Site Activities

ILR10xxxx

- Issue Date: July 30, 2013
- Expiration date: July 31, 2018

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ILR10xxxx Permit Implementation

- **New** permit applications should include both the NOI and the SWPPP
 - To avoid any delay in issuance
- **Existing** permittee must **update** the existing Storm Water Pollution Prevention Plans (SWPPP) within 12 months
- The exception being construction projects to be **completed within 12 months** are not required to update their SWPPP.

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Notice of Intent (NOI) Revisions

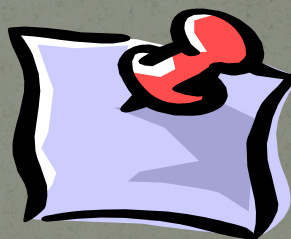
- Required Updates:
 - Owner
 - Address
 - Contractor(s)
 - Area of coverage
 - Additional discharges
 - Other substantial
- Where to send the update?
 - EPA WPC Permit Section by mail
 - epa.constrilr10swppp@illinois.gov



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Additional Notifications

- Must Notify:
 - Any entity with a ILR40 Permit
 - Active ILR40
 - i.e. MS4.



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Erosion and Sediment Controls

- Volume and Velocity
- Peaks flow and storm water volume
- Minimize soil slopes and exposure
- Consider precipitation:
 - Amount, duration, and intensity
- Maintain natural buffers
- Minimize compaction.

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Non-Storm Water Discharges

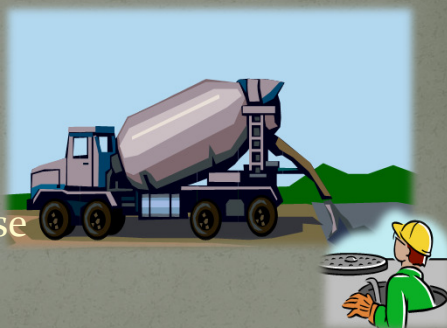
- Some Authorized:
 - Fire fighting
 - Hydrant flushing
 - Non-Detergent vehicle washing
 - Dewatering
 - Groundwater / Trench



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Non-Storm Water Discharges

- Still Prohibited (no change):
 - Detergent washing
 - Fuel
 - Drywall
 - Stucco
 - Concrete
 - Soap, solvent, grease
 - etc.

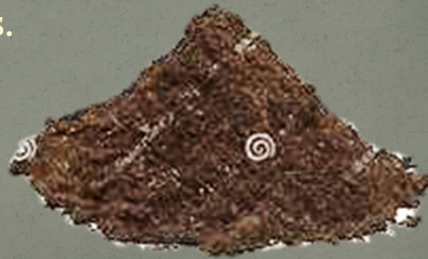


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SWPPP Changes

- Include / Update locations in the Plan:
 - On-site stockpiles
 - Off-site stockpiles
 - Surface water and wetlands
 - Point of discharges.



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SWPPP Controls

- Stabilization Practices:
 - Interim / Permanent
 - Design easily maintained basins
 - Preserve existing vegetation
- Treatment Chemical:
 - Identify the chemical
 - Properties, handling, and proper usages
 - Rate and dosage
 - Treatment devices.



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SWPPP Controls (more)

- Structural Practices – Consider & Describe:
 - Flow diversions
 - Store and/or Limit run-off
 - Temporary sediment basins
 - Permanent sediment basins
- Maintenance:
 - Keep basins in operation
 - Limit basin erosion
 - Frequent sediment removal.



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SWPPP Controls (more)

- Inspections:
 - Once per month when:
 - Construction ceases
 - Snow or frozen ground
 - Once per week:
 - Construction resumes
 - Precipitation of 0.5 inches occurs
 - Snow melt or run-off occurs
 - Make Corrections!



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SWPPP Post-Construction Storm Water Management

- ILR10 Permit addresses **only the post-construction controls** not their long term maintenance
- ILR10 requires that the permittee “**retain the greatest amount of post-development storm water runoff as practicable.**”
- ILR10 **does not require treatment** of design storms or specified volumes of storm water
- Green infrastructure is **not specifically addressed** but these types of measures **may be included** in the SWPPP.

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Notice of Termination (Pt. I D 2)

- Required:
 - **Date** when construction completed
... and ...
 - Site must be **STABILIZED!**
- Send to Agency:
 - Must use the Agency form
 - By mail to BOW WPC Permit Section
 - Electronically.



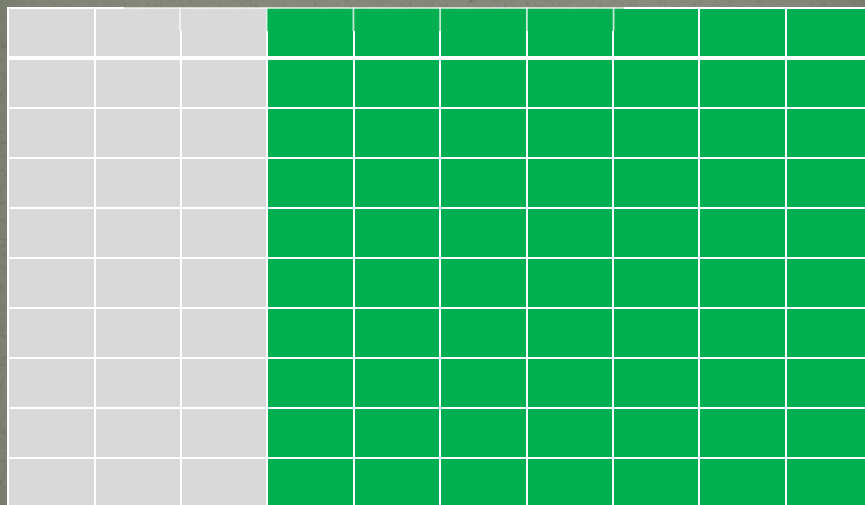
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Notice of Termination – WHEN?

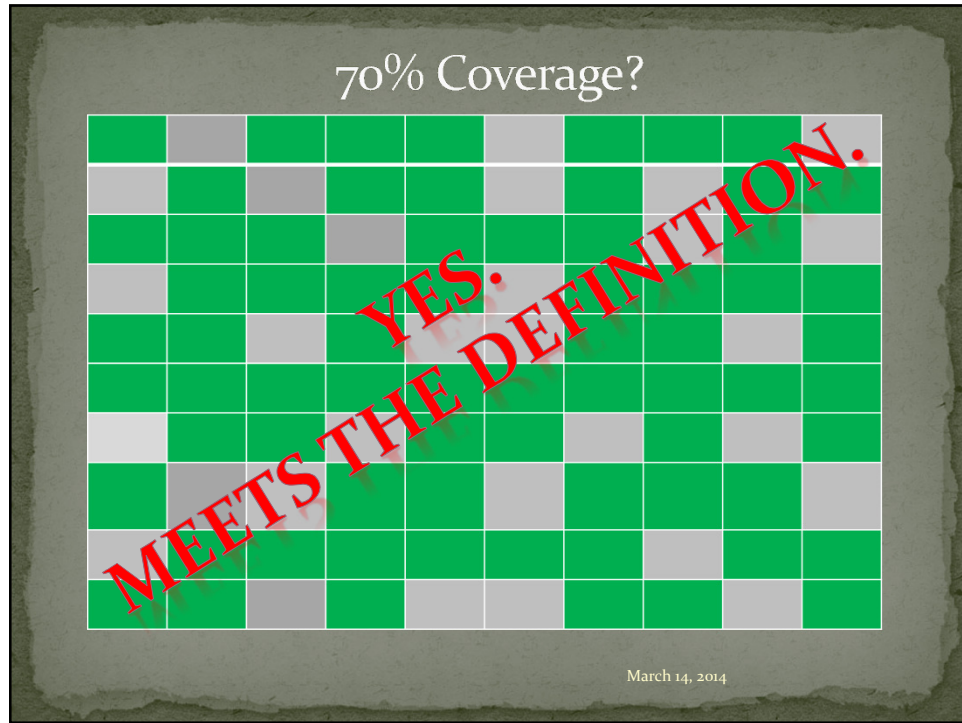
- The Storm Water **Permit stays in effect** until the Agency receives a Notice of Termination
- Termination requires that the **site has undergone final stabilization** (70% cover over the entire site)
- Erosion controls must be **maintained** until termination
- The July 30, 2013 ILR10 permit requires that the permittee **consider** controls in **post-construction** storm water discharges.

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NOT 70% Cover?



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Recommendations

“Stakeholders” Group

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Post-Construction Standards

- The Standards are on the Association of Illinois Soil and Water Conservation Districts website .
- The link to the Standards is:
 - http://www.aiswcd.org/wp-Content/uploads/2013/07/Stormwater-Performance-Standard-Recommendations_FINAL0628131.pdf

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Post-Construction Storm Water Recommendations

- These are not recommendations by IEPA they are recommendations **to** IEPA
- The Recommendations were developed by a group of stakeholders facilitated by the **Association of Illinois Soil and Water Conservation Districts**.
- The recommendations were created to address failures of storm water controls **after permit termination and to parallel a similar Federal work group**.
- USEPA **may issue** post-construction recommendations at some future date.

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Post-Construction Storm Water Recommendations

- These are only recommendations
- Have to go through the rule-making process
 - Illinois Pollution Control Board
 - Joint Committee on Administrative Rules (JCAR) in Illinois legislature
- The use of Green Infrastructure:
 - Integral performance standards
 - Emphasis on retention and infiltration.



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Requirements for Development Sites

- Applicable to sites disturbing **1 acre of ground or more**.
- **New** development sites must either demonstrate **no net increase in runoff** due to the development **or retain runoff** from a 1 inch 24 hour storm event
- **Re-development** sites must either demonstrate **no net increase or retain a 0.8 inch** 24 hour storm
- **Re-development** is any human induced activity or change to an existing developed property **where runoff characteristics are affected**.

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Site Limitations

- The following sites would be **limited** with regard to the **use of infiltration** as a runoff control.
 - Vehicle fueling or maintenance areas
 - Areas with Karst topography
 - Areas subject to high infiltration rates
 - Areas with inadequate separation between the storm water BMP and groundwater
 - Areas with soil contamination
 - Source areas for drinking water or recharge areas
 - Class D (high clay) soils.

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Mitigation (elsewhere)

- Site restrictions may result in areas where **retention of storm water is not feasible**. Mitigation would be provided for those sites.
- Mitigation should occur **as close as possible** to the construction site
- Off-site mitigation would **require retention of 1.5 times** the design storm.
- Fee-in-lieu might be considered provided a legal basis is enacted in support of this program.

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Linear Projects

- **Special considerations** are made for linear projects.
- For projects where site constraints limit storm water control measures a **hierarchy of alternative storm water control measures** is provided.
- The workgroup recommended that storm water control standards be **incorporated into IDOT manuals**.

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Enforcement (compliance)

- **Enforcement** of storm water performance standards would come through the **ILR10** and **MS4** NPDES General **Permits**
- Inclusion of the recommended performance standards in the NPDES permit program would **require codification through the rulemaking process**
- Permittee's would **self-certify** that they would be in **compliance with the performance standards** when their constructions permits are terminated (NOT).

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Maintenance

- The Recommendations would require development of an **Operations and Maintenance Plan** to be submitted with the Notice of Termination.
- The O & M Plan would address maintenance over the **useful life** of the BMPs.
- The O & M Plan would identify **parties responsible** for maintenance and operations of the BMPs.

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Other Points

- Counties implementing ordinances, which are at least as stringent as the State-wide storm water performance standards, should be allowed to administer the storm water management program.
- A second round of recommendations may be undertaken at some time in the future to address the following:
 - Lowering of the threshold triggering a storm water permit to less than 1 acre.
 - Basing performance standards on percentile storms rather than specific precipitation quantities
 - The protection of **Biologically Significant Streams**
 - Retrofitting of storm water controls in developed areas
 - Mitigation ratios.

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Future Issues

- The Virginia court decision
- Numeric effluent limits for construction permits
- More consideration of green infrastructure
- Post-construction storm water controls may be required at some time in the future
- The **ILRoo** (Industrial) and **ILR40** (MS4) permits will be re-issued next year.



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Virginia Court Decision

- **USEPA had proposed using flow** as a substitute for parameters such as suspended solids, BOD and nutrients.
- Federal Court in Virginia held that **flow cannot be regulated as a proxy** for pollutants because storm water runoff is **not considered a pollutant** in the Clean Water Act
- The court case was specifically dealing with actions resulting from a **Total Maximum Daily Load (TMDL) study**.
- IL EPA's position is that this **does not effect our storm water permits** because they are **based on Best Management Practice** rather than actual pollutant removal.

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Numeric Effluent Limits

- Existing permits **do not have numeric effluent limits**.
 - Currently based on implementing Best Management Practices
- Various environmental groups have advocated **effluent limits** for storm water permits
- USEPA has **considered using turbidity** as an effluent limit for storm water
 - There are **significant issues** as to how this parameter would be monitored
- Numeric limits could **be dictated** by court a decisions.

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Compliance / Enforcement

A Fifteen Step Program – When Illinois EPA comes a callin’

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Illinois EPA Site Visit

1. Verify a permit has been issued
2. Evidence of Pollution Off-Site
3. Evaluate the controls
4. Effectiveness of the Controls to protect the environment

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Illinois EPA Site Visit

5. Maintenance of Controls
6. Verify the SWPPP is on-site
7. Review the SWPPP
8. SWPPP up-to-date



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Illinois EPA Site Visit

9. Records:
 - a. Inspections, corrections, ION (non-compliance reports)
 - b. One ION vs. No ION's.
10. Verify that permit is posted on-site
11. Compliance Expected at the time of the Visit.

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Illinois EPA Site Visit

Follow-Up:

12. Let SWCD do it. Education.
13. Non-Compliance Advisory letter (NCA)
14. Violation Notice letter (VN)
15. Referral to Illinois Attorney General.



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Questions



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