

Public Notice Beginning Date: **November 13, 2012**
Public Notice Ending Date: **November 27, 2012**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Division of Water Pollution Control
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217/782-0610

Project Description: Proposed Section 401 Water Quality Certification for New and Replacement Individual Private Sewage Surface Discharging Wastewater Treatment Systems.

Discharge Location: Waters of the United States, including conveyances to Waters of the United States, interstate waters that flow across or from part of the boundary of Illinois and in all areas of the State of Illinois.

Name of Receiving Waters: The waterways generally affected by this permit include all named and unnamed Waters of the United States in all areas of the State of Illinois including conveyances to Waters of the United States and interstate waters that flow across or from part of the boundary of Illinois.

The Illinois Environmental Protection Agency hereby requests comments of its proposed Section 401 Water Quality Certification for new and replacement individual private sewage surface discharging wastewater treatment systems. The IEPA is proposing to issue a Section 401 Water Quality Certification to the United States Environmental Protection Agency (USEPA) for discharges from new and replacement individual private sewage surface discharging wastewater treatment systems covered by USEPA's draft National Pollutant Discharge Elimination System (NPDES) General Permit for New and Replacement Surface Discharging Wastewater Treatment Systems. A copy of USEPA's Draft NPDES permit and fact sheet is available on their website at www.epa.gov/region5/water/npdestek/surfacedischarge .

The Public Notice period will last 14 days, and will begin and end on the dates indicated in the heading of this Public Notice. Comments must be received by the Public Notice period ending date. Interested persons are invited to submit written comments on the proposed certification to the IEPA at the above address. Commentors shall provide their names and addresses along with comments on the proposed certification.

A copy of this Fact Sheet and the Draft 401 Certification are available on the IEPA website at www.epa.state.il.us/public-notices/ .

If written comments or requests indicate a significant degree of public interest in the proposed certification, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please contact Richard E. Pinneo at 217/782-0610.

Antidegradation Assessment NPDES General Permit No. ILG62

A statewide general permit is being formulated for New and Replacement Surface Discharging Systems that discharge less than 1500 gallons per day. These systems are used mostly in homes in rural settings, unsewered small towns, and urban fringes. Unlike conventional septic tank systems that discharge below the surface of the ground, these systems discharge wastewater above the ground surface or directly to surface waters. The types of systems covered by this permit are designs approved by the Illinois Department of Public Health and the National Sanitation Foundation. The general permit may not be issued to systems serving untreated domestic sewage waste loads of 1500 gallons per day or more. The general permit covers effluents from these systems that discharge to Waters of the United States or to conveyances that discharge to Waters of the United States. The permit distinguishes, by virtue of the discharge limitations applied based on proximity to lakes, ponds, and impoundments. Effluents from Surface Discharging Systems covered by the general permit are intermittent in nature. Treatment systems that are ineligible for coverage under the general permit must seek an individual permit to discharge to Waters of the United States or to conveyances that discharge to Waters of the United States.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

The treatment systems covered under the general permit will be capable of meeting maximum daily limits for BOD5 or COD, TSS or Turbidity, Dissolved Oxygen, Fecal Coliform, and Total Residual Chlorine (if chlorine disinfection is used). The general permit also includes limits for pH, a requirement to estimate the flow, and narrative requirements for oil, odor, color, and floating debris.

BOD and total suspended solids may increase in the receiving stream because of new discharges. However, given the specific limits for flowing waters vs. impounded waters and the low volumes involved, no impacts on the uses of affected waters are anticipated.

Fate and Effect of Parameters Proposed for Increased Loading.

The BOD discharged by systems in compliance with the general permit will decay into simpler and harmless byproducts by naturally-occurring organisms in conveyances and receiving waters. Given the permit limits and low volumes of effluent discharged from systems covered under the general permit, chlorine should dissipate upon interaction with either the dry bed of the conveyances' receiving waters or, will be diluted by and also react with, water already in the conveyance. The permit contains an effluent limit for chlorine based on Illinois' water quality standards. Given the chlorination requirement specified in the general permit, fecal coliform bacteria standards are likely to be met in receiving waters.

Social and Economic Benefits of the Proposed Activity.

Residences located in areas distant from sewage collection systems and which are located where soils have insufficient percolation to support conventional ground discharging septic tank systems may have no other choice but to rely on Surface Discharging Systems. These systems, when subject to the requirements of the general permit, allow for safe and effective disposal of sewage in a manner that complies with applicable water quality standards, thereby benefiting residents of rural areas and small towns that lack access to centralized wastewater treatment.

Alternatives for Less Increase in Loading or Minimal Environmental Degradation.

The eligibility requirements of the general permit have the effect of limiting the applicability of the permit to only those discharges where there are no options other than Surface Discharging Systems. The eligibility requirements should reduce the rate of installations of New and Replacement Surface Discharging Systems that discharge to Waters of the United States or to conveyances that discharge to Waters of the United States. Alternatives, such as installation of soil-based systems, or any alternative to a Surface Discharging System will be installed where the eligibility requirements for coverage under the general permit are not met. Surface Discharging Systems, which are installed on lots with soils in which soil-based systems are feasible, are ineligible for coverage unless other factors make installation of alternative treatment systems infeasible. This fact sheet describes advance soil-based wastewater treatment systems which are feasible alternatives to Surface Discharging Systems. They include, mound systems, at-grade systems, low pressure distribution systems, drip dispersal systems, and cluster systems.

Illinois does not allow new or renovated small Surface Discharging Systems or soil-based systems where a sanitary sewer is available for connection within 200 feet (77 Ill. Adm. Code § 905.20e). This restriction is supported under the general permit ILG62, and is incorporated as a limitation on coverage as allowed under 40 CFR § 122.44(d)(5). Surface Discharging Systems located in lots legally recorded 6-months or more after the effective date of the general permit are ineligible. Ineligibility should eliminate new surface discharges to Waters of the United States or to conveyances that discharge to Waters of the United States from most new construction and will prompt soil investigations prior to development. The burden of a NPDES permit provides further disincentive to install a Surface Discharging Systems where soil-based alternatives are feasible.

Agency Conclusion.

The antidegradation assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard). Illinois EPA tentatively finds that the proposed general permit will result in the attainment of water quality standards; that all existing uses of the receiving waters will be maintained; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the draft permit; and that regulation of small surface discharging wastewater treatment systems under this general permit will benefit the community at large by improving water quality from these wastewater treatment systems. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.