

RESPONSES TO COMMENTS, QUESTIONS AND CONCERNS

Comments, Questions and Concerns in regular text

Agency responses in bold text

NPDES AND PERMITTING REQUIREMENTS

ILR40 General Permit

(Questions/Comments)

1) The updated permit increases permit activities and required documentation. Based on the limited available staff time and budget for assistance from consultant firms, we request that implementation of the new permit requirements be changed from one (1) year to two (2) years.

The draft permit required compliance of new provisions within 180 days of the effective date of the permit. Based on the comments, and the number of new permit requirements, the Final Permit has been revised to allow compliance with the new provisions provided in sections Part IV.B.1-6 within 12 months from the coverage letter and include those provisions in the next Annual Report following this date.

The permit compliance deadline, 12 months from the coverage letter and include those provisions in the next Annual Report following this date, can be found on Page 3, Part II.a of the Final Permit.

2) We ask for additional resources from the IEPA to assist our compliance efforts (updated guidance materials on Minimal Control Measures (MCMs), sample outreach materials, etc.).

Information regarding the General Storm Water Permit for Small Municipal Separate Storm Sewer Systems (MS4) and supporting documentation pertaining to Green Infrastructure, MS4 Permit Requirements, Measurable Goals Guidance for Phase II Small MS4s, Notice of Intent, and Annual Facility Inspections, along with many more, can be found at the following Agency webpage:
<https://epa.illinois.gov/topics/forms/water-permits/storm-water/ms4.html>

In addition, USEPA guidance documents pertaining to Best Management Practices (BMPs), including Minimum Control Measures (MCMs) and outreach guidance can be found at the following webpage:

<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>

3) We request removal of the requirement to evaluate the effectiveness of public outreach and public participation; this is not possible with resources available to our MS4.

Part IV.B.1.c, Public Education and Outreach required the permittee to “assess changes in public awareness and behavior resulting from the implementation of the SWMP such as using a statistically valid survey and modify the education/outreach program accordingly” Based on the comments and due to limited resources available to many MS4s, the Final Permit has been revised to remove the requirement of a “statistically valid survey” to evaluate the effectiveness of public outreach and public participation.

4) The online permit platform, CDX, has been an extremely difficult piece of software to use as compared to the previous website with search. We ask for a more user-friendly experience/software platform for those of us responsible for submitting and reviewing permits. (Please explore what can be done to improve use of CDX by those submitting and reviewing permits.)

The NPDES eReportingRule requires electronic reporting for National Pollutant Discharge Elimination System (NPDES) discharges by December 21, 2025. This Final Permit does not require electronic reporting through the CDX platform at this time. However, future electronic reporting through the CDX platform will be required. Prior to implementation of the eReportingRule for the

MS4 General Permit, the Agency will provide notification to each permittee. If you have questions regarding the CDX platform, please contact our Stormwater Unit at 217/782-0610 for assistance.

5) The use of “measurable goals” through the permit is not consistent. Revise as Follows:

5.A) Part IV.B.1.a. proposed language is inconsistent with the metrics of all other MCM (see Part IV.B.2.c, Part IV.B.4.b, Part IV.B.5.j, Part IV.B.6.e). Reword as follows:

“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 within one year of permit coverage addressing this Minimum Control Measure, updating and enhancing the Storm Water Management Programs as necessary to comply with the terms of this section. ***The Storm Water Management Program shall, at a minimum.***”

Thank you for the suggestion to include “[t]he Storm Water Management Program shall, at a minimum” to the description of each of the 6 MCMs. The Final Permit has been revised to read, “[t]he Storm Water Management Program shall, pertaining to Public Education and Outreach, at a minimum include.”

Similar language has been added to the description of each MCMs to clarify the requirements of the storm water management program pertaining to each control measure.

5.B) Part IV.B.1.a is a subset of the entire SMPP although the language in this part infers it is the entire program. Revise Accordingly.

The overview of Public Education and Outreach provided in Part IV.B.1 lists the elements of a stormwater management program. Based on the comments, and to clarify the requirements of the storm water management plan, the Final Permit language for Public Education and Outreach has been revised to read, “[t]he storm water management program shall, pertaining to Public Education and Outreach, at a minimum include.”

Similar language has been added to the description of each MCMs to clarify the requirements of the storm water management program pertaining to each control measure.

5.C) Part IV.B.1.c revise language to evaluate based on measurable goals consistent with other MCM. The language as written is infeasible unless the IEPA is going to provide the survey tool, metrics etc, for use by all MS4 communities. Furthermore, the metric is inconsistent with the metric of all other MCM (see Part IV.B.2.g, Part IV.B.3.h, Part IV.B.4.h, Part IV.B.5.k, Part IV.B.6.m). Reword as follows:

“Provide an annual evaluation of Public Education and Outreach BMPs and measurable goals. This shall include an assessment ~~within one year of permit coverage, the permittee shall assess~~ of changes in public awareness and behavior resulting from the implementation of the SWMP. ~~Such as using a statistically valid survey 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.1.”

The draft permit required compliance of new provisions within 180 days of the effective date of the Final Permit. Based on the comments, and due to the number of new permit requirements, the Final Permit has been revised to allow compliance with the new provisions provided in sections Part IV.B.1-6 within 12 months from the coverage letter and include those provisions in the next Annual Report following this date.

The new permit compliance deadline, 12 months from the coverage letter and include those provisions in the next Annual Report following this date, can be found on Page 3, Part II.a of the Final Permit.

Part IV, Public Education and Outreach required the permittee to “assess changes in public awareness and behavior resulting from the implementation of the SWMP such as using a

statistically valid survey and modify the education/outreach program accordingly” Based on the comments and due to limited resources available to many MS4s, the Final Permit has been revised to remove the requirement of a “statistically valid survey” to evaluate the effectiveness of public outreach and public participation.

5.D) Part IV.B.3.a. proposed language is inconsistent with the metrics of all other MCM (see Part IV.B.2.c, Part IV.B.4.b, Part IV.B.5.j, Part IV.B.6.e). Reword as follows:

“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 IDDE program shall include the following *measurable goals*:”

Based on the comments, and to clarify the requirements of the storm water management plan, the Final Permit language for Illicit Discharge Detection and Elimination (IDDE) has been revised to read, “measurable goals.” The heading of the IDDE program has been revised from “[t]he IDDE program shall include the following” to “[t]he IDDE program shall include the following measurable goals:”

Similar language has been added to the description of each of the MCMs to clarify the requirements of the storm water management program pertaining to each control measure.

5.E) The use of “Maximum extent practicable” through the permit is not consistent. MEP is no longer included in the Parts II or IV of the Permit, however the public notice fact sheet still references MEP. Remove MEP from Part IV (defined term and acronym).

Thank you for identifying the inconsistency in permit language. The Federal Final MS4 General Permit Remand Rule (Federal Remand Rule) requires implementation of BMPs and measurable goals for each BMP. To comply with the federal rule, the Final Permit removes the use of “Maximum Extent Practical” (MEP) and replaces it with “Measurable Goals.”

5.F) Part I.B.3 Revert back to previous permit language. The proposed changes add undue cost and burden for each MS4 by requiring a separate ILR10 for each municipal project. MS4 projects are already required to comply with the SWMP; creating a SWPPP for each project is overly burdensome.

The draft permit mistakenly removed the previous permit language which identified an MS4 permittee as being automatically granted coverage of the Construction Site Stormwater ILR0 permit. The Final Permit has been revised to recognize automatic coverage of the ILR0 permit, after Agency receipt of a Notice of Intent to Discharge Storm Water from Construction Site Activities from the permittee. Additional language has been included in the Final Permit to identify submittal of the Notice of Intent to Discharge Storm Water from Construction Site Activities is made through the Central Data Exchange (CDX) platform, and is available at our website: <https://epa.illinois.gov/topics/forms/water-permits/storm-water/construction.html>

5.G) Part II.B.6 Change to SWMP. (the intent is likely to provide a digital copy the MS4’s stormwater management program plan, not a stormwater pollution prevention plan created or an ILR10 permit.)

The draft permit required submission of an electronic copy of the SWPPP when requesting coverage under an MS4 permit. This requirement was mistakenly included in the draft permit and has since been removed. An MS4 applicant is not required to electronically submit a SWPPP when applying for MS4 permit coverage. However, any permittee applying for coverage of a Stormwater Construction Site ILR10 permit, shall submit an electronic copy of the SWPPP for each construction project.

5.H) IV.B.1.a.i The language currently written is broader than the MCM it is listed under. If the intent is to define Programmatic Goals this language should be moved to Part B prior to the MCM. Alternatively, this language should be revised as follows:

~~“Define the goals and objectives of the Storm Water Management Program (E.G. reduction of nitrogen in discharges from the MS4, promoting pervious techniques used in the MS4, ETC?);~~

To address the comment, the Agency has revised the Final Permit language to read, “Identify appropriate BMPs for this MCM and measurable goals for each BMP, which shall ensure the reduction of all pollutants of concern in the permittee’s storm water discharges;”

5.I) Part IV.B.1.a.iv replace “develop” with “develop/distribute.” Numerous publications are currently available for distribution.

Thank you for suggesting the additional Final Permit language. The draft permit required the permittee to “develop” appropriate educational materials as part of the Public Education and Outreach control measure. To clarify the requirement, the Final Permit has been revised to not only require the permittee to “develop” appropriate educational materials, but to also “distribute” appropriate educational materials.

5.J) Part IV.B.1.a.vii. Strike, move proposed language to Part IV.B.2.d. The language specifically deals with utilizing public input in the development of the SWMP. Public Involvement is described within MCM 2.

Recommend Part IV.B.2.d. Provide a minimum of one public meeting 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;

Thank you for the suggested language. The requirement of public input in the development of the Storm Water Management Plan has been moved to the Public Involvement/Participation MCM, and Part IV.B.2.c has been revised to read, “[u]tilize public input (e.g., the opportunity for public comment, public meetings, etc.) in the development of the Storm Water Management Program.”

5.K) Part IV.B.a.vi. Strike. The language currently written is broader than the MCM it is listed under “Evaluate the effectiveness of the storm water management program.” This language is already appropriately located in the permit Part V.A.

To address the comment, the Final Permit has been revised to remove the language “Evaluate the effectiveness of the Storm Water Management Program” from Part IV.B.a.vi, since the requirement is already included in Part V.A.

5.L) Part IV.B.1.a.x. This was previously Part IV.B.1.a.iii and thus under the leading section which stated, “The permittee shall incorporate the following into its educational materials, at a minimum.” Now the leading section “a” more loosely states the stormwater management program shall. Reword as follows:

“Educational materials should include information on the benefits and costs savings of such strategies and provide guidance on how to implement strategies.”

Thank you for the comment. To clarify the requirements of “Educational Materials”, the Final Permit Public Education and Outreach MCM has been revised to read, “[e]ducational materials should include information on the benefits and cost savings of such strategies and provide guidance on how to implement strategies.”

5.M) Part IV.B.2.e Infers mandatory participation in watershed work groups. Mandatory participation in watershed workgroups is economically infeasible for every MS4. Reword as follows:

“The permittee shall identify any watershed ~~work~~ groups within its jurisdiction. *The permittee shall* and participate with other stakeholders in the watershed to enhance the storm water management program *through the watershed group or as an independent MS4.*” *Note for consistency with language located elsewhere in the permit use watershed group, not watershed workgroup.

Thank you for the comment. The Public Involvement/Participation MCM of the draft permit requires the permittee to identify any watershed group and to participate with other stakeholders.

To clarify the requirement to “identify and participate” with stakeholders, the Final Permit has been revised to read, “[t]he permittee shall identify any watershed work groups within its jurisdiction. The permittee should participate with other stakeholders, when feasible, in the watershed to enhance the storm water management program through the watershed group(s) or as an independent MS4.”

5.N) Part IV.B.3.a.viii standard unachievable. Delete the word “all”

Thank you for the comment. As part of the Illicit Discharge Detection and Elimination (IDDE) MCM, the permittee shall identify non-storm sewer discharges, including septic tank point discharges. Please note, if private septic disposal systems are reviewed and approved by another entity, the Storm Water Management Plan may identify the entity that maintains the septic tank discharge inventory.

5.O) Part IV.B.3.c & d Standard unrealistic. Implementing the observing MS4 SWMP will likely exceed 48 hours in and of itself (observation, notification, inspection, tracing, internal review/coordination etc.). It appears that c and d are intended to be a single standard. Combine c and d, extend time frame to 7 days.

Thank you for the comment. The Final Permit has been revised to combine observation and notification into one bullet point. In addition, the Final Permit language has been revised to read, “[i]f 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” to allow for more time due to time restraints.

5.P) Part IV.B.4.f Metric excluded from permit. Correct metric or remove typographical error.

The Final Permit has been revised to correct the typographical error found in Part IV.B.4.f.

5.Q) Part IV.B.5.k standard unachievable and unrealistic “The evaluation shall include the total number of the following measurable control actions, if applicable: BMPs implemented and the resulting percent reduction in storm water runoff and pollutants.” The majority of the BMPs are non-structural. There is currently no guidance from IEPA or EPA on calculating pollutant load reduction from non-structural BMPs. Until such time that uniform guidance is provided on computing reductions for non-structural BMPs strike this standard from the permit.

The Post-Construction Storm Water Management MCM requires the implementation of stormwater BMPs. The MCM shall evaluate the effectiveness of BMPs implemented. To quantify the effectiveness of the Post-Construction BMPs, the permittee shall include percent reduction of BMPs implemented as part of the annual report. The pollutant percent reduction may be an estimate based on BMPs implemented. Additional information on pollutant reductions, due to BMPs implemented, can be determined using USEPA’s PLET found at the following webpage: <https://www.epa.gov/nps/plet>

Additional information regarding BMP pollutant reductions can be found in the Illinois Urban Manual.

5.R) Part IV.B.6.i.a&b (note will be j.i and j.ii) standard is too vague. Additionally, standard is unrealistic. Extend time frame within 7 days of discovery and remove rain even as it could be raining or rain within hours after observation. Reword as follows:

“Quarterly visual inspections. The permittee shall perform quarterly visual inspections *of the facilities identified in “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.

Quarterly visual observation of storm water discharges *from the facilities identified in “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** ~~three days or before the next storm event, whichever is sooner~~. Visual observations shall be documented. The inspection report shall also include any identified deficiencies and the corrective actions taken to fix the deficiencies. *Note “f” will be “g” when formatting is resolved.”

Thank you for the comment. To clarify which facilities shall be inspected, the Permit Condition Part IV.B.6.i has been revised to read, “[t]he permittee shall perform quarterly visual inspections of the facilities identified in item f above.”

The Final Permit does allow for observation during the wet season, due to winter climate conditions.

In addition, to remain consistent with other Permit timelines, the time to remedy any observed problems has been revised to seven (7) days.

5.S) Part IV Define SWPPP

Thank you for the suggestion. The Final Permit has been revised to include the definition of Storm Water Pollution Prevention Plan in Part VI. Definitions and Acronyms.

6) Part IV.B.1.d.i. “Number of educational pamphlets, brochures, or other materials produced and the percent of the MS4 population reached.” Comment: The percent of the population reached by educational materials is difficult to track. Handouts are distributed at events, posted on website and linked through social media posts for download. The exact number of the population reached may be unknown.

To address the comment, the annual reporting requirement for the Public Education and Outreach on Storm Water Impacts MCM has been modified to allow an estimate of the percent of the MS4 population reached for Part IV.B.1.d.i.

7) Parts IV.B.1.d.iii, iv & v “iii. Number of presentations to homeowners’ associations; iv. Number of presentations to education groups; v. Number of presentations to professional /commercial associates; and” Comment: By specifying homeowners’ associations, educational groups, and professional/commercial associates, this provision omits other groups which may benefit from public outreach, such as church groups. Please consider a more general requirement regarding targeting of educational presentations to the public. It is unclear how to identify these specific groups for targeted outreach. *Can clarity be provided on how an MS4 can identify educational groups and professional/commercial associates to organize and host a presentation? Can handouts be sent to fulfill this requirement?*

The Public Education and Outreach MCM requires distribution of educational material. To include more groups that have been presented educational material, the Final Permit has been revised to read, “[i]ncluded but not limited to” and “other public groups.”

Presentations are not required per Part IV.B.1, however, any presentation conducted shall be included in the annual report. Handouts shall be reported as stated in Part IV.B.d.i.

Permittees should use available local resources and information to find educational groups and professional/commercial associates to organize and host a presentation.

In addition, USEPA guidance documents pertaining to BMPs, including outreach guidance can be found at the following webpage: <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>

8) Part IV.B.3.h.iii. “Number of educational presentations to commercial. Industrial groups regarding recognition and correction of illicit discharges” Comment: As stated in the previous comment, is unclear how to identify commercial/industrial groups. *Can clarity be provided on how and MS4 can identify a commercial or industrial group to organize and host a presentation? Can handouts be sent to businesses to fulfill this requirement?*

Permittees should use available local resources and information to find educational groups and professional/commercial associates to organize and host a presentation.

In addition, USEPA guidance documents pertaining to BMPs, including outreach guidance can be found at the following webpage: <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>

9) Part IV.B.6.f. “Development of a Municipal Facility and Storm water Control Inventory. The permittee shall develop and maintain an inventory of municipal-owned or operated facilities and stormwater controls, including but not limited to the following:” Comment: Many of the facilities listed under this provision may not be owned by a municipality. Facilities such as schools, park districts, and public golf courses are often separate governing bodies under different governing boards than those that oversee and MS4. Would these facilities then be exempt from this provision?

Developing and maintaining an inventory of storm water controls is only required for facilities municipally-owned or operated by the MS4 permittee. Facilities owned and operated by other entities are exempt from this provision.

10) Part IV.B.6.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 landscape 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.” Comment: As stated in the previous comment, many of the facilities listed under this provision may not be owned by a municipality. Facilities such as schools, park districts, and public golf courses are often separate governing bodies under different governing boards than those that oversee and MS4. Regarding easements, an easement holder has limited rights and control over the easement as specified in specific easement language. In many cases, the property owner, not the easement holder, is responsible for maintenance of a property within an easement.

Developing and maintaining an inventory of storm water controls is only required for facilities municipally-owned or operated by the MS4 permittee. Facilities owned and operated by other entities are exempt from this provision.

11) While reviewing the proposed MS4 Permit language, I see that under Part I., B., 2., the discharge of water from “storm sewer cleaning” is authorized. Does the cleaning referenced here include the cleaning of storm sewer catch basins? It has been my understanding that such water would likely have excess amounts of nutrients and contaminants.

Yes, the “storm sewer cleaning” reference does include storm sewer catch basins. If the discharge from the storm sewer catch basins is not a substantial contributor of pollutants, the discharge is authorized by this Final Permit.

12) Part II.A.1

180 days to comply with any new provisions may not be possible due to staffing limitations and other factors. Example, evaluating effectiveness of public education may require several years to gauge. This section also conflicts with the language in Part IV.B.1.a (and other sections of Part IV), which states existing permittees have one year to revise, update and enhance their Stormwater Management Plan (SWMP) to meet the new requirements.

The draft permit required compliance of new provisions within 180 days of the effective date of the Final Permit. Based on the comment, and the number of new permit requirements, the Final Permit has been revised to allow compliance with the new provisions provided in sections Part IV.B.1-6 within 12 months from the coverage letter and include those provisions in the next Annual Report following this date.

The permit compliance deadline, 12 months from the coverage letter and include those provisions in the next Annual Report following this date, can be found on Page 3, Part II.a of the Final Permit.

13) Part II.B. Provide electronic copy of SWPPP

A SWPPP is site specific. Can this be clarified? What does an agency-wide (City-wide) SWPPP entail? Is this meant to read Stormwater Management Plan (SWMP) instead of SWPPP? The City of Champaign suggests removing this as a requirement.

The draft permit required submission of an electronic copy of the SWPPP when requesting coverage under an MS4 permit. This requirement was mistakenly included in the draft permit and has since been removed. An MS4 applicant is not required to electronically submit a SWPPP when applying for MS4 permit coverage. However, any permittee applying for coverage of a Stormwater Construction Site ILR10 permit, shall submit an electronic copy of the SWPPP for each construction project.

14) Part IV

Several revisions within Part IV will require additional staff time and resources beyond what is required under the current permit. Permittees would have to evaluate current staff levels and resource needs versus the new work created by the permit revisions. Compliance within a year may not be feasible depending on the work effort required to meet the new requirements. The City of Champaign believes that the City’s current program is effective and that the new requirements could be implemented in the permit as goals versus requirements. The comments in this paragraph are related to the proposed requirements listed in the following parts of the draft permit:

Part IV.B.1.a.i through Part IV.B.1.a.vi

Part IV.B.1.c,

Part IV.B.1.d,

Part IV.B.2.g (i-iv)

Part IV.B.6.f,

Part IV.B.6.g,

Part IV.B.6.i

In particular in Part IV.B.1.c, developing a statistically valid survey to assess changes in public awareness would be difficult to implement and may not achieve any meaningful results. The City of Champaign

suggests removing this requirement and retain the recording of amount of material delivered to the public (i.e., pamphlets handed out or website hits, etc.)

The Federal Remand Rule requires clear, specific, and measurable goals to ensure that the small MS4 permittee reduces pollutants in the discharge from their system. To reduce pollutants, BMPs are required for each MCM. To comply with the Federal Remand Rule, the Final Permit requires specific BMPs for each MCM.

The draft permit required compliance of new provisions within 180 days of the effective date of the Final Permit. Based on the comments, and the number of new permit requirements, the Final Permit has been revised to allow compliance with the new provisions provided in sections Part IV.B.1-6 within 12 months from the coverage letter and include those provisions in the next Annual Report following this date.

The Final Permit has been revised to extend the compliance timeframe for the new provisions to 12 months from the coverage letter and include those provisions in the next Annual Report following this date.

Based on the comments and due to limited resources available to many MS4s, the Final Permit has been revised to remove the requirement of a “statistically valid survey” to be used to evaluate the effectiveness of public outreach and public participation.

15) Part IV.B.5.k(i-ii)

The work effort required to annually evaluate all developments and redevelopments would not be feasible for most MS4 Permittees. Specifically, evaluating the BMPs implemented and the reduction in stormwater runoff and pollutants would be a major task, which would require modeling to achieve any type of meaningful results. The City of Champaign agrees that it would be helpful to understand the reduction in the amounts of pollutants; however, staff time and resources would be better spent implementing projects and programs that install BMPs versus analyzing measures that are already in-place. The City of Champaign suggests making this a goal versus a requirement, which would allow Permittees the option to implement the revisions if staff time and resources are not an issue.

The Federal Remand Rule requires clear, specific, and measurable goals to ensure that the small MS4 permittee reduces pollutants in the discharge from their system. To reduce pollutants, BMPs are required for each MCM. To comply with the Federal Remand Rule, the Final Permit includes specific BMPs for each MCM.

The Post-Construction Storm Water Management MCM requires the implementation of stormwater BMPs. The MCM shall evaluate the effectiveness of BMPs implemented. To quantify the effectiveness of the Post-Construction BMPs, the permittee shall include percent pollutant reduction of BMPs implemented as part of the annual report. The pollutant percent reduction may be an estimate based on BMPs implemented. Additional information on pollutant reductions, due to BMPs implemented, can be estimated using USEPA’s Pollution Load Elimination Tool (PLET) found at the following webpage: <https://www.epa.gov/nps/plet>

Additional information regarding BMP pollutant reductions can be found in the Illinois Urban Manual.

16) Notice of Intent (NOI) Requirements, Contents of NOI, SWPPP - Part II.B.6.

- Comment: We are concerned with the SWPPP NOI attachment requirement. Typically, SWPPPs are required for specific construction areas with over an acre of soil disturbance only, not a vast campus/city area for operational purposes. There are also no details provided in the proposed permit that specifies what should be included in the ILR40 SWPPP. In addition, the 90-day timeframe is an insufficient amount of

time to develop a SWPPP of this extent to submit with the new Notice of Intent after the general permit is issued.

- Proposed Resolution: Remove the ILR40 SWPPP requirement, or, provide detailed information on what should be included in an operational SWPPP and allow it to be submitted within a 12- month timeframe.

The draft permit required submission of an electronic copy of the SWPPP when requesting coverage under an MS4 permit. This requirement was mistakenly included in the draft permit and has since been removed. An MS4 applicant is not required to electronically submit a SWPPP when applying for MS4 permit coverage. However, any applicant, including MS4 permittees, applying for coverage of a Stormwater Construction Site ILR10 permit, shall submit an electronic copy of the SWPPP for each construction project.

17) Stormwater Management Programs, Minimum Control Measures, Public Education and Outreach on Storm Water Impacts - Part IV.B.1.a.vi, viii and x and B.1.c

- Comment Part IV.B.1.a.vi: Unless determined by BMP completion, evaluating the effectiveness of the Storm Water Management Program will be biased on the reviewer's opinion and will not achieve meaningful, valid results.

- Proposed Resolution: Remove this requirement or clarify that effectiveness should be evaluated based on BMP completion.

To clarify the Public Education and Outreach requirement, Part IV.B.1.a.vi, the Final Permit has been revised to remove the language “Evaluate the effectiveness of the Storm Water Management Program” from Part IV.B.a.vi, since the language is already included in Part V.A.

- Comment Part IV.B.1.a.viii: It is unclear if all educational areas listed must be completed or if the A-E listed topics are options to be included in the three targeted residential issues and three targeted industrial/commercial topics required in Part IV.B.1.a.viii.

- Proposed Resolution: Please specify if the listed educational topics must all be completed or if these are options to be included in the three targeted residential issues and three targeted industrial/commercial topics required in Part IV.B.1.a.viii.

Thank you for the comment. To clarify the requirements of Public Outreach, the items listed in Part IV.B.1.a.viii, are required and are not optional.

- Comment Part IV.B.1.a.x: We are concerned with adequately meeting the green infrastructure strategies requirement to provide “Information on the benefits and costs of such strategies and provide guidance to the public on how to implement them.” Green infrastructure costs can vary widely per location and cannot (and should not) be determined in a general guidance document. Green infrastructure instructions on implementation would also likely require a Professional Engineer.

- Proposed Resolution: Remove the language to provide green infrastructure “costs of such strategies and provide guidance to the public on how to implement them” and structure the requirement around general green infrastructure type descriptions and benefits.

To address the comment, the Final Permit Public Education and Outreach MCM has been revised to read, “[e]ducational materials should include information on the benefits and cost savings of such strategies and provide guidance on how to implement strategies.”

- Comment Part IV.B.1.c: Developing a statistically valid survey to assess changes in public awareness will be difficult and expensive to implement and may not achieve meaningful results that can be incorporated in the Stormwater Management Program. Statistically valid surveys are also a form of human research that may require University Administration review and approval. This survey is not something that current staff could complete effectively and professional assistance would be needed.

- Proposed Resolution: Remove this requirement.

Part IV, Public Education and Outreach required the permittee to “assess changes in public awareness and behavior resulting from the implementation of the SWMP such as using a statistically valid survey and modify the education/outreach program accordingly” Based on the comments and due to limited resources available to many MS4s, the Final Permit has been revised to remove the requirement of a “statistically valid survey” to evaluate the effectiveness of public outreach and public participation.

18) Stormwater Management Programs, Minimum Control Measures, Public Involvement/Participation - Part IV.B.2.d and g.i

- Comment: It is unclear what qualifies as a “public meeting.” The University Safety and Compliance Department does not have traditional council or board meetings. With evolving social meeting options and the COVID-19 pandemic, including public gathering restrictions, online meetings and informative departmental event tables have become common public information meeting platforms. Do informative departmental event tables qualify under the public meeting definition if adequate notice and content is provided?

- Proposed Resolution: Provide a definition of a “public meeting” including if there is meeting platform flexibility to deliver information and solicit public comments, especially for nontraditional/ non-municipality MS4s.

Public meetings are any assemblies or gathering (such as conferences, informational sessions, seminars, workshops, or other activities) which the responsible agency intends to open to anyone wishing to attend. The definition has also been added to Part VI, Definitions and Acronyms of the Final Permit.

19) Stormwater Management Programs, Minimum Control Measures, Post-Construction Storm Water Management in New Development and Redevelopment - Part IV.B.5.k.ii

- Comment: It is unclear how the agency would like the permittees to calculate the “percent reduction in storm water runoff and pollutants.” This quantitative evaluation of BMPs would require a great deal of time and costly professional pre- and post-construction sampling and monitoring efforts that will not balance the benefits. Alternatively, the State of Illinois could devote resources to developing a scientific-based quantified manual that could be used by permittees in the future as a guide for a standardized means of estimating stormwater and pollution reductions, without requiring sampling and monitoring of each individual project/BMP. The University of Illinois currently requires all construction projects to adhere to the applicable Stormwater Management Program BMP’s along with the ILR10 permit and Stormwater Pollution Prevention Plan requirements for projects over an acre of soil disturbance.

- Proposed Resolution: Eliminate the requirement to list “BMPs implemented and the resulting percent reduction in storm water runoff and pollutants.” From the current permit, or, remove the requirement now and implement methods of standardized means to estimate stormwater and pollution reduction calculations in a future permit cycle.

The Post-Construction Storm Water Management MCM requires the implementation of stormwater BMPs. The MCM shall evaluate the effectiveness of BMPs implemented. To quantify the effectiveness of the Post-Construction BMPs, the permittee shall include percent pollutant reduction of BMPs implemented as part of the annual report. The percent pollutant reduction may be an estimate based on industry known pollutant reductions.

20) Part II.B.6 – Urbana questions the need for attaching a SWPPP to the NOI. Our NOI and the NPDES ILR40 Permit comprehensively describe Urbana’s Stormwater Management Program.

The draft permit required submission of an electronic copy of the SWPPP when requesting coverage under an MS4 permit. This requirement was mistakenly included in the draft permit and has since been removed. An MS4 applicant is not required to electronically submit a SWPPP when applying for MS4 permit coverage. However, any applicant, including MS4 permittees, applying for coverage of a Stormwater Construction Site ILR10 permit, shall submit an electronic copy of the SWPPP for each construction project.

21) Although, we agree the evaluation/assessment of our various BMPs and municipal facilities are of value, at our current funding and staffing levels, the described assessment of goals is not feasible to implement within the stated time frames. We would need to truly evaluate the process and metrics before we could consider implementation; I would request these items be revisited during the next permit cycle or implement them as goals (not requirements) for this permit. This relates to the following parts of the draft permit:

The Agency provides the following responses to the comments a-g:

a. Part IV.B.1.a.vi, To address the comment, the Final Permit has been revised to remove the language “Evaluate the effectiveness of the Storm Water Management Program” from Part IV.B.a.vi, since the language is already included in Part V.A.

b. Part IV.B.1.c, Part IV, Public Education and Outreach required the permittee to “assess changes in public awareness and behavior resulting from the implementation of the SWMP such as using a statistically valid survey and modify the education/outreach program accordingly” Based on the comments and due to limited resources available to many MS4s, the Final Permit has been revised to remove the requirement of a “statistically valid survey” to evaluate the effectiveness of public outreach and public participation.

c. Part IV.B.1.d, The Federal Remand Rule requires clear, specific, and measurable goals to ensure that the small MS4 permittee reduces pollutants in the discharge from their system. To reduce pollutants, BMPs are required for Public Education and Outreach. To comply with the Federal Remand Rule, the Final Permit includes specific BMPs for each MCM.

d. Part IV.B.2.g (i-iv), The Federal Remand Rule requires clear, specific, and measurable goals to ensure that the small MS4 permittee reduces pollutants in the discharge from their system. To reduce pollutants, BMPs are required for Public Involvement/Participation. To comply with the Federal Remand Rule, the Final Permit includes specific BMPs for each MCM.

e. Part IV.B.6.f, The Federal Remand Rule requires clear, specific, and measurable goals to ensure that the small MS4 permittee reduces pollutants in the discharge from their system. To reduce pollutants, BMPs are required for each MCM. To comply with the Federal Remand Rule, the Final Permit includes specific BMPs for each MCM.

Developing and maintaining an inventory of storm water controls is only required for facilities municipally-owned or operated by the MS4 permittee. Facilities owned and operated by other entities are exempt from this provision.

f. Part IV.B.6.g, and The Federal Remand Rule requires clear, specific, and measurable goals to ensure that the small MS4 permittee reduces pollutants in the discharge from their system. To reduce pollutants, BMPs are required for each MCM. To comply with the Federal Remand Rule, the Final Permit includes specific BMPs for each MCM.

Developing and maintaining an inventory of storm water controls is only required for facilities municipally-owned or operated by the MS4 permittee. Facilities owned and operated by other entities are exempt from this provision.

g. Part IV.B.6.i The Federal Remand Rule requires clear, specific, and measurable goals to ensure that the small MS4 permittee reduces pollutants in the discharge from their system. To reduce pollutants, BMPs are required for each MCM. To comply with the Federal Remand Rule, the Final Permit includes specific BMPs for each MCM.

To clarify which facilities shall be inspected, the Permit Condition Part IV.B.6.i has been revised to read, “[t]he permittee shall perform quarterly visual inspections of the facilities identified in item f above.”

22) It is not apparent how the annual evaluation if post-construction stormwater management BMPs could be performed to determine the resulting percent reduction in storm water runoff and pollutants short of extremely detailed and costly sampling and monitoring efforts. We require all construction to adhere to our Erosion and Sediment Control ordinance which requires the use of a number of the most current BMP’s. Furthermore, we don’t feel like there is much to gain from this provision as we feel the current BMP’s are effective and alternate BMP’s would result in negligible reductions in comparison to runoff and pollutants generated by other sources including agricultural land. In conclusion, we do not feel this is a valuable addition and do not believe it could be implemented effectively, efficiently or economically. I would request this item be removed from the current draft permit before finalizing. This relates to the following parts of the draft permit:

a. Part IV.B.5.k (i-ii)

There are a number of changes in this draft permit which we have already implemented or intend to implement to improve our MS4 NPDES Stormwater Management Program but do respectfully request consideration for the revisions and removals in our comments above.

To comply with the Federal Remand Rule the Final Permit requires clear, specific, and measurable goals to ensure that the small MS4 permittee reduces pollutants in the discharge from their system. To reduce pollutants, BMPs are required for each MCM. To comply with the Federal Remand Rule, the Final Permit requires specific BMPs for each MCM.

The Post-Construction Storm Water Management MCM requires the implementation of stormwater BMPs. The MCM shall evaluate the effectiveness of BMPs implemented. To quantify the effectiveness of the Post-Construction BMPs, the permittee shall include an estimated percent pollution reduction achieved by BMPs implemented as part of the annual report. The pollutant percent reduction may be an estimate based on BMPs implemented. Additional information on pollutant reductions, due to BMPs implemented, can be determined using USEPA’s PLET found at the following webpage: <https://www.epa.gov/nps/plet>

Additional information regarding BMP pollutant reductions can be found in the Illinois Urban Manual.

23) PN/FS Page 2: Storm Water Management Programs.

a) The entirety of 4 is summarized in the first sentence of number 5, this is repetitive.

b) #6: A and B could be combined to be more concise. For Example:

“Develop and implement an operation and maintenance program including training to prevent and reduce storm water pollution from activities such as park and open spaces maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Use training materials available from EPA, the State of Illinois, or other organizations.

a) Thank you for the comment. Items 4 and 5 of the Public Notice Sheet provide an overview of MCMs for “Construction Site Storm Water Runoff” and “Post-Construction Storm Water Management in new development and redevelopment.” Because items 4 and 5 are for two separate MCMs, no change was made to the Final Permit.

b) Thank you for the comment. The suggested language will be considered in future Public Notices.

24) PN/FS Pages 4 and 5: NPDES Permit No ILR40

a) The list of permittees that submitted a renewal application did not include the following which we have documentation responses from the EPA that those submittals were received: Antioch Township, Avon Township, Village of Bannockburn, Village of Kildeer, and City of Prospect Heights.

Thank you for the comment. The facilities mentioned in the comment were erroneously omitted from the Public Notice/Fact Sheet. It has been verified that these facilities have submitted NOIs have been received by the Agency and they will be covered under the Final Permit.

25) Page 2 Contents under General Permit ILR40

a) Attachment H is not provided in the public notice provided by the IEPA.

Thank you for the comment. The Standard Conditions will be included with each Final Permit once coverage is granted to each applicant. Attachment H will also be included with future public notices of draft general MS4 permit.

26) Part III C #1:

a) We suggest the wording “permitted MS4” or “Permittees own MS4” as the other text indicates “permittee’s” vs. “permittees”

To correct the typographical error, the Final Permit has been revised to read, “Determine whether the approved TMDL is for a pollutant likely to be found in storm water discharges from the permittee’s MS4 system.”

b) The same comment as above can be made regarding #4 in this same section. We suggest “permitted MS4” or Permittees own MS4” in line 1 of Part III C #4.

To correct the typographical error, the Final Permit has been revised to read, “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.”

27) Part III E #1 d:

a) There is inconsistency in when “permittee’s” vs. “permittees” is used as seen on line 1 here.

Thank you for the comment. The Agency’s review of this condition found that “permittee’s” was correctly used.

28) Part IV 3a:

In section ix: The IDDE should already be identifying this, thus is it necessary here?

i) Within the same section, is there a missing statement or punctuation error?

Item ix is necessary because it specifically requires the IDDE program to include “procedures for removing the source of the discharge” and is not identified elsewhere in Item 3.

29) Part IV 3c:

a) Is there a missing statement or punctuation here?

Thank you for the comment. There is no missing statement or punctuation. Items C and D have been combined to provide clarity on the reporting deadline for illicit discharges that are observed related to another operator’s municipal storm sewer system.

30) Part IV 3d:

a) Can this be clarified in the context of Part IV 3a x, as here it is 30 days?

Part IV.3.a.i of the IDDE MCM requires all releases, spills, and other unpermitted discharges to the separate storm sewer system, and a program to respond to such reports within 30 days. And Part IV.3.a.x is for illicit discharges related to another operator's municipal storm sewer system, the permittee shall remove the discharge within 7 calendar days.

31) Part IV 6:

a) Part a should be removed, it is covered in d.

Part a requires the permittee to develop and implement an operation and maintenance program as part of the Pollution Prevention/Good Housekeeping MCM. The operation and maintenance program shall include training. Item d includes specifics as to what the training shall include. No change was made to the Final Permit language.

32) Part VI: Definitions and Acronyms

a) Should include the definition of IDDE (Illicit discharge detection and elimination) and WLA (waste load allocation).

The Final Permit has been revised to include the definitions for “Illicit Discharge Detection and Elimination” as well as “Waste Load Allocation” in Part VI. Definitions and Acronyms.

b) The definition of SWPPP should be included.

The Final Permit has been revised to include the definition for “SWPPP” in Part VI. Definitions and Acronyms.

33)

1. Please provide Attachment H – Standard Conditions for review.
2. The terminology “maximum extent possible” has been replaced with “Shall” in numerous cases. The Illinois EPA needs to provide specific guidance as to what would constitute compliance in all of these situations where this change is made.
3. Part IV.B.1.c: Permittees should not be forced to do a survey, there are other means and methods to determine if outreach program is working. If permittees are being forced to do a survey, one year is not enough time to know if programs are being effective, it should be 2-3 year into the permit minimum. Also, what does the IEPA consider a Statistically Valid survey?
4. Part IV.B.2.e: What if there are multiple watersheds? Is the permittee required to participate in a group in each watershed? What if there are no groups?
5. Part IV.B.3.d: Is the permittee required to remove what was discharged in 48 hours or stop the illicit discharge within 48 hours? If it is what was discharged, it is impossible to remove what was discharged in certain situations.

1. Thank you for the comment. The Standard Conditions will be included with each Final Permit once coverage is granted to each applicant. The Standard Conditions will also be included with future public notices of the draft general MS4 permit.

2. The change of Final Permit language is due to the USEPA Federal Remand Rule. The Federal Remand Rule requires clear, specific, and measurable goals to ensure that the small MS4 permittee reduces pollutants in the discharge from their system. To reduce pollutants, BMPs are required for each MCM. Thus, to comply with the Federal Remand Rule, the Final Permit requires specific BMPs for each MCM.

The draft permit required compliance with new provisions within 180 days of the effective date of the Final Permit. Based on the comments, and the number of new permit requirements, the Final Permit has been revised to allow compliance with the new provisions provided in sections Part IV.B.1-6 within 12 months from the coverage letter and include those provisions in the next Annual Report following this date.

Information regarding the General Storm Water Permit for Small MS4s and supporting documentation pertaining to Green Infrastructure, MS4 Permit Requirements, Measurable Goals Guidance for Phase II Small MS4s, Notice of Intent, and Annual Facility Inspections, along with many more, can be found at the following Agency website: <https://epa.illinois.gov/topics/forms/water-permits/storm-water/ms4.html>

In addition, USEPA guidance documents pertaining to BMPs, including MCMs and outreach guidance can be found at the following webpage: <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>

3. Part IV, Public Education and Outreach required the permittee to assess changes in public awareness and behavior resulting from the implementation of the SWMP such as using a statistically valid survey and modify the education/outreach program accordingly. Based on the comments and due to limited resources available to many MS4s, the Final Permit has been revised to remove the requirement of a “statistically valid survey” to evaluate the effectiveness of public outreach and public participation.

4. Thank you for the comment. Public Involvement/Participation MCM of the draft permit required the permittee to identify any watershed group and to participate with other stakeholders.

To clarify the requirement to “identify and participate” with stakeholders, the Final Permit has been revised to read, “[t]he permittee shall identify any watershed work groups within its jurisdiction. The permittee should participate with other stakeholders, when feasible, in the watershed to enhance the storm water management program through the watershed group(s) or as an independent MS4.”

5. Part IV.B.3.d of the IDDE program requires the permittee to remove the illicit discharge. In addition, to remain consistent with other permit timelines, the time to remedy any observed problems has been revised to seven (7) days.

34) The proposed changes represent a dramatic shift from the steady, incremental improvements that have been made over the life of the NPDES program. The increased manpower and staff time it would take to implement, track, and report the proposed changes would significantly exceed current our staffing. The County’s budget does not account for hiring any additional staff to assist with the increase in tasks and reporting. As such, the proposed changes to the MS4 Permit would be considered an unfunded mandate that would impose a great burden on the County, staff and resources. Some of the burdensome items include, but are not limited to:

a. Additional reporting and evaluation activities for the Storm Water Management Program throughout Section 1.

The changes to the Final Permit are based on requirements of USEPA’s Federal Remand Rule. The Federal Remand Rule requires clear, specific, and measurable goals to ensure that the small MS4 permittee reduces pollutants in the discharge from their system. To reduce pollutants, BMPs are required for each MCM. Thus, to comply with the Federal Remand Rule, the Final Permit requires specific BMPs for each MCM.

The draft permit required compliance with new provisions within 180 days of the effective date of the Final Permit. Based on the comments, and the number of new permit requirements, the Final Permit has been revised to allow compliance with the new provisions provided in sections Part

IV.B.1-6 within 12 months from the coverage letter and include those provisions in the next Annual Report following this date.

Based on the comments and due to limited resources available to many MS4s, the Final Permit has been revised to remove the requirement of a “statistically valid survey” to be used to evaluate the effectiveness of public outreach and public participation.

Information regarding the General Storm Water Permit for Small MS4s and supporting documentation pertaining to Green Infrastructure, MS4 Permit Requirements, Measurable Goals Guidance for Phase II Small MS4s, Notice of Intent, and Annual Facility Inspections, along with many more, can be found at the following Agency website:

<https://epa.illinois.gov/topics/forms/water-permits/storm-water/ms4.html>

In addition, USEPA guidance documents pertaining to BMPs, including MCMs and outreach guidance can be found at the following webpage: <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>

b. Feasibility of the removal of an illegal connection or illicit discharge within 48 hours as noted in Part IV.B.3.d.

Thank you for the comment. The Final Permit language has been revised to read, “[i]f 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, then the permittee shall remove the discharge within 7 calendar days of discovery” to remain consistent with other permit timelines.

c. Training and continuing education for all reviews and inspectors as noted in Section 4.f.

The Construction Site Storm Water Runoff Control MCM are identical or similar to the previous permit’s requirements. The Final Permit continues the requirement for all inspectors to receive annual training. Annual training is necessary to ensure all inspectors are informed of the most current federal, state and Final Permit requirements.

d. Reporting and documentation required in Section 4.h.

The changes to the Final Permit are based on requirements of USEPA’s Federal Remand Rule. The Federal Remand Rule requires clear, specific, and measurable goals to ensure that the small MS4 permittee reduces pollutants in the discharge from their system. To reduce pollutants, BMPs are required for each MCM. Thus, to comply with the Federal Remand Rule, the Final Permit requires specific BMPs for each MCM.

The draft permit required compliance with new provisions within 180 days of the effective date of the Final Permit. Based on the comments, and the number of new permit requirements, the Final Permit has been revised to allow compliance with the new provisions provided in sections Part IV.B.1-6 within 12 months from the coverage letter and include those provisions in the next Annual Report following this date.

Based on the comments and due to limited resources available to many MS4s, the Final Permit has been revised to remove the requirement of a “statistically valid survey” to be used to evaluate the effectiveness of public outreach and public participation.

Information regarding the General Storm Water Permit for Small MS4s and supporting documentation pertaining to Green Infrastructure, MS4 Permit Requirements, Measurable Goals Guidance for Phase II Small MS4s, Notice of Intent, and Annual Facility Inspections, along with

many more, can be found at the following Agency website: <https://epa.illinois.gov/topics/forms/water-permits/storm-water/ms4.html>

In addition, USEPA guidance documents pertaining to BMPs, including MCMs and outreach guidance can be found at the following webpage: <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>

The items listed in section 4.h are items the permittee shall include in the annual report to quantify if the MCMs of the construction site storm water runoff control MCM are being met.

35) In many areas of the draft permit, it appears new or increased requirements for measurable goals/actions and statistically valid survey documentation have been added. If the language is to be added to the document, we request providing guidance and examples of “measurable” and “statistically valid survey” methods for any new metrics as an Appendix of the Permit or in another easily accessible form.

Information regarding the General Storm Water Permit for Small MS4s and supporting documentation pertaining to Green Infrastructure, MS4 Permit Requirements, Measurable Goals Guidance for Phase II Small MS4s, Notice of Intent, and Annual Facility Inspections, along with many more, can be found at the following Agency website: <https://epa.illinois.gov/topics/forms/water-permits/storm-water/ms4.html>

In addition, USEPA guidance documents pertaining to BMPs, including MCMs and outreach guidance and sample material can be found at the following webpage: <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>

36) After reviewing the draft Permit, it appears that several McHenry County communities that have been MS4s in the past are not included in the current list of Permittees that have submitted a renewal application.

a. Who at the IEPA is following up on these communities that historically have been MS4s to ensure the renewals are being submitted?

The current MS4 General NPDES Permit requires permittees which have not already submitted an NOI, to submit an NOI 180 days after issuance of this MS4 General Permit renewal. Existing permittees that do not comply with this permit renewal requirement will be contacted by our Compliance Assurance Section, and if necessary, an enforcement action may be taken against them.

b. Are the communities not on the renewal list required to meet the current or future ILR40 permit requirements?

If a community has already submitted an NOI, no further action is necessary on their part. If an NOI has not been submitted, the community will have 180 days after the issuance of the MS4 General Permit to submit an NOI. If they do not submit a renewal NOI, the Agency will notify each permittee. If the community is an MS4 community, and granted coverage by the General MS4 Permit, the permittee shall comply with all of the new provisions.

c. For those communities that may not have met the criteria of an MS4 community in the past but now meet the criteria, are they required to be part of the Phase II requirements? Is the IEPA checking municipalities’ and townships’ populations for inclusion in the program?

Yes, permittees that have not met the MS4 permit criteria in the past, but now do so, are required to obtain permit coverage to comply with Phase 2 requirements. The Agency is continuously notifying communities based on most recent census data and advising them to submit a permit application.

37) Part 1. B.3 – “Any small Ms4.... Projects disturbing one acre or more.”

Comment: If MS4 communities are required to hire a consultant to provide the SWPPP reporting, this will add unnecessary expense for municipal projects as the MS4 is already responsible for all discharges from the MS4.

The draft permit mistakenly removed the previous permit language which identified an MS4 permittee as being automatically granted coverage of the Construction Site Stormwater ILR10 permit. The Final Permit has been revised to recognize automatic coverage of the ILR10 permit, 30 days after Agency receipt of a Notice of Intent to Discharge Storm Water from Construction Site Activities from the permittee. Additional language has been included in the Final Permit to identify submittal of the Notice of Intent to Discharge Storm Water from Construction Site Activities is made through the Central Data Exchange (CDX) platform, and is available at our website: <https://epa.illinois.gov/topics/forms/water-permits/storm-water/construction.html>

38) Part II.B.6 – NOI Requirements: Under “The following shall be provided as an attachment to the NOI:” 6. An electronic copy of the SWPPP.

Comment: Should this be the SWMP?

The draft permit required submission of an electronic copy of the SWPPP when requesting coverage under an MS4 permit. This requirement was mistakenly included in the draft permit and has since been removed. An MS4 applicant is not required to electronically submit a SWPPP when applying for MS4 permit coverage. However, any applicant applying for coverage of a Stormwater Construction Site ILR10 permit, shall submit an electronic copy of the SWPPP for each construction project.

39) Part IV.B.1.d.iii, iv and v – Public education – Is this a requirement or just a suggestion as it is not mentioned elsewhere?

Thank you for the comment. The Final Permit language regarding public outreach and presentations to homeowners’ associations was included in the annual report summary requirements but was inadvertently omitted from the MCM. The Final Permit, Part IV.B.1.iv, has been revised to read, “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.”

40) Part IV.B.3.h.iii – IDDE- How can MS4 identify a commercial/industrial group appropriate for IDDE educational presentations? Is this a requirement or a recommendation as this is not mentioned in the section, only in the annual reporting? Can educational information be sent to businesses to fulfill this instead of a presentation?

Thank you for the comment. The Final Permit language regarding educational presentations to inform the public and commercial/industrial groups was included in the annual report summary requirement but was inadvertently omitted from the MCM. The Final Permit has been revised to read, “Number of educational presentations or educational information provided to commercial/industrial groups regarding recognition and correction of illicit discharges.”

Educational information provided to commercial/industrial groups will fulfill the annual reporting requirement. To clarify the IDDE requirement, the Final Permit has been revised to read, “Number of educational presentations or educational information provided.”

41) Part V.B.5.d.ii- “Annual training for all contractors retained to manage or carry out routine maintenance, repair, or replacement of public surfaces in current green infrastructure or low impact design techniques applicable to such projects. Contractors may provide training to their employees for projects which include green infrastructure or low impact design techniques.”

Comment: By the time the contractor is hired, the project has already been designed, the opportunity to incorporate green infrastructure/low impact design is during design, not construction. This requirement adds an unnecessary need for training and record-keeping for outside groups.

The Construction Site Storm Water Runoff Control MCMs are identical or similar to the previous permit's requirements. The Final Permit continues the requirement for all inspectors to receive annual training. Annual training is necessary to ensure all inspectors are informed of the most current federal, state and permit requirements.

42) Part IV.B.6.f – If a municipality does not have control over a public facility, it does not need to be included on the list, is that correct? For example our public golf course is managed by the Park District, not the village.

Developing and maintaining an inventory of storm water controls is only required for facilities municipally-owned or operated by the MS4 permittee. Facilities owned and operated by other entities are exempt from this provision.

43) Part IV.B.6.f.viii. Is a list of all the properties we provide landscaping maintenance for or where we store our equipment and materials? What information do you want to see here?

The Final Permit requires the permittee to develop and maintain an inventory of municipally-owned or operated facilities and storm water controls. To satisfy the requirement of Part IV.B.6.f.viii, the permittee shall provide an inventory of all municipally-owned or operated property that landscape maintenance is performed on and any storm water controls on that property to reduce storm water pollutant impacts.

xviii. What type of solid waste – sanitary?

The Final Permit is referring to any solid waste handling facility, not solid waste in general. The referenced subsection requires the permittee to develop an inventory of all municipally-owned or operated solid waste handling facilities and transfer facilities. The Final Permit has been revised to read, “solid waste handling facilities and solid waste transfer facilities.”

xix. is this a list of everywhere throughout the municipality where we have street maintenance/repair (Including in-house work, contracted work, and large CIP projects?) or where we store our equipment/materials?

The reference to street repair and maintenance sites is referring to sites where equipment and materials are stored during construction.

xxi, Please provide more information what is included in this.

The reference to municipally-owned and/or maintained structural storm water controls is referring to storm water detention basins, catch basins, swirl separators, diversion structures, etc.

44) Part IV.B.6.h – Mapping.. The permittee shall also identify the manager of each facility with contact information.” Comment: Should this information be included with the documentation instead of on the mapping?

Thank you for the comment. The reference to contact information has been moved to item g-Documentation. The Final Permit has been revised to read, “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 upon request.”

45) The annual report section often requests information not included anywhere else in the ILR40 permit. Do these represent suggestions to satisfy the MS4 requirements or requirements?

Thank you for the comment. The Final Permit has been revised to clarify the requirements of the MCM and the annual report summary.

The Final Permit language regarding public outreach and presentations to homeowners' associations was inadvertently omitted. The Final Permit, Part IV.B.1.a.iv, has been revised to read, **"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."**

The Final Permit language regarding educational presentations to inform the public and commercial/industrial groups was inadvertently omitted. The Final Permit, Part IV.B.3.h.iii, has been revised to read, **"Number of educational presentations or educational information provided to commercial/industrial groups regarding recognition and correction of illicit discharges."**

Educational information provided to commercial/industrial groups will fulfill the annual reporting requirement. To clarify the IDDE requirement, the Final Permit has been revised to read, **"Number of educational presentations or educational information provided."**

46) Currently the Illinois MS4 Permittees are based on the 2010 Urbanized Areas.

Will the IEPA be modifying which communities are Illinois MS4 permittees based on 2020 census data or Q: if a 2020 Urbanized Area map is developed during the 5-year period of this permit?

Yes, based on the 2020 census data, the Agency will send notification letters via mail to communities that are now considered an MS4.

47) Currently MS4 programs are tracking BMPs per their SWMP for the Annual Facility Inspection Report based on the administratively continued permit that expired on 2/28/21. Assuming the new permit will be effective before 6/1/22, AFIR due date and per the public notice the new permit requires specific new BMP tracking requirements.

Q: Will the IEPA allow MS4s to base their 2022 AFIR report on permit compliance required for the period March 2021 to March 2022 based on the 2016-2021 ILR40 permit?

Yes, the reporting period is from March 31st of the previous year to March 31st of the current year, and submission of the annual report is due to the Agency by June 1st each year.

48) Attachment H was not included. Q: Will Attachment H remain the same as the one used in the previous permit cycle?

Thank you for the comment. Yes, the Standard Conditions are the same as the previous permit. The Standard Conditions will be included with each Final Permit once coverage is granted to each applicant. The Standard Conditions will also be included with future public notices of draft general MS4 permit.

49) Can clarification be provided why "maximum extent practicable" references were removed from the permit?

The Federal Remand Rule requires implementation of BMPs and measurable goals for each BMP. To comply with this federal rule, the use of "Maximum Extent Practical" (MEP) has been replaced with "Measurable Goals."

50) Part 1.B.2: Diverted Stream Flows. Q: Understanding this is carried from the (40 CFR 122.34(b)(5)) (7-1-20 Edition), Can a definition be provided within the permit Part VI. Definitions and Acronyms to MS4 permittees regarding the specific interpretation and what constitutes the parameters of a "Diverted stream flows" so that all permittees can better understand how to comply?

Thank you for the comment. Diverted Stream Flows are defined as changes in flow or discharge regime and flow-related structural habitat characteristics such as water velocity and water depth.

The Final Permit has been revised to include the definition for “Diverted Stream Flows” in Part VI. Definitions and Acronyms.

51) Part I.B.3: Can IEPA provide and maintain a link to the USEPA webpage of reference on the IEPA Ms4 permit webpage?

A link to the U.S. EPA MS4 webpage, titled “Stormwater Discharges from Municipal Sources” is available at the following webpage: <https://www.epa.gov/npdes/stormwater-discharges-municipal-sources>

52) Part I.C.5: As (SWPPP) has not previously been defined in the ILR40 permit effective 3/1/2016 and expiration 2/21/2021. Q: Can a definition be provided within the permit Part VI. to inform MS4 permittees regarding the specific use of SWPPP in the context of the MS4 permit?

The Final Permit has been revised to include the definition for “SWPPP” in Part VI. Definitions and Acronyms.

53) Part II.B The following shall be provided as an attachment to the NOI. Item 6. An electronic copy of the SWPPP. Q: Please clarify if the intent is that Item 6 should read SWMP?

The draft permit required submission of an electronic copy of the SWPPP when requesting coverage under an MS4 permit. This requirement was mistakenly included in the draft permit and has since been removed. An MS4 applicant is not required to electronically submit a SWPPP when applying for MS4 permit coverage. However, any permittee applying for coverage of a Stormwater Construction Site ILR10 permit, shall submit an electronic copy of the SWPPP for each construction project.

54) If Item 6 is referencing SWMP, the IEPA requested that MS4 permittees submit their NOIs by 2/28/21. At the time of submittal of the NOI the SWMP was not required to be included in the submittal. Q: Please clarify if MS4 permittees be required to submit a new NOI and a SWMP? If so, by what dates? Q: Will MS4 permittees be allowed to just submit a new SWMP?

The draft permit required submission of an electronic copy of the SWPPP when requesting coverage under an MS4 permit. This requirement was mistakenly included in the draft permit and has since been removed. An MS4 applicant is not required to electronically submit a SWPPP when applying for MS4 permit coverage. However, any permittee applying for coverage of a Stormwater Construction Site ILR10 permit, shall submit an electronic copy of the SWPPP for each construction project.

55) Part II.B.3: With updated NOI released in 2020, there was a request if Impaired waters be identified. IEPA advised that all impaired waters be identified regardless of if they were receiving waters or an MS4.

Q: Please clarify reporting requirements, are MS4s being asked to track impaired waters in and within 3 miles of MS4 area per NOI? Or are MS4s to track and report only impaired Waters that are receiving water(s)?

The NOI is only requesting identification of impaired receiving waters in and within three (3) miles of the permittees MS4 system. The most recent 303(d) impairment listings can be found at the following webpage: <https://epa.illinois.gov/topics/water-quality/watershed-management/tmdls/303d-list.html>

56) Part II.C: Please verify if the NOIs are to be submitted electronically OR in writing?

Part II.C of the Final Permit has been revised to allow submittal of NOI electronically at epa.ms4noipermit@illinois.gov 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**

57) Part IV.B.1.a.vi: To ensure uniform review in all MS4 programs, what methodology is the IEPA recommending programs follow to evaluate effectiveness so that all permittees can better understand how to comply?

The methodology can be found in Part V.A. Under this Final Permit condition, the evaluation can be performed based on estimated effectiveness, can be done in one of two ways, using published research accompanied by an inventory of the number and location of BMPs implemented as part of the permittee's program and estimate pollutant reduction resulting from the BMPs. Or monitoring the effectiveness of storm water control measures and progress towards the MS4's goals.

Please note the language "Evaluate the effectiveness of the Storm Water Management Program" has been removed from Part IV.B.a.vi, since the language is already included in Part V.A.

58) Part IV.B.1.c: To ensure uniform review in all MS4 programs, what methodology is the IEPA recommending to statistically validate outreach so that all MS4 permittees can better understand how to comply?

Part IV, Public Education and Outreach required the permittee to assess changes in public awareness and behavior resulting from the implementation of the SWMP such as using a statistically valid survey and modify the education/outreach program accordingly. Based on the comments and due to limited resources available to many MS4s, the Final Permit has been revised to remove the requirement of a "statistically valid survey" to be used to evaluate the effectiveness of public outreach and public participation.

59) Part IV.B.2.e: What methodology is IEPA recommending to evaluate appropriate public involvement/participation as relates to Environmental Justice as there does not appear to be a policy for MS4s to follow?

To comply with the Final Permit, Part IV.B.2.e, the permittee shall identify environmental justice areas within its jurisdiction and include appropriate public involvement/participation and report them on the annual report. Access to information concerning Environmental Justice may be found at the following webpage: <https://epa.illinois.gov/topics/environmental-justice/ej-policy.html> or by contacting Chris Pressnall, EJ Officer, at 217/524-1284.

60) Part IV.B.3.a.v: Q1: Please clarify the timeline to be followed per "up-to-date"? (I.E. per 5 year permit cycle, per year, per other?) Q2: is the required outfall map to be printed require a label per outfall? Q3: Which HUC is to be used for the outfall map? (I.E. HUC8, HUC10, HUC12?) Q4: Will digital geospatial watershed map with outfalls be acceptable? (I.E. ESRI online map or a PDF?)

Q1: Thank you for the comment. To clarify the requirement, the Final Permit language "an up-to-date" has been removed and replaced with "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 Final Permit shall update their storm sewer system map to include any modifications to the sewer system."

Q2: The Illicit Discharge Detection and Elimination MCM requires the permittee to develop a map. Yes, the map shall include the location of all outfalls and the names and location of all waters that receive discharges from those outfalls.

Q3 and Q4: The Final Permit requires the permittee to develop a map of their MS4 system. To comply with the Final Permit, a digital geospatial watershed map is acceptable as long as the

location is clearly identified. The Final Permit does not require the specific HUC to be identified in the map.

61) Part IV.B.3.a.xii: Based on the fact that permittees may establish their own prioritization plans for outfall inspections, we are assuming that it will be left up to each permittee to define the term “Major/high priority outfalls” relative to their own stormwater management program, relative to the language “...Major/high priority outfalls shall be inspected at least annually.”

Q: What methodology is IEPA recommending to define a “Major/high priority outfalls” so that all permittees can better understand how to identify such outfalls within their jurisdiction.

Yes, it is up to the permittee to define major/high priority outfalls. Methodology defining “Major/high priority outfalls” can be found in USEPA’s guidance document Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments at the following webpage: <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater-illicit-discharge-detection-and>

The document includes guidance on defining and addressing high priority outfalls and subwatersheds.

62) Part IV.B.3.d: Clarification is needed on roles of MS4 operator and permittee. Understanding permittee is the entity having submitted the NOI per the IEPA requirements of having an MS4 permit.

Q: Please clarify the intent and context of “Illegal connection” between MS4 operator and permittee so that all permittees can better understand how to comply?

The Final Permit requires the permittee to remove any illicit connection or illicit discharge if another MS4 permittee notifies the permittee of an illicit connection or discharge. To clarify the requirement, the term “illegal connection” has been replaced with “illicit discharge.” The Final Permit has been revised to read, “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.”

The definition of “illicit discharge” can be found in Part VI Definitions and Acronyms.

63) IV.B.4.c: Q: If the permittee does not maintain a database of all active public and private construction sites because the development permits are maintained by an public organization independent of the permittee, Does the individual permittee still need to include the inventory in their Annual Report? (I.E. Unincorporated areas of Lake County Townships have development permits for public and private construction sites issued by one County Dept and Unincorporated Right-of-Way projects in Lake County Townships have development permits for public construction sites by a different County Agency (both entities maintain a database of projects).

Q: Can the permittee identify the Public Entity responsible for permitting in their SWMP as their acknowledgment of compliance?

Thank you for the comment. Yes, the permittee may identify the entity responsible for permitting in their SWMP or the entity responsible for maintaining the database. The Final Permit has been revised to read, “[t]he permittee shall include the inventory or identify the entity responsible for maintaining the inventory in the Annual Report.”

64) IV.B.4.f: Please clarify the function of the “?” in the statement.

The “?” was included in error. The Final Permit has been revised to correct the typographical error found in Part IV.B.4.f.

65) IV.B.5.f.ii and iii: So that all permittees can better understand how to comply, Can the data be added to the IL Resource Management Mapping Service (<https://www.rmms.illinois.edu/>)?

Thank you for the comment. Bedrock features as a “layer” are currently available through the IL Resource Management Mapping Service, whereas Karst features are not available through this tool. The Illinois EPA Watershed Management Section will coordinate with the University of Illinois on the potential to add Karst features to the tool using USGS or Illinois State Geological Survey data.

66) IV.B.5.k: Methodology recommending to define “assess the water quality impacts” so that permittees can better understand how to measure BMPs?

The methodology to assess how water quality impacts can be found in Part V.A. Under this Final Permit condition, the evaluation can be performed 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 this evaluation may be done by incorporate monitoring of the storm water discharges and/or receiving bodies to determine the effectiveness of storm water control measures and progress towards the MS4’s goals.

67) same as above, other “k” bullet: Per 40 CFR 122.34(b)(5) there is no definition or description to quantify pollutant load reductions for structural BMPs. Under 40 CFR 122.34(b)(5)(iii), if water quality impacts are considered from the beginning stages of a project, new development and potentially redevelopment provide more opportunities for water quality protection. EPA recommends that the BMPs chosen: be appropriate for the local community, minimize water quality impacts”. Understanding if projects are designed for water quality improvements, then modelling will be a function of the projects design. A project designed for runoff reduction will not have a water quality pollutant reduction model.

Q1: Is the IEPA requiring MS4 permittees to model pollutant load reductions for all projects in order to quantify measurable pollutant reductions per the permit language “...BMPs implemented and the resulting percent reduction in storm water runoff and pollutants.”?

No, the Final Permit does not require the MS4 permittee to model pollutant load reductions for all projects, however, the effectiveness of BMPs implemented shall be assessed.

Q2: What methodology is the IEPA recommending programs follow to define “...pollutant load reductions..”?

The Post-Construction Storm Water Management MCM requires the implementation of stormwater BMPs. The MCM shall evaluate the effectiveness of BMPs implemented. To quantify the effectiveness of the Post-Construction BMPs, the permittee shall include percent pollutant reduction of BMPs implemented as part of the annual report. The percent reduction may be an estimate based on industry known pollutant reductions.

Under this Final Permit condition, the evaluation can be performed 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 this evaluation may also be done by incorporate monitoring of the storm water discharges and/or receiving bodies to determine the effectiveness of storm water control measures and progress towards the MS4’s goals.

The pollutant percent reduction may be an estimate based on BMPs implemented. Additional information on pollutant reductions, due to BMPs implemented, can be determined using USEPA’s PLET found at the following webpage: <https://www.epa.gov/nps/plet>

Additional information regarding BMP pollutant reductions can be found in the Illinois Urban Manual.

68) IV.B.6.i: Quarterly Visual Inspections:

Q1: Is the IEPA requiring MS4 permittees to perform visual inspections on all owned facilities listed under Part IV.B.6.f?

Thank you for the comment. Yes, the Final Permit requires visual inspections of all municipally-owned or operated facilities listed in Part IV.B.6.f. To clarify the requirement, the Final Permit has been revised to read, “Quarterly visual inspections; The permittee shall perform quarterly inspections of the facilities identified in f above.”

Q2: Will Quarterly visual inspections for facilities complying with NPDES IL00 and ILR00 industrial permit meet the requirements requested for MS4 permit facilities inspections?

Facilities complying with NPDES IL00 and ILR00 industrial permits will not necessarily meet the requirements of the ILR40 MS4 permit. The MS4 Final Permit identifies specific requirements to comply with the quarterly visual inspections. Any visual inspection requirements of an NPDES IL00 and ILR00 industrial permit, which are the same requirements as this MS4 Final Permit, may be performed concurrently to satisfy this requirement.

Q3: The feasibility of funding an outfall inspection program as well as now needing to fund quarterly visual inspections for all publicly owned facilities shall not be feasible for many MS4 programs. To ensure uniform compliance in all MS4 programs, please provide a list of what the IEPA includes or considers as “..structural storm water controls..”?

The Federal Rule requires clear, specific, and measurable goals to ensure that the small MS4 permittee reduces pollutants in the discharge from their system. To reduce pollutants, BMPs are required for each MCM. To comply with the Federal Rule, this Final Permit requires specific BMPs for each MCM.

Guidance and a list of structural stormwater controls can be found at the following USEPA webpage under subsection Erosion Control and Runoff Control: <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater-construction>

Q4: Can the inspection schedule for “Municipally-owned...structural storm water controls” be revised to a schedule less than quarterly?

Quarterly visual inspection, as required by the Pollution Prevention/Good Housekeeping for Municipal Operations MCM, are not specific to “structural stormwater controls.” The MCM requires quarterly visual inspection of municipally-owned or operated facilities identified in item f in the MCM of the Final Permit condition. The Final Permit allows the reduction of the visual inspection frequency, from quarterly to semi-annual, if no corrective action was necessary during the preceding 12-month inspection period.

Q5: Do MS4 permittees have the opportunity within their SWMP to reduce the frequency of scheduled inspections for permittee publicly owned Municipal Facility and Storm water Controls?

The Final Permit requires visual inspections as part of the Pollution Prevention/Good Housekeeping for Municipal Operators MCM. The Final Permit allows the reduction of the visual inspection frequency, from quarterly to semi-annual, if no corrective action was necessary during the preceding 12-month inspection period.

69) IV.B.6.h: “the map shall be maintained and updated and be available for review by the.” Q: please clarify the party after the?

Thank you for the comment. The Final Permit requires the permittee to develop and maintain a map and have it available to the Illinois EPA upon request. To clarify the permit requirement, the Final Permit has been revised to read, “[t]he map shall be maintained and updated and be available for review by the Illinois EPA upon request.”

70) V.C: “Annual Reports shall be submitted to the following office AND email addresses...”

Q: Please verify if Annual reports are to be submitted electronically OR in writing?

Part V.C of the Final Permit has been revised to allow submittal of the Annual Reports electronically to epa.ms4noipermit@illinois.gov or in writing to the following address:

**Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section, Mail Code #19
Municipal Annual Inspection Report
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276**

Beginning December 21, 2025, all Annual Reports shall be received electronically through the Central Data Exchange (CDX), USEPA’s electronic reporting site. CDX is a Web-based tool that allows NPDES permittees to electronically sign and submit permit requirements.

71) Per (40 CFR 122.34(d)(2)) as of 12/21/2020, all reports submitted in compliance with this section must be submitted electronically by the owner, operator, or the duly authorized representative of the small MS4 to the NPDES permitting authority or initial recipient...”

Q: please verify the if Annual reports are to be wholly submitted electronically on a yearly basis per (40 CFR 122.34(d)(2))?

See Response 70.

72) V.C: Each report shall cover the period from March of the previous year through March of the current year.

Q: So that all permittees can better understand how to comply, which date in March is the reference period that report shall cover? (I.E. March 1st or March 31st?)

Thank you for the comment. To clarify the requirement, the Final Permit has been revised to identify the reporting period as April 1 through March 31 of each year. The annual report is due by June 1st each year.

73) Part III.D: Revise “shall participate in any watershed group(s)” to “shall participate in a watershed group” Reasoning: Concern is that “any” may be interpreted to mean “all”. The chloride reduction work undertaken by these watershed groups will be similar and the control measures implemented by a permittee would be practiced across their entire jurisdiction, not just within a particular watershed. There is a time and financial cost to participating in each watershed group so requiring participation in all watershed groups could result in additional/redundant cost to permittees with no practical benefit to receiving streams. Additionally, requiring participation in one watershed group would be consistent with the chloride time-related water quality standard proposed for the Chicago Area Waterway System. Finally, this revision would by no means limit participation in multiple watershed groups should a permittee elect to do so.

Thank you for the comment. To clarify the requirement to participate in any watershed group(s), the Final Permit has been revised to read, “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, where feasible, organized to implement control measures which will reduce the chloride concentration in any receiving stream in the watershed.”

74) IV.B.2.e: revise “within its jurisdiction and participate with other stakeholders in the watershed to enhance” to “within its jurisdiction. Additionally, the permittee shall participate with other stakeholders in at least one watershed within its jurisdiction to enhance” Reasoning: See Cook County comments.

Thank you for the comment. Public Involvement/Participation MCM of the draft permit requires the permittee to identify any watershed group and to participate with other stakeholders.

To clarify the requirement to identify and participate with stakeholders, the Final Permit has been revised to read, “[t]he permittee shall identify any watershed work groups within its jurisdiction. The permittee should participate with other stakeholders, when feasible, in the watershed to enhance the storm water management program through the watershed group(s) or as an independent MS4.”

75) V.A.b.x: revise “and/or a watershed group to design” to “and/or at least one watershed group within its jurisdiction to design” Reasoning: See Cook County Comments.

Thank you for the comment. Part V of the Final Permit requires the permittee to develop and implement a monitoring and assessment program. Monitoring the effectiveness of stormwater controls by a collaborative watershed-scale monitoring approach has been revised to read, “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 source of pollutants.

76) Part II.C: Why does the NOI have to be submitted electronically and in writing? An electronic submittal should be sufficient.

Part II.C of the Final Permit has been revised to allow submittal of the NOI electronically to epa.ms4noipermit@illinois.gov 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**

Beginning December 21, 2025, all NOIs shall be received electronically through the Central Data Exchange (CDX), USEPA’s electronic reporting site. CDX is a Web-based tool that allows NPDES permittees to electronically sign and submit permit requirements.

77) Part IV.B.1.a: The last sentence states: “The storm water management program shall, at a minimum”. Subparts viii, ix, and x start with the word “Information.” Should these subparts instead start with the phrase “Inform the public”?

Thank you for the comment. The Final Permit requires the permittee to develop appropriate educational materials as part of the Public Education and Outreach MCM. To clarify the requirement, the Final Permit has been revised to read, “Inform the public” on the educational material that has been developed.

78) IV.B.3.a.viii: Private sewage disposal systems are regulated by County Health Departments, not by municipalities. The requirement to identify private sewage disposal systems that have failed and are discharging to the surface should not be placed on municipalities, but instead on the County Health Departments that should have records showing the locations and installation dates of these systems.

Thank you for the comment. As part of the IDDE MCM, the permittee shall identify non-storm sewer water discharges, including septic tank point discharges. Please note, if private septic disposal

systems are reviewed and approved by another entity, the Storm Water Management Plan may include such information.

79) IV.B.4.a.ii.A-B – Volume control requirements are appropriate as a post-construction BMP, but are out of place as a construction site BMP. The most common volume control BMPs are reducing impervious areas and infiltration practices. Paving is typically done at the end of construction sequence and infiltration practices should be constructed after other areas of the site have been permanently stabilized to prevent them from being clogged with sediment.

The construction site storm water runoff control measure requires the implementation of stormwater BMPs at construction sites. BMPs shall be implemented to review stormwater volume, including both flow rates and total stormwater volume.

USEPA guidance documents pertaining to BMPs, including construction site storm water runoff control and storm water volume can be found at the following link:

<https://epa.illinois.gov/topics/forms/water-permits/storm-water/ms4.html>

80) IV.B.6.h – An MS4’s inventory of active construction sites should be a searchable and sortable database on the IEPA’s website.

Thank you for the comment. A searchable database titled “Municipal Separate Stormwater Sewer Systems (MS4) Communities”, can be found at the following link under “MS4 Status Report”:

<https://epa.illinois.gov/topics/forms/water-permits/storm-water/urbanized-area-list.html>

81) IV.B.1.a – Why was the sentence “The educational materials shall include information on the potential impacts and efforts on storm water discharge due to climate change.” And the associated link to the USEPA website removed from this section? Climate change plays a large role in how we manage storm water now and into the future and should be part of education and outreach efforts on this topic.

Thank you for the comment. The Final Permit language regarding MCMs for Public Education and Outreach on Storm Water Impacts inadvertently omitted the reference to climate change and the associated web link. The Final Permit has been revised to read, “[t]he 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/>.”

82) IV.B.2.d – A subsection should be added to encourage permittees to work with any existing watershed groups that cover their area on the development, implementation and assessment of education and outreach materials program.

Thank you for the comment. The Public Involvement/Participation MCM of the draft permit required the permittee to identify any watershed group and to participate with other stakeholders.

To clarify the requirement to identify and participate with stakeholders, the Final Permit has been revised to read, “[t]he permittee shall identify any watershed work groups within its jurisdiction. The permittee should participate with other stakeholders, when feasible, in the watershed to enhance the storm water management program through the watershed group(s) or as an independent MS4.”

83) IV.B.1.a.i, vi, vii – The use of the term “Storm Water Management Program” should be replaced with “Storm Water Education, Outreach & Participation Plan” in all of these sections. This terminology would be clearer as it relates specifically to how Education, Outreach and Public Participation is planned, implemented and assessed vs. the entire Storm Water Management Program.

The terminology, storm water management program, is consistent with the federal requirement, and therefore no change in the Final Permit language will be made.

84) IV.B.1.a.iv – Digital/social media should be added to the beginning of this list as this is one of the most utilized formats to disseminate information.

Thank you for the comment. The Final Permit language regarding Public Education and Outreach has been revised to read, “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.”

85) IV.B.1.a.vii – With the addition of subsections i-vii, where permittees are asked to define goals & objectives, identify audiences and develop messages, the text of this section should be revised to make this a list of example topics that could be included in an education and outreach program based on pollutants of concern for the permittee instead of requiring all of them. We would also recommend Pet Waste and Trash/Floatables be added to a list of example topics.

Thank you for the comment. Items listed in Part IV.B.1.a.viii are known stormwater sources, and therefore shall be part of each permittees Public Education and Outreach MCM. The Final Permit has been revised to read, “Inform the public on effective pollution prevention measures to minimize the discharge of pollutants from private property and activities into the storm water system, on the following topics which include, but not limited to:”

In addition, USEPA guidance documents pertaining to BMPs, including MCMs and outreach guidance can be found at the following link:

<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>

86) IV.B.1.c – It is unclear as to whether this assessment needs to be completed for each outreach topic within the first year? Needs more thought to be practically implemented. (See Conservation Foundation Comments)

Part IV, Public Education and Outreach requires the permittee to assess changes in public awareness and behavior resulting from the implementation of the SWMP such as using a statistically valid survey and modify the education/outreach program accordingly. Based on the comment and due to limited resources available to many MS4s, the Final Permit has been revised to remove the requirement of a “statistically valid survey” to evaluate the effectiveness of public outreach and public participation.

Also, the Final Permit has been revised to remove the 1-year compliance timeline. However, the permittee shall assess public education and outreach on an annual basis. Any changes identified shall be reported in the annual report.

The new permit compliance deadline, 12 months from the coverage letter date and include those provisions in the next Annual Report following this date, can be found on Page 3, Part II.a of the Final Permit.

87) IV.B.2.b – Public Notice requirements should only be needed for the annual public meeting. It seems overly burdensome for events like a river cleanup or rain barrel sale, besides the fact that people are not looking in the public notice section of a newspaper or website to find out about these types of public activities. Utilizing social media and community calendars are much more efficient means of increasing attendance at these types of events.

Thank you for the comment. Yes, public notice requirements are only required for the annual public meeting. The Public Involvement/Participation MCM requires 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. The Final Permit does not require public notice for each element (river cleanup,

rain barrel sale, etc.) of the Public Involvement/Participation MCM, but does require an opportunity for public comment annually.

88) If this draft NPDES permit were to become effective, it will drastically increase the cost of compliance for MS4s at a time when municipal budgets are already stretched thin due to a variety of other unfunded Federal and State mandates, such as the Lead Service Line Replacement Program and the CSO Long Term Control Plan. The new and particularly objectionable requirements in the draft NPDES permit for MS4s are those that further push enforcement of the IEPA's NPDES Permit for Construction Activities onto MS4s. MS4s would now be expected to maintain an inventory of the IEPA's permitted construction activities, track the number of inspections conducted at the IEPA's permitted construction sites, document enforcement actions at the IEPA's permitted construction sites, and educate contractors to meet the IEPA's requirements. If this level of enforcement is required of the MS4s, it would only be fair for the IEPA to disperse the fees it collects for these permits to the MS4s that are tasked with enforcement.

The Federal Remand Rule requires clear, specific, and measurable goals. To comply with the Federal Remand Rule, specific requirements have been added to the Final Permit. Including additional requirements to the Construction Site Storm Water Runoff Control MCM. The additional activities to maintain an inventory of construction activities, construction site inspections, document enforcement actions and contractor training shall be part of the permittee's MS4 program. To cover any additional cost, the permittee should look at available options at the local level.