



Health Department and
Community Health Center

Irene T. Pierce, MSN
Executive Director

Environmental Health Services
3010 Grand Avenue
Waukegan, Illinois 60085-2399
Phone 847 377 8020
Fax 847 249 4972

October 15, 2008

Marcia Willhite, Chief
Bureau of Water
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, IL. 62794-9276

Re: Request for a general NPDES permit to cover discharges of domestic
wastewater <1500 gpd

Dear Ms. Willhite:

Please consider this letter as a request that IEPA initiate the approval process for the attached draft (or your revisions of the attached) general NPDES permit to provide coverage to dischargers of domestic wastewater from "private sewage disposal systems" in Lake County, Illinois. The provisions of this draft are very similar to the original draft of ILG-4 which was intending to cover these small flows in the State of Illinois at-large. However, that process has not progressed in a manner sufficient to address either the administrative concerns or the water quality concerns of this Department. The attached draft establishes a program to approve, construct and monitor these systems that is consistent with ordinance requirements we already have in place. In that regard, administration of the permit requirements is already Lake County Health Department procedure, and this draft proposes that the Lake County Health Department will "administer" the permit in the same fashion as ILG-4 proposes for the Illinois Department of Public Health. Moreover, this Department is prepared to fulfill whatever additional record keeping and reporting requirements that may be set forth by the Illinois EPA.

As you know, discharges to waters of the state without coverage under an individual or general NPDES Permit place the owners of the discharging wastewater treatment systems in legal jeopardy. While the Lake County Health Department has historically relegated and continues to view direct discharges as a "last resort", we currently monitor approximately 120 systems that should be covered by a NPDES permit. In a typical year it is not uncommon to approve 2-4 additional systems, and there is currently no practical process by which permit coverage can be secured from IEPA for either our existing or new systems. This administrative conundrum between the requirements of the IEPA (Clean Water Act) and the Illinois Department of Public Health has been evident for over ten

years, and the draft general permit ILG-4 has "floated" for maybe three years without, to date, resolution of this untenable circumstance. The various state-wide conflicts that have included code deficiencies (Private Sewage Code), equipment manufacturer objections, record-keeping complications, funding uncertainties, interpretations of decisions of the US Supreme Court and others do not present a barrier to implementing a general permit within this jurisdiction, and are viewed as less significant than the *status quo* which keeps our citizens in violation of federal law. I have included a copy of *Lake County Board of Health Ordinance Article V* where you may review the restrictions already imposed in our onsite wastewater program in section ISD-804.2, including the explicit requirement that any technologically or economically feasible alternative (soil based system) must be considered before a point source discharge. Table B-1 defines "suitable" soils, section 503.0 defines approval processes for "repairs" (point source discharges are not allowed for new construction), and section 1403.0 defines our existing management/monitoring program for these systems.

Inasmuch as 40 CFR §122.28 (a)(1) provides that a general NPDES permit may be written to cover categories of discharges "within a geographical area", specifically including a county, please advise me at your earliest convenience what further action may be required from this Department to implement the attached permit or your revision thereof in Lake County. My direct line is (847) 377-8032, and I welcome an opportunity to expedite your approval to whatever extent is possible.

Sincerely,

Anthony Smithson, Director
Environmental Health Services

Cc: Irene Pierce, Executive Director
Lake County Health Department and Community Health Center

James Bakk, Special Assistant States Attorney

Al Keller, Illinois Environmental Protection Agency
Permits

Peter Swenson, Chief of NPDES Programs Branch
USEPA Region V