



## MEMORANDUM

To: Stormwater Management Commission  
From: Kurt Woolford, Executive Director  
Ernesto Huaracha, Water Resource Professional  
Date: October 4, 2021  
Re: MS4 IEPA ILR40 Permit Public Notice

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Supplemental information related to SMC's budget request to rehire for the Stormwater Coordinator position and an update on the MS4 Permit Notice and New Compliance Requirements. Lake County SMC is not an MS4 permittee for the Lake County ILR40 permit, SMC is not a co-permittee to any MS4 program.

The Illinois Environmental Protection Agency (IEPA) issued a new version of its NPDES Permit No. ILR40 (MS4 Permit) on September 2, 2021. The IEPA has not provided an effective date for this permit, the Public Notice Ending Date was October 01, 2021.

Lake County SMC, as a function of its Qualified Local Program (QLP) support, completed a permit review of the revised 2021 Public Notice Permit, identifying new compliance requirements expected of MS4s. The comparison document identified new minimum structural and non-structural Best Management Practices (BMPs) that the IEPA is requiring of MS4 permittees moving forward. SMC shared the comparison document to its Lake County NPDES contact list and SMC NPDES Phase II website.

The expanded Phase II program began in March 2003 and required small MS4s in urbanized areas to obtain NPDES permits and implement six (6) minimum control measures (MCM).

In following are the 6 MCMs with new permit required compliance identified:

- MCM 1- Public education and outreach on stormwater impacts
  - Maintain a more robust outreach/education program with defined goals and objectives based on target audiences, residential issues and three targeted industrial/commercial issues and report annually on the outcome(s):
    - Identify and analyze the target audience(s),
    - Assess changes in public awareness and behavior of outreach,
    - Define and develop a statistically valid survey and modify the education/outreach program accordingly,
    - Programs will need to quantify number of educational pamphlets, brochures, or other materials produced, distributed, and the percent of the MS4 population reached.
  - Utilize public input in the development of the Storm Water Management Program.
  - QLP will need to review outreach/education program, documents, outreach, assessment and templates to Lake County MS4s per new compliance tasks.
- MCM 2- Public involvement and participation
  - Minimal changes to this MCM, key compliance update is for an annual program assessment and related reporting.
- MCM 3- Illicit discharge detection and elimination
  - MS4s will need to update their Illicit Discharge Detection and Elimination (IDDE) manual/program per new compliance tasks.



#### STORMWATER MANAGEMENT COMMISSION

- QLP will need to review the IDDE Manual template per new compliance tasks.
- MS4s will need ensure they have an up-to-date storm sewer system map showing the location of all outfalls and the names and location of all waters that receive discharges from those outfalls and update their storm sewer system map to include any modifications to the sewer system.
- MS4s will need to improve response times to IDDE notifications: (respond to such reports within 30 days), remove illegal connection or illicit discharge within 48 hours of discovery.
- MS4s are required to provide annual statistics on IDDE inspections, enforcement, and resolutions.
- MCM 4- Construction site stormwater runoff control
  - MS4s will need to provide annual summary reports of issued Development Permits over 1 acre for the Annual reports including Number of: projects, pre-construction meetings/reviews, Number of site inspections, Number of violations, Number of enforcement/corrective actions taken by the permittee.
  - SMC may need to provide annual summary reports to each MS4 permittee issued a Watershed Development Permit through SMC over 1 acre for the Annual reports, including Number of pre-construction meetings/reviews conducted by the permittee, Number of site inspections conducted by the permittee, Number of violations found during site inspections, Number of enforcement/corrective actions taken by the permittee.
  - LC PBD may need to provide annual summary reports to each MS4 permittee issued a Watershed Development Permit for unincorporated Lake County over 1 acre for the Annual reports, including Number of pre-construction meetings/reviews conducted by the permittee, Number of site inspections conducted by the permittee, Number of violations found during site inspections, Number of enforcement/corrective action taken by the permittee.
  - WDO certified and non-certified communities continue to maintain WDO Compliance.
  - Permitted WDO certified and non-certified communities continue to maintain DECI Compliance.
- MCM 5- Post construction stormwater management in new development and redevelopment
  - MS4s are being asked to provide an annual evaluation of all BMPs implemented and the resulting percent reduction in storm water runoff and pollutants.
    - It is unclear in the permit the specific modeling requirements and/or the projects for inclusion. i.e. projects designed for runoff reduction and/or water storage potentially may require a pollutant load reduction estimates.
  - MS4s will need to provide 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.
- MCM 6- Pollution prevention/good housekeeping for municipal operations
  - MS4s will need to develop individual outfall maps for all municipally-owned or operated facilities and storm water controls, identifying outfalls corresponding to each of the facilities as well as the receiving waters to which these facilities discharge.
  - MS4s will need to complete Quarterly visual inspections for all municipally-owned or operated facilities and storm water controls, in addition to outfall inspection programs in place,
  - MS4s without defined programs will need to develop and fund them:
    - Develop a catch basin cleaning schedule.
    - Evaluate and rate all municipally-owned streets, roads, and public parking lots for Cleaning and develop a Street Sweeping and Cleaning program.
    - Develop and implement measures to minimize landscaping-related pollutants.

## Comparison of Collar County MS4 Programs within the IEPA NPDES ILR40 Permit Program

Comparison includes the following Counties:

- LAKE COUNTY
- DUPAGE COUNTY
- KANE COUNTY
- MCHENRY COUNTY
- WILL COUNTY

MS4 permittees are determined by location within a U.S. Census Bureau Urban Area. Urbanized areas are a densely settled core of census tracts and/or census blocks that meet minimum population density requirements. The USEPA has three Urban Areas within the Collar County Comparison Area based on 2010 census data. As of 9/28/2021, there are no new or revised Urban Area maps by the USEPA or the US Census Bureau for 2020 data.

U.S. Census Bureau Designated Urban Areas within regional area of Lake County:

- Chicago, IL IN Urban Area, 2010 Population- 3,524 people per SQMI
- Round Lake Beach-McHenry- Grayslake, IL WI Urban Area, 2010 Population- 1,902.8 people per SQMI
- Woodstock, IL Urban Area, 2010 Population- 2,096.8 people per SQMI

### **Individual Summary of Collar County MS4 Programs**

DUPAGE COUNTY for its MS4 Program Compliance is administered by DuPage County Stormwater Management. They have 3 FTE dedicated to MS4 compliance with seasonal staff and other department staff providing support to meet various compliance tasks (Housekeeping, GI BMP inspections, IDDE inspections, Development Permits). They also serve as a co-permittee to Municipal and Township permittees, providing MS4 compliance to the other MS4 permittees within DuPage County through Individual Intergovernmental Agreement (IGA). They also contract out some portion of training/workshops requirements.

MCHENRY COUNTY for its MS4 Program Compliance is administered by McHenry County Division of Water Resources. They have approx. 0.4 FTE dedicated to MS4 compliance with staff from other departments working to meet various compliance tasks (Housekeeping, BMP inspections, IDDE inspections, Development Permits). They support only the County's MS4 permit compliance. They offer limited QLP support including a chloride reduction training/workshop annually.

KANE COUNTY for its MS4 Program Compliance is administered by Kane County Division of Environmental and Water Resources. They have approx. 0.3 FTE dedicated to MS4 compliance with staff from other departments providing support to various compliance tasks (Housekeeping, BMP inspections, IDDE inspections, Development Permits). They support only the County's MS4 permit compliance. They do not offer QLP support.

WILL COUNTY for its MS4 Program Compliance is administered by Will County Land Use Department. They have no staff for MS4 compliance and contract for approx. 0.15 FTE. MS4 compliance is completed with staff from other departments supporting compliance tasks (Recycling, Housekeeping, BMP inspections, IDDE inspections, Development Permits). They support only the County's MS4 permit compliance. They do not offer QLP support.



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The following table is a comparison of Collar County MS4 Programs.

County Name	LAKE		DUPAGE	KANE	MCHENRY			WILL
Total Area of County	470.81 square miles		336.39 square miles	524.08 square miles	610.81 square miles			849.05 square miles
Area of County in a 2010 Urban Area	358 square miles		315 square miles	219 square miles	140 square miles			327 square miles
Percent of County in an Urban Area based on Area	76%		94%	42%	23%			39%
Quantity of IEPA MS4 Permittees in Urban Area	71		42	26	19			26
Urban Area Within Each County based on USEPA	Chicago, IL IN Urban Area	Round Lake Beach- McHenry- Grayslake, IL WI Urban Area	Chicago, IL IN Urban Area	Chicago, IL IN Urban Area	Chicago, IL IN Urban Area	Round Lake Beach-McHenry- Grayslake, IL WI Urban Area	Woodstock, IL Urban Area	Chicago, IL IN Urban Area
County MS4 Program Role	County Permit Coordination/SMC QLP		County Permit, & Co-permittee for Countywide Permit	County Permit Only	County Permit Only limited QLP activities (Chloride Reduction Workshop)			County Permit Only
FTE for MS4 Program Coordination	0.90		3	~0.30	~0.40			~0.15

Average\* Compensation within Collar Counties for MS4 Program Coordination is \$67,475.93. \*Compensation average excludes Lake County as there are no staff for County Stormwater Coordinator and Will County does not staff their program for MS4 Program Coordination.



