

## Legislation Text

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### Request for N.P.D.E.S. Permit for Lake County Wastewater Discharges - Smithson

The Clean Water Act of 1972 and associated federal regulations establish a permitting program called the **National Pollutant Discharge Elimination System** (NPDES) to monitor any discharge of any pollutant to “waters of the United States”. In Illinois the NPDES permit program is administered by the Illinois Environmental Protection Agency (IEPA). However, the Illinois Department of Public Health (IDPH), and many local health departments, frequently approve wastewater treatment systems that discharge to “waters of the State” without requiring a NPDES permit as a prerequisite to approval. Approximately 120 such systems have been approved over the years in Lake County. These systems meet the standards of Lake County Board of Health Article V (ISD Ordinance), but leave the owner in violation of federal and state water pollution laws.

For a number of years this Department has worked with USEPA, IEPA, IDPH and various legislators to establish a “general” NPDES permit for these types of small wastewater systems in Illinois. A draft permit to apply across Illinois has been rejected by USEPA, however, primarily for deficiencies in the IDPH wastewater regulations in making these systems a “last resort” to soil based system designs. This situation has been at a stalemate for over five years, and shows no sign of resolving anytime soon.

The attached letter is a request from the Lake County Health Department and Community Health Center to IEPA to establish a general NPDES permit for Lake County, to provide coverage (and legal defense) for owners of these systems in Lake County. We are providing, as well, a proposed draft of the actual NPDES permit which is virtually identical to the proposed permit for Illinois (ILG-4) where this Department would serve as an administrator of the permit for IEPA. If IEPA agrees to establish a general NPDES permit for wastewater discharges in Illinois with this Department administering certain application and monitoring provisions, the budgetary, administrative, technical and staff impacts on our existing ISD program to administer and monitor these systems is virtually negligible (we already do essentially everything the permit would require).

To support the submission of the Lake County NPDES General Permit to the Illinois Environmental Protection Agency for their approval.