

Illinois State Toll Highway Authority

04/06/10

PERMIT FOR STORM WATER OUTFALL

The terms, conditions, and provisions contained in the Illinois State Toll Highway Authority Storm water Permit Application Instructions, a true and accurate copy of which has been previously provided to permittee and is attached hereto, are incorporated into and make a part of this permit, shall be covenants running with the land and inure to the benefit of and are binding upon parties to this permit, their successors and assigns.

STORMWATER PERMIT APPLICATION INSTRUCTIONS

SECTION 1

GENERAL REQUIREMENTS

Any applicant proposing to discharge or modify the existing continuous discharge of storm water to the Illinois State Toll Highway Authority (Tollway) right-of-way shall first obtain a permit from Tollway prior to the start of construction. The purpose of the Tollway permitting program is to promote effective, equitable, acceptable and legal storm water management measures and to ensure cooperation and consistency in storm water management activities within and between units of government having storm water jurisdiction. These instructions outline the general policies and requirements governing storm water discharges to the Tollway right-of-way. A permit fee of \$7,500 is assessed for approved drainage permits. The checklist on the following page listing the required

items shall be completed and submitted with the permit application.

The applicant must satisfactorily demonstrate that there is no other feasible alternative to discharging storm water into the Tollway right-of-way. Storm water will be accepted only at location where it would have entered the Tollway right-of-way under natural conditions. Storm water from outside storage, vehicle maintenance, waste treatment, and refueling facilities will not be accepted by Tollway. Sanitary and combined sewer discharges will not be accepted. Storm water from an area not naturally tributary to the Tollway right-of-way will not be accepted. If the Tollway storm water facilities do not have sufficient capacity to handle the applicant's proposed discharges without adverse impact to Tollway facilities, the storm water will be not be accepted. Storm water from depressed areas with no surface outlet to the Tollway right-of-way will not be accepted. (No pumped discharges). Storm water outlets to a depressed area on the Tollway with no outlet will not be allowed. Storm water drained to a depressed area on Tollway property where an outlet has been altered, filled, restricted or eliminated due to the actions of other property owners downstream of the Tollway will not be accepted pending correction of the downstream restrictions. The Tollway will not accept a relocated storm water flow. The Tollway will not accept a parallel flow of storm water relocated to Tollway property for the purpose of moving the flow off adjacent property. The Tollway will not accept a flow of storm water from adjacent property to avoid direct discharge to a creek, river or other waterway to which the adjacent property has access. Tollway requires, as a stipulation for permit insurance, that the storm water permit must be record on the applicant's title to the property. The applicant shall submit a copy of the

legal description and proof of ownership of the subject property.

SECTION II

DESIGN REQUIREMENTS

The applicant shall submit an analysis of the storm water discharge alternatives available (i.e., municipal sewers, other watercourses, etc.). The cost of the alternative storm water facilities top other locations shall not be a factor in this analysis. If the applicant determines and Tollway concurs that discharging onto the Tollway right-of-way is the only feasible alternative, the applicant is responsible for determining whether the existing Tollway storm water facilities have sufficient capacity to handle the storm water from Tollway facilities, existing permitted discharge, and in overland flow reaching the Tollway right-of-way plus the applicant's proposed flows. This analysis of the Tollway storm water facilities shall be done in accordance with the most recent Tollway Drainage Design Criteria. The applicant shall perform a field survey and prepare a planimetric map of the Tollway storm water facilities proposed for connection, from the headwaters of the storm water system to the discharge location from the Tollway right-of-way. This evaluation of sufficient capacity must be prepared, signed, and sealed by a professional engineer registered in the State of Illinois. The filed survey must be prepared, signed, and sealed by a land surveyor or professional engineer registered in the State of Illinois.

The plans and calculations submitted in support of the application shall at a minimum meet Tollway standards for design and be signed and sealed by a professional engineer registered in the State of Illinois. Any structure subject to a differential water

pressure head greater than 3 feet shall be prepared, signed, and sealed by a structural engineer registered in the State of Illinois. The horizontal datum for all plans and maps shall be the Illinois State Plane Coordinate System. The vertical datum shall be the United State Geological Survey National Geodetic Vertical Datum. All proposed construction within the Tollway right-of-way shall be in accordance with Tollway standards and specifications. Tollway standard drawings shall be used in the design. If the Tollway standard drawings are not available for the proposed structure, an engineer registered in the State of Illinois shall prepare a plan detail and specifications for the structure.

The applicant shall submit a summary of the storm water detention requirements of the unit of government having storm water jurisdiction for the applicant's site. A comparison to the Tollway storm water detention design requirements should be made. The most restrictive of these criteria shall be used for the design storm water release rate and detention volume calculations. The proposed discharge rate shall not exceed the discharge rate for undeveloped conditions.

If a storm water detention basin is located adjacent to the Tollway right-of-way, an emergency overflow must be included in the design. The emergency overflow shall not discharge directly to the Tollway right-of-way.

During construction, the applicant shall have an erosion control plan to prevent the discharge of silt or other material into the Tollway right-of-way. This erosion control plan should be in accordance with Illinois Environmental Protection Agency NPDES or Tollway design requirements, whichever is more restrictive.

The applicant shall submit copies of all other applicable permits for the construction of the proposed development. The permitting may include local government, County, regional agency (i.e., Metropolitan Water Reclamation District), Illinois Environmental Protection Agency, Illinois Division of Water Resources, U.S. Army Corps of Engineers, etc. If an agency has made a determination that a permit is not required, a copy of this waiver shall be submitted with the application.

SECTION 111

MAINTENANCE

Tollway will not be responsible for the maintenance or inspection of permitted facilities. The permittee will be responsible for maintenance of all storm water facilities constructed within the Tollway right-of-way. When Tollway personnel identify permitted facilities in disrepair, the permittee or current property owner of record will be notified. If repairs are not made within thirty (30) days of notice, Tollway will revoke the permit. If the proposed storm water facilities will be maintained by a third party, a maintenance agreement shall be submitted with the application acknowledging responsibility for maintenance. The level of maintenance to be administered and the frequency of inspection shall be documented in the agreement.

If the proposed facility has water quality sampling requirements under the Illinois Environmental Protection Agency (IEPA) NPDES rules, copies of all water quality test results submitted to IEPA shall be submitted to Tollway. If the facility is not in compliance with the IEPA rules, at any time after issuance of the permit, this will be

grounds for revocation of the permit.

If the permit is revoked, the permittee or current property owner will be responsible for removing all permitted facilities and returning the Tollway right-of-way to pre-permit conditions within ninety (90) days of revocation. If this is not accomplished, Tollway will take all necessary steps to remove the permitted facilities and will bill the permittee or current property owner for all costs incurred by Tollway.

A one time fee of \$7,500.00 must be received upon approval of the permit. The fee is for the additional maintenance required due to the increased volume of storm water in Tollway storm water facilities. If this payment is not received within thirty (30) days of billing by Tollway, the permit may be revoked at Tollway's discretion.

SECTION IV

INSPECTIONS AND ENFORCEMENT

A final inspection of all permitted storm water facilities shall be made by Tollway prior to the facilities being put into service. No storm water shall be discharged to the Tollway right-of-way prior to Tollway inspection and approval.

A permit construction bond based on the estimated cost of construction, nature of the work, and possible impacts to Tollway will be submitted prior to construction. The amount of the bond will be determined by Tollway. The permit bond will be held for five (5) years after the permitted storm water facilities have been inspected and accepted by Tollway.

Any modifications to the permitted storm water system that change the peak flow rate, total volume, or discharge source will require approval by Tollway. Modifications made to any permitted storm water system that result in a change in peak flow rate, volume, or source without Tollway approval will invalidate the permit. Tollway may, at their option, notify the permittee or current owner that they are in violation of the permit terms and demand corrective action be taken to return to the permitted conditions or demonstrate that no damage will result to Tollway facilities from this change. If changes are not made or approved, Tollway may, at their option, take the necessary actions to prevent or limit the discharge of storm water to their right-of-way and bill the permittee or current owner for all costs incurred.

CHARACTER OF USE

Permits or licenses shall be issued by resolution of the Tollway for temporary disruptions of the toll highway and its appurtenant right-of-way. Permits for utility crossings shall be issued in accordance with the “Utility Regulations” and S100-11 (e) of the Act. Easements are not granted by the Tollway for this purpose.

PROCESSING THE APPLICATION

The application shall be reviewed by the Chief Engineer, Consulting Engineers and by the Chief of the Legal Department who shall submit their recommendations as to grant or denial to the Board of Directors. Denial of grant of the application shall be by Resolution of the Board of Directors.