

Does My Business Need a **Water Pollution Control Permit?**

Introduction

This document is intended to provide a guide in determining whether your business requires a water pollution control permit from the Bureau of Water. Figuring out whether or not a permit is needed has been confusing and frustrating to many small businesses. This document explains how to make this determination. However, it does not provide a definitive answer for every person or business, since there can be complex matters requiring interpretation and assistance.

There are three kinds of water pollution control permits. Discharge permits (National Pollutant Discharge Elimination System, NPDES) are required by the Federal Clean Water Act and the Illinois Environmental Protection Act. State construction permits are generally required by the Illinois Environmental Protection Act for water pollution control hardware. In addition, state operating permits are generally required by the Illinois Environmental Protection Act for facilities not required to have an NPDES permit.

All three of these permits are issued by the Bureau of Water. You should be aware that your business may also need a permit from the Bureau of Air or the Bureau of Land or both. One or both of those permits may be required whether or not you need a water permit.

The Bureau of Water's Permit Section is ready to assist you with your water permit questions. If you have a question or would like assistance, please contact the Permit Section at 217/782-0610 and ask for the Engineer on Call.

Many small businesses do not need permits from the Illinois EPA but should reduce emissions and make modifications in their practices to reduce pollution. The Agency's Office of Small Business is ready to provide assistance in helping your business be environmentally responsible. You may contact a representative by calling toll-free 1-888-EPA-1996.

Discharge Permits National Pollutant Discharge Elimination System (NPDES)

The National Pollutant Discharge Elimination System (NPDES) permit regulates wastewater. There are two types of discharges controlled by NPDES permits - process and storm water. An NPDES permit may be required at one business for either type of wastewater or for both. You should determine whether you need an NPDES permit either for process wastewater or for storm water. You are required to obtain these permits

prior to any discharge. The requirements for each one are discussed separately in Parts 1 and 2 below.

Question 1: Does my business discharge wastewater so as to require an NPDES permit?

To answer this question, you should go through the six steps below. The first two steps help you determine whether you need an NPDES permit. The third step contains an exemption to the NPDES permit requirement you should consider as well.

Step 1: Does my business discharge a wastewater requiring an NPDES permit?

The definition of "wastewater" is very broad and will include almost any discharge of water that is generated from any process industry, manufacturing, trade, or business. The definition also includes any solid, liquid or gaseous waste; and all other substances whose discharge would cause water pollution or a violation of the effluent or water quality standards of the State. Toilet and hand washing waste is also defined as a wastewater.

- If your business does **not** have a wastewater discharge as described above, you are **not** required to obtain an NPDES permit.
- If your business does have a wastewater discharge as described above, you should go on to the next step.

Step 2: If my business has wastewater, does my business discharge it to the surface of the earth or to water on the surface of the earth?

This provision is very broad so that you can assume that any discharge that goes to surface water or the ground on your property, or that leaves your property, is included. However, wastewater that is applied to agricultural land for crop or soil benefit is not regulated by the NPDES program. The permits required for this type of activity are discussed later in this document.

Step 3: Does my business have ONLY toilet and hand washing wastewater?

- If the only wastewater your business discharges is toilet and hand washing wastewater **and** the discharge of toilet and hand washing wastewater is less than 1500 gallons per day, you are **not** required to obtain an NPDES permit. However, the Illinois Department of Public Health does regulate these discharges.
- If the discharge from your business of toilet and hand washing wastewater is greater than 1500 gallons per day, you **are** required to obtain an NPDES permit.

Step 4: Does my business have a storm water discharge so as to require an NPDES permit?

You need to go through the two steps below to determine whether your business needs an NPDES permit for its storm water discharge. You will usually need to know the Standard Industrial Classification (SIC) code for

your business to do this.

Step 5: Does my business have a SIC code for which NPDES storm water permits are required?

Storm water may also be considered a wastewater depending on the type of business in which you are engaged. The Standard Industrial Classification (SIC) Code or type of operation your business is engaged in will determine whether or not the storm water that discharges from your property will be considered a wastewater. A listing of categories for which storm water permits are required is contained in Appendix 1.

- If your business has a SIC Code or operation that is listed in Categories 1-10 in Appendix 1, then you are required to obtain an NPDES permit, even if you do not have objects at your business exposed to storm water.
- If your business has a SIC Code that is listed in category 11 of Appendix 1 then you **may** be required to obtain an NPDES permit. A category 11 industry is required to obtain an NPDES permit if material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industry machinery are exposed to storm water. If you have a business in a category 11 industry and you do not have these objects at your business exposed to storm water, then you are **not** required to obtain an NPDES permit.
- If your business has a SIC Code or operation that is **not** listed in Appendix 1, then you are **not** required to obtain an NPDES storm water permit, unless you are violating water quality standards of the State.

Step 6: If my business has wastewater, does my business discharge it to the surface of the earth or to water on the surface of the earth?

This provision is very broad so that you can assume that any discharge that goes to surface waters or the ground on your property, or that leaves your property, is included.

Important Additional Information Concerning NPDES Permits

- You should be aware that a **general** NPDES storm water permit is available from the Bureau of Water's Permit Section if you meet the criteria described in the general permit. A general permit is a standardized permit with pre-determined conditions for similar discharges. You can review a general permit and decide ahead of time whether to apply for it rather than for an individualized permit. A one-page application is available for most general storm water NPDES permits. The simplified permit is usually issued within 2 weeks of receipt of the application.
- An NPDES permit issued by the Bureau of Water has a maximum life of 5 years.
- If you are required to obtain an NPDES permit from the Bureau of Water, you are required to make a timely application 180 days prior to a new discharge or expiration of the existing NPDES permit if you wish to renew the permit.

State Construction Permits

A water pollution control construction permit is required by state law for businesses with the potential to cause water pollution. This construction permit is required **prior** to constructing or modifying a facility. You can determine whether you need to obtain a construction permit by going through Steps 1 and 2 below.

Question 1: Will there be construction at my facility?

State construction permits are required if your business is constructing or modifying anything within one of the four categories listed below.

Construction is defined as the commencement of on-site fabrication, erection, or installation.

The definition of modification is rather long and can be found in Appendix 2. You should look carefully at this definition because it includes such things as an increase in the amount of wastewater discharge even if the increase is not due to any other physical change in the facility. The definition of wastewater is discussed in Part 1, Step 1 of the section dealing with NPDES permits.

If you are planning on constructing or modifying at your business, you should determine whether what you intend to construct or modify falls within one of the four categories listed below.

- If what you intend to construct or modify falls within one of the four categories listed below, you are required to obtain a construction permit from the Bureau of Water prior to the construction or modification.
- If what you intend to construct or modify does **not** fall within one of the four categories listed below, you are **not** required to obtain a construction permit from the Bureau of Water.

Category 1: TREATMENT WORKS

A treatment works is a device used for collecting, pumping, treating, or disposing of wastewaters, or for the recovery of byproducts from such wastewater.

A treatment works usually discharges wastewater to the surface of the earth or to water on the surface of the earth. However, a treatment works may also recycle wastewater for other uses and not have a discharge.

Category 2: PRETREATMENT WORKS

A pretreatment works is a device used for collecting, pumping treating or disposing of wastewater, or for the recovery of byproducts from such wastewater, before the wastewater is discharged into a publicly owned sanitary sewer system. The sanitary sewer system conveys the wastewater to a publicly owned treatment plant for further treatment.

In addition to the exemption listed in Step 2 of this section, pretreatment works have an additional exemption which is fairly complicated and may require interpretation. This additional exemption is listed in Appendix 3. If you need assistance interpreting or understanding this exemption, you can obtain assistance from the Bureau of Water's Permit Section at 217/782-0610 or you may obtain assistance from an environmental professional of your choice.

Category 3: WASTEWATER SOURCE

Wastewater source is any discharge of wastewater, usually to a publicly-owned sanitary sewer system. Wastewater discharges to agricultural land for crop or soil benefit are also considered wastewater sources. Some examples of wastewater sources would be:

1. A new business in an existing building with existing sewers that connect to a publicly-owned sanitary sewer. Your new business will be generating a wastewater which you will discharge through the existing sewer. This discharge would be considered a wastewater source.
2. Land application and/or spray irrigation of wastewater (including wastewater sludges) to agricultural lands.

Category 4: SEWER

A sewer is defined as a stationary means of transport intended to transport wastewater from your business to a publicly-owned sanitary sewer system.

The portion of the sewer which requires a construction permit is that portion which runs from the boundary of your building to the point of connection to the publicly-owned sanitary sewer system.

Question 2: Do you fall under the exemption for treatment works, pretreatment works, sewers, and wastewater sources?

This exemption can apply *only* to businesses who generate toilet and hand washing waste.

If you generate any wastewater that is not toilet and hand washing waste, this exemption does not apply to your business, and you must obtain a permit.

The exemption is as follows:

Construction permits are not required for any treatment works, pretreatment works, sewer or wastewater source designed and intended to serve a single building and eventually treat or discharge less than 1500 gallons per day of **strictly** toilet and hand washing waste (otherwise known as domestic waste).

If you fit under this exemption, then you are **not** required to obtain a state construction permit from the Bureau of Water.

State Operating Permits

State operating permits are required for the use or operation of most treatment works, pretreatment works, sewers or wastewater sources for which a construction permit is required. You should go through the two steps below to determine whether you need a state operating permit from the Bureau of Water.

Question 1: Does my business need a state construction permit?

In the section called State Construction Permits, you determined if your business required a state construction permit.

If you were required to obtain a state construction permit (other than for a sewer), **you will be required to obtain a state operating permit**, unless you fit under the exemptions listed in Step 2 below. Operating permits for sewers are generally issued with the construction permit.

If you have **existing** treatment works, pretreatment works, or wastewater sources, you are required to have a state operating permit unless you fit under one of the exemptions listed in Step 2 below.

*If you do **not** need a state construction permit for your business, you do **not** need a state operating permit for your business unless you intend to use land application and/or spray irrigation of wastewater (including wastewater sludges) on agricultural land.*

Important Additional Information

- An operating permit issued by the Bureau of Water has a maximum life of 5 years.
- If you are required to obtain an operating permit from the Bureau of Water, you are required to renew that permit by its expiration date for continued operation of the permitted facility.
- If you meet the criteria for needing an operating permit, you are required to obtain the operating permit **even if you did not obtain a construction permit**.

Question 2: Is my business exempt from the requirement for a state operating permit?

A state operating permit is **not** required for the following even if a state construction permit was required.

- A treatment works whose discharge is covered by an NPDES permit.
- A pretreatment works or wastewater source whose discharge to the publicly-owned treatment plant (usually owned by a municipality) has been authorized by a receiving publicly-owned treatment plant that has an approved pretreatment program.

You should identify the publicly-owned treatment plant to which the discharge from your business flows. Once this is done, you should contact the Bureau of Water's Permit Section at 217/782-0610 to identify publicly-owned treatment plants that have approved

pretreatment programs. This will tell you if the publicly-owned treatment plant to which your discharge flows has an approved pretreatment program.

If the wastewater discharge from your business flows to a publicly-owned treatment plant with an approved pretreatment program, then a State operating permit is **not** required.

If the wastewater discharge from your business does **not** flow to a publicly-owned treatment plant with an approved pretreatment program, then a State operating permit **is required**.*

* For certain pretreatment works or wastewater sources, there are some additional, somewhat technical, exemptions. The rule containing these exemptions is in Appendix 3 to this document. If you need assistance interpreting or understanding this exemption, you can obtain assistance from the Bureau of Water's Permit Section at 217/782-0610 or you may obtain assistance from an environmental professional of your choice.

For Further Information

If you have any questions or need assistance, contact the Bureau of Water's Permit Section at 217/782-0610. Permit application forms can be obtained by calling this number as well. You may also write to the following address:

Illinois Environmental Protection Agency
Bureau of Water
Permit Section (#15)
2200 Churchill Road
P. O. Box 19276
Springfield, IL 62794-9276

The Permit Section has an engineer designated to answer questions each day. When you call, ask for the Engineer on Call.

Appendix 1

Industries Which Require a NPDES Permit for their Storm Water Discharge

Category 1

Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted in Category 11).

Category 2

Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, and 373.

Category 3

Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry).

Category 4

Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA.

Category 5

Landfills, land application sites, and the open dumps that receive or have received any industrial wastes including those that are subject to regulation under Subtitle D of RCRA.

Category 6

Facilities Involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including, but not limited to, those classified as Standard Industrial Classification 5015 and 5093.

Category 7

Steam electric power generating facilities.

Category 8

Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171, which have vehicle maintenance shops, equipment cleaning operations, or airport de-icing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport de-icing operations, or which are otherwise identified under categories 1-7 or 9-11 are regulated.

Category 9

Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that is located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the CWA.

Category 10

Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale.

Category 11

Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25 (and which are not otherwise included within categories 2-10).

Appendix 2

Definition of Modification

- a. Any physical change in a treatment works or pretreatment works which involves different or additional processes or equipment or which increases or decreases the capacity or efficiency of the treatment works or pretreatment works; or
- b. Any change in the number or location of points where effluent is discharged; or
- c. Any change in any components of a sewer system which alters the quantity of

- wastewater capable of being conveyed; or
- d. Any increase in quantity or strength of a discharge from any wastewater source, unless such increase does not exceed an upper limit specifically allowed by an existing permit granted by the Agency and does not involve any additional contaminants.

(This is taken from the definition in water regulations. See 35 Ill. Adm. Code 301.315 for the complete definition.)

Appendix 3

Additional Permit Exemptions

Construction or operating permits are **not** required for those pretreatment works, and operating permits are **not** required for wastewater sources, discharging to a sewer tributary to a publicly owned treatment plant which will not:

1. Discharge toxic pollutants, as defined in Section 502(13) of the CWA, or pollutants which may interfere with the treatment process into the receiving treatment plant or be subject to regulations promulgated under Section 307 of the CWA; or
2. Discharge 15% or more of the total hydraulic flow received by the treatment plant; or
3. Discharge 15% or more of the total biological loading received by the treatment plant as measured by the 5-day biochemical oxygen demand.

(This is taken from the definition in water regulations. See 35 Ill. Adm. Code 309.202(c) and 309.204(d) for the complete definition.)

Additional Assistance

There are two other documents available from the Agency that are similar in format to this document.

- **Does Your Business Need an [Air Pollution Control Permit?](#)**
- **Does Your Business Need a [Land Pollution Control Permit?](#)**

You may obtain copies of either document, or additional copies of this document, by contacting the Office of Small Business or by contacting the appropriate permit section.

Office of Small Business (217) 524-2743
Bureau of Air Permit Section (217) 782-2113
Bureau of Land Permit Section (217) 524-3300
Bureau of Water Permit Section (217) 782-0610

You may also obtain information or assistance from these sections by calling the above numbers.