

Fact Sheet for Antidegradation Assessment  
U.S. Army Corps of Engineers Chicago District – Chicago Regional Permit Program  
IEPA Log #C-0456-11  
CoE Log No. N/A  
Contact: Mark Books at 217/558-2012  
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The U.S. Army Corps of Engineers Chicago District (District) is proposing modifications to and re-issuance of their current Regional Permit Program (RPP). The Regional Permits are designed to cover activities that would have minimal individual and cumulative impacts on aquatic resources in Cook, DuPage, Kane, Lake, McHenry, and Will Counties. The Regional Permit Program (RPP) was public noticed on April 1, 2007 and will now expire on April 1, 2012. This proposed RPP will be valid for a period of five (5) years from the date of issuance. The District will periodically review the RPP and their conditions and may modify, reissue, or revoke the permits. At this time, no new additional regional permits are being proposed and no regional permits are proposed to be deleted. The Chicago District is proposing minor adjustments and clarifications to the existing regional permits. The following items are proposed for the Regional Permit Program:

**Impact Thresholds.** For Regional Permits 1, 2, 3, and 8, the impacts to waters of the U.S. shall not exceed 1.0 acres. Impacts over 0.10 acre of water of the U.S. will require compensatory mitigation. For Regional Permit 3, Transportation Projects, the impacts for a single crossing is limited to 0.25 acre. The cumulative impacts for multiple crossings shall not exceed 1.0 acre.

**Buffer Requirement.**

1. For any water of the U.S. determined to be a High Quality Aquatic Resource (HQAR) the buffer shall be a minimum of 100 feet;
2. For any waters of the U.S. that do not qualify as wetland (e.g. lakes, rivers, ponds, etc.) the buffer shall be a minimum of 50 feet from the Ordinary High Water Mark (OHWM);
3. For any jurisdictional wetland from 0.25 acres up to 0.50 acres in size the buffer shall be a minimum of 30 feet; and
4. For any jurisdictional wetland over 0.50 acres in size the buffer shall be a minimum of 50 feet.

The proposed RPP will also allow for lower buffer widths on a case-by-case determination; however, buffers will be required along all wetlands and waters of the U.S.

**Fate and Effect of Parameters Proposed for Increased Loading.**

All projects shall employ permanent Best Management Practices (“BMPs”) to protect water quality, preserve natural hydrology and minimize the overall impacts of development on aquatic resources. All appropriate and practicable steps must first be taken to avoid and minimize impacts to aquatic resources. For unavoidable impacts, compensatory mitigation will be required for the loss of wetland, stream, and/or other aquatic resource functions. Compensatory mitigation will be accomplished by establishing a minimum ratio of 1.5 acres of mitigation for every 1.0 acre of impact to waters of the U.S. (1.5:1.0 ratio). In addition, the District has the discretion to require additional mitigation.

**401 Water Quality Certification for the existing Regional Permit Program.**

Currently, 401 Water Quality Certification has been issued with conditions for Regional Permits 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, and 13. Certification with conditions has been issued for Regional Permits 4, Minor Discharges and Dredging, and 8, Utility Line Projects, except for projects located on the following waters, which requires an Individual 401 Water Quality Certification: Chicago Sanitary and Ship Canal, Calumet-Sag Channel, Little Calumet River, Grand Calumet River, Calumet River, Chicago River (main stem), South Branch of the Chicago River (including South Fork), North Branch of the Chicago River (including East and West Forks and Skokie Lagoons), Lake Calumet, Des Plaines River, Fox River (including the Fox Chain of Lakes), Lake Michigan, Pettibone Creek, and the Kankakee River.

**Agency Conclusion.**

In regards to 401 water quality certification issuance for the U.S. Army Corps of Engineers Chicago District Regional Permit Program, the Illinois Environmental Protection Agency Water Quality Standards Section has reviewed the proposed changes under the Antidegradation standard found at 35 Ill. Adm. Code 302.105 (Antidegradation standard). We believe that the program has been designed to authorize activities that would have minimal individual and cumulative impacts on the aquatic resources in the Chicago District. However, we maintain that individual Antidegradation assessments are necessary for projects that fall under Regional Permits 4 and 8 and are located on the following waters: Chicago Sanitary and Ship Canal, Calumet-Sag Channel, Little Calumet River, Grand Calumet River, Calumet River, Chicago River (main stem), South Branch of the Chicago River (including South Fork), North Branch of the Chicago River (including East and West Forks and Skokie Lagoons), Lake Calumet, Des Plaines River, Fox River (including the Fox Chain of Lakes), Lake Michigan, Pettibone Creek, and the Kankakee River.

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (Antidegradation Standard) and was based on the information available to the Agency at the time this antidegradation review summary was written. We tentatively find that any activities that meet the U.S. Army Corps of Engineers Chicago District Regional Permit Program permit conditions mentioned above will result in the attainment of water quality standards and that all existing uses of the receiving waters will be maintained. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.