

IEPA Log No.: **C-0088-11**  
CoE appl. #: **2010-1313**

Public Notice Beginning Date: **March 3, 2011**  
Public Notice Ending Date: **April 4, 2011**

Section 401 of the Federal Water Pollution Control Act  
Amendments of 1972

### **Section 401 Water Quality Certification to Discharge into Waters of the State**

#### **Public Notice/Fact Sheet Issued By:**

Illinois Environmental Protection Agency  
Bureau of Water  
Facility Evaluation Unit  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-3362

**Name and Address of Applicant:** U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building, Post Office Box 2004, Rock Island, Illinois 61204-2004

**Discharge Location:** This regional general permit will authorize fill within waters of the U.S. throughout the State of Illinois except within Cook, DuPage, Kane, Lake, McHenry and Will counties.

**Name of Receiving Water:** General use waters of the State

**Project Description:** Issuance of Regional General Permit 38 for bridge construction activities in the State of Illinois.

The Illinois Environmental Protection Agency (IEPA) has received a notification regarding Section 401 water quality certification to discharge into the waters of the state associated with a Section 404 Regional General Permit proposed by the U.S. Army Corps of Engineers. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The certification and notice number(s) must appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

The application, Public Notice/Fact Sheet, comments received, and other documents are available for inspection and may be copied at the IEPA at the address shown above between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the certification request, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please call Thaddeus Faught at 217/782-3362.

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## Fact Sheet for Antidegradation Assessment

U.S. Army Corps of Engineers – Rock Island District, St. Louis District, Louisville District,  
Memphis District – Regional General Permit No. 38 – Various Counties

IEPA Log No. C-0088-11

COE Log No. 2010-1313

Contact: Mark Books; 217/558-2012

March 3, 2011

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The U.S. Army Corps of Engineers, Rock Island District, St. Louis District, Louisville District, and Memphis District (USACE) have proposed to issue a regional permit for linear transportation project construction activities that result in impacts to water of the United States. The proposed Regional General Permit 38 (RP 38) would be effective in all counties within the state excluding Lake, Cook, Will, DuPage, Kane, and McHenry Counties. These counties lie within the Chicago District of the USACE and are not covered under this Regional Permit. This Antidegradation review covers the 401 Water Quality Certification for state application of this proposed Federal RP 38.

**Authorized Work; Proposed Permit Limits:** A. Activities required for the construction, expansion, modification, or improvement of linear transportation projects that result in impacts of up to 1 acre of water of the United States. B. Temporary fill for construction is authorized. C. The affected reach of stream must occur within 300 feet upstream and downstream of the centerline of the roadway (existing channel length), with a maximum distance of existing channel length impacted (filled or abandoned) not to exceed 500 feet. Normal low flows will be maintained during construction by placing culverts under the causeways or by other applicable and appropriate water re-routing methods.

### **Identification and Characterization of the Affected Water Body.**

The RP 38 may be applied to those water bodies within the boundaries of the Corps of Engineers Rock Island District, St. Louis District, Louisville District and Memphis District. These water bodies are General Use waters within the State of Illinois. The permit does not authorize construction in environmentally sensitive areas, such as mussel beds, fish spawning areas, waterfowl nesting areas, fens, bogs, seeps, or sedge meadows. The following conditions would apply to all projects receiving this regional permit:

- Permittees must take all practicable measures to avoid and minimize impacts to waters of the United States by both temporary and permanent fills. Once such measures are taken, no more than 1 acre of wetland area may be filled in conjunction with each road crossing project. Compensatory wetland mitigation is required at a ratio of 1.5:1 or more if the loss of wetland exceeds 0.10 acre.
- Mitigation for stream impacts will follow the USACE's Mitigation Rule requirements published in the Federal Register dated April 10, 2008 under 33 CFR Parts 325 and 332 and 40 CFR Part 230 entitled "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule." Based on the USACE mitigation rule, proposed projects designs resulting in reductions in stream length will require applicants to seek foot-for-foot stream length replacement, where practicable.

### **Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.**

Activities that would be authorized under the proposed permit may result in short-term, minor impacts to the waterbody. They are unlikely to result in a change in the existing uses of a water body.

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

The increase in suspended solids will be local and temporary. Erosion control measures will be utilized to minimize any increase in suspended solids. The projects will be required to follow *Best Management Practices* (BMPs) and an *Erosion and Sediment Control Plan* (ESCP) to protect water quality, preserve natural hydrology and minimize the overall impacts of the project on aquatic resources. The BMPs require the applicant to minimize runoff of pollutants from the site. The BMPs are required to be maintained and monitored during the post construction period. Flows from the site are to be maintained to existing conditions or less. The projects shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2010). Aquatic life uses in the affected streams may be negatively impacted, due to the local and temporary impacts of construction, but in time, they will recover and support approximately the same community structure as is now found in the existing streams. For projects that include a discharge to waters for which there is a TMDL allocation for any parameter, including sediment or parameters that address sediment (such as total suspended solids, turbidity, or siltation), that is proposed to be increased, the applicant shall develop an ESCP and BMPs that are consistent with the assumptions and requirements in the approved TMDL.

### **Purpose and Social & Economic Benefits of the Proposed Activity.**

Projects authorized under the proposed permit will provide the community with improved transportation related facilities.

### **Assessment of Alternatives for Less Increase in Loading or Minimal Environment Degradation.**

The assessment of the activities allowed under this permit finds that the general and special conditions and limitations as defined by the proposed permit would assure that the projects would be completed in a manner that minimized environmental degradation, including the following requirements:

- Native grass filter strips a minimum of 50 feet in width (measured from the top of the bank landward) shall be established along both sides of the realigned or modified channel unless there is a physical reason for not including one (such as a rock ledge). Filter strip establishment will be considered successful when there is at least 50% aerial coverage of native grasses and forbs in each 100 square foot area.
- Native trees and/or shrubs shall be planted along both sides of the realigned or modified channel. Replanting rates of trees and/or shrubs will be based on existing pre-project baseline vegetation conditions and the size of the selected tree/shrubs to be replanted. A survival rate of 100% of the replanted species shall be achieved each year for a period of 5 years from the establishment of the tree plantings.

- No activity is authorized under this RP 38 which is likely to adversely affect the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species. All Applicants will be required to provide appropriate documentation to the USACE indicating compliance with all state and federal threatened and endangered species acts.

**Agency Conclusion.**

With regards to potential 401 water quality certification issuance for the RP 38 for transportation related activities in navigable water of the U.S. issued by the U.S. Army Corps of Engineers, Rock Island District, St. Louis District, Louisville District, and Memphis District, the Illinois Environmental Protection Agency Water Quality Standards Section has tentatively determined that with the inclusion of the special conditions listed for the RP 38, projects meeting these conditions will comply with the Antidegradation standard found at 35 Ill. Adm. Code 302.105 (Antidegradation standard) and that projects covered by a 401 water quality certification of the RP 38 will meet water quality standards.