

IEPA Log No.: **C-0082-19**  
CoE appl. #: **LRC-2019-00700**

Public Notice Beginning Date: **December 30, 2019**  
Public Notice Ending Date: **January 29, 2020**

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

### **Section 401 Water Quality Certification for Discharge of Dredged or Fill Material**

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

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

**Name and Address of Discharger:** Fox Waterway Agency – 45 S. Pistakee Lake Road, Fox Lake, IL  
60020

**Discharge Location:** Fox River including Chain O'Lakes from the approximate Illinois/Wisconsin State line to the Algonquin dam within McHenry and Lake Counties.

**Name of Receiving Water:** Fox River and Chain O'Lakes

**Project Description:** Proposed hydraulic maintenance dredging activities and consolidation of such with the existing mechanical dredging and debris removal authorization under 401 certification no. C-0091-16.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge dredged or fill material into the waters of the State associated with a Section 404 permit application received 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 application, 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 contact Darren Gove at email [darren.gove@illinois.gov](mailto:darren.gove@illinois.gov) or phone no. 217/782-3362.

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Fact Sheet for Antidegradation Assessment  
For Fox Waterway Agency  
IEPA Log No. C-0082-19  
COE Log No. LRC-2019-00700  
Contact: Angie Sutton 217/558-2012  
Public Notice Start Date: December 30, 2019

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Fox Waterway Agency (“Applicant”) has requested Clean Water Act Section 401 water quality certification for discharges related to hydraulic dredging along the Fox River, Fox Chain O’ Lakes and associated navigable channels between the Algonquin Dam and the Wisconsin state line. The Fox River Chain O’ Lakes includes the immediate vicinities of Catherine, Channel, Marie, Bluff, Spring, Petite, Grass, Fox, Nippersink and Pistakee Lakes and interconnecting channels. The project sites are along the borders of McHenry and (predominately) Lake counties. The applicant has been performing hydraulic dredging work under extended coverage of an individual Department of the Army, Clean Water Act Section 404 permit that expired in September 2019. This 401 certification would allow reauthorization of hydraulic dredging activities as previously permitted. The proposed work will continue to maintain navigable depths within the project site. Reauthorization of hydraulic dredging would also incorporate mechanical maintenance dredging and debris removal activities as was recently approved under Clean Water Act Section 401 water quality certification log number C-0091-16 issued on July 10, 2018. Hydraulic dredging activities would include usage of floating dredge pipes for transport of pumped sediment to either of the two existing and permitted sediment dewatering facilities at Cooper’s Farm or Ackerman Island. Discharges resulting from hydraulic dredging would occur as discharge water from a pollution control facility through a constructed outfall located at one of the below permitted facilities or at some temporary sediment dewatering structure operated in accordance with an appropriate Subtitle C permit. Discharges resulting from mechanical dredging would occur as return water or runoff through a discrete conveyance originating from an upland placement site or at an intermediate management site where material is loaded onto transportation equipment. A Subtitle C permit would be required for construction of pollution control facilities necessary to meet applicable water quality standards or effluent limitations. Hydraulic dredging will allow for a maximum of 100,000 cubic yards (CY) to be removed annually from areas north of Route 12 to Lake Marie, although this amount will likely range between 25,000 to 50,000 CY annually due to existing storage capacity limitations.

Facility	Outfall Location	Subtitle C Permit Number
Cooper’s Farm	42°27'26.96"N - 88° 8'34.70"W	2019-EA-63955
Ackerman Island	42°25'27.76"N - 88° 9'44.06"W	2019-EA-63956

The Agency has received a Section 401 water quality certification application associated with the U.S. Army Corps of Engineers Section 404 Permit process for this project. The Water Quality Standards Section of the Division of Water Pollution Control evaluated the proposed activity under the Antidegradation standard at 35 IAC 302.105. We find that this activity will not increase the pollutant loading from the previously issued permit. All discharge from the permitted sediment dewatering facilities must meet the effluent standards of 35 III. Adm. Code Part 304. Therefore, pursuant to Subsection (f), no further review is necessary and no Antidegradation assessment is warranted.