

IEPA Log No.: **C-0162-20**  
CoE appl. #: **CEMVR-OD-P-2020-0691**

Public Notice Beginning Date: **August 17, 2020**  
Public Notice Ending Date: **September 16, 2020**

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  
Division of Water Pollution Control  
Permit Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-3362

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

**Discharge Location:** All Illinois Counties except those under the regulatory jurisdiction of the Chicago and Louisville Districts.

**Name of Receiving Water:** Waters of the United States within the State of Illinois

**Project Description:** Re-issuance of Regional Permit 16 Bank Stabilization Activities in the State of Illinois.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge into the waters of the state associated with an application received from 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. Also attached are the Agency's proposed 401 water quality certification conditions for the regional permit.

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 call Francisco J. Herrera at email [francisco.herrera@illinois.gov](mailto:francisco.herrera@illinois.gov) or phone no. 217/782-3362.

FJH:C-0162-20\_401 PN and Factsheet\_27Jul20.docx

The U.S. Army Corps of Engineers (Corps), Rock Island, St. Louis, and Memphis Districts, (“Applicant”) have applied for a 401 Water Quality Certification and reissuance of Regional Permit 16 for impacts associated with the placement of fill material for bank stabilization in waters of the United States within the State of Illinois, except for counties under the regulatory jurisdiction of the Chicago and Louisville Districts. This regional permit, originally issued on May 17, 1983, has been reissued approximately every 5 years and is set to expire on May 26, 2021. There were 70 individual projects authorized under this blanket regional permit between May 26, 2016 and May 28, 2020, in Illinois. Bank stabilization techniques including blanket riprap, seawalls, gabions, minor bank shaping with appropriate biotechnical streambank protection techniques, bendway weirs, longitudinal peaked stone riprap, stone hardpoints, stream barbs, and rock riffles will be approved by the Applicant, the IL EPA, and the Illinois Department of Natural Resources, Office of Water Resources (IDNR-ORC). Several general restrictions must be met for all bank stabilization projects; a partial list of these restrictions is listed below:

- Total affected length of shoreline, stream bank, or channel to be protected shall not exceed 2000’
- Only reaches experiencing erosion are covered under this regional permit
- Does not authorize activities such as stream channelization or channel modifications
- Fill material consisting of only clean, uncontaminated materials shall be properly sized and anchored to resist anticipated forces of current and wave action
- Disturbance of vegetation kept to a minimum during construction to prevent erosion and sedimentation
- Does not authorize discharge of fill into wetland areas
- IDNR-ORC or the Corps may require an individual permit on a case-by-case basis

Information used in this review was obtained from the Applicant in a document entitled Regional Permit 16 Bank Stabilization Activities in the State of Illinois dated June 2020.

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

The Regional Permit 16 may be applied to those water bodies within the boundaries of the U.S. Army Corps of Engineers (Corps), Rock Island, St. Louis, and Memphis Districts. These water bodies are General Use waters within the State of Illinois. This permit does not apply to water bodies within the boundaries of the Corps Chicago and Louisville Districts.

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

The pollutant load increase that would occur from this project include some possible increases in total suspended solids. These increases, a normal and unavoidable result of bank stabilization may occur at the point of the activity. Negative impacts to aquatic life uses should be minimal.

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

The increase in suspended solids will be local and temporary. Projects authorized under the proposed permit will repair and stabilize streambanks using a variety of methods throughout the State of Illinois.

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

The primary purpose of this project is to reduce the amount of shoreline, streambank, and channel erosion in waters of the United States within the State of Illinois.

### **Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.**

The assessment of the activities allowed under the reissuance of 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.

### **Agency Conclusion**

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 assessment was written. We tentatively find that the renewal of Regional Permit 16 proposed for general 401 Water Quality Certification, with applicable special conditions, would have minimal individual and cumulative impacts on the aquatic resources within the State of Illinois. These activities are therefore compliant with the antidegradation standard and no further evaluation under 35 Ill. Adm. Code 302.105 (antidegradation standard) will be required. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-3362

## DRAFT

U. S. Army Corps of Engineers,  
Attn: Regulatory Branch  
Rock Island District  
Clock Tower Building  
P.O. Box 2004  
Rock Island, IL 61204-2004

U.S. Army Corps of Engineers,  
Attn: Regulatory Branch  
St. Louis District  
1222 Spruce Street  
St. Louis, MO 63103-2833

U.S. Army Corps of Engineers,  
Attn: Regulatory Branch  
Memphis District  
167 North Main, B-202  
Memphis, TN 38103-1894

Re: U.S. Army Corps of Engineers: Rock Island District, St. Louis District, and Memphis District  
Re-Issuance of Regional Permit 16 Bank Stabilization Activities  
Log # C-0162-20 [CoE appl. # CEMVR-OD-P-2020-0691]

Gentlemen:

This Agency received a request on June 19, 2020 from U.S. Army Corps of Engineers, Rock Island District, St. Louis District, and Memphis District requesting necessary comments concerning the re-issuance of Regional Permit 16 Bank Stabilization Activities in the State of Illinois. We offer the following comments.

Based on the information included in this submittal, it is our engineering judgment that bank stabilization activities authorized by this regional permit may be completed without causing water pollution as defined in the Illinois Environmental Protection Act, provided the project is carefully planned and supervised.

These comments are directed at the effect on water quality of the construction procedures involved with bank stabilization activities and are not an approval of any discharge resulting from the completed activity, nor an approval of the design of the facility. These comments do not supplant any permit responsibilities of the applicant toward the Agency.

This Agency hereby issues certification under Section 401 of the Clean Water Act (PL 95-217) and 35 Ill. Adm. Code 395.401(b), subject to the applicant's compliance with the following conditions:

- 1) The applicant shall not cause:
  - a. a violation of applicable water quality standards of the Illinois Pollution Control Board Title 35, Subtitle C: Water Pollution Rules and Regulation;
  - b. water pollution defined and prohibited by the Illinois Environmental Protection Act;
  - c. interference with water use practices near public recreation areas or water supply intakes;
  - d. a violation of applicable provisions of the Illinois Environmental Protection Act;
- 2) The applicant shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.

**DRAFT**

- 3) An individual 401 water quality certification will be required for any activities permitted under this Regional Permit for discharges to waters designated by the State of Illinois as Outstanding Resource Waters under 35 Ill. Adm. Code 302.105(b).
- 4) Projects requiring authorization under Section 404 of the Clean Water Act must implement Best Management Practices (BMPs) to protect water quality, preserve natural hydrology and minimize the overall impacts to aquatic resources during and after construction. If the project involves a water with an approved Total Maximum Daily Load (TMDL) allocation for any parameter, measures which ensure consistency with the assumption and requirements of the TMDL shall be included. TMDL program information and water listings are available at <https://www.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/default.aspx>. If the project involves an impaired water listed on the Illinois Environmental Protection Agency's Section 303(d) list for suspended solids, turbidity, or siltation, measures designed for at least a 25-year, 24-hour rainfall event shall be incorporated. Impaired waters are identified at <https://www.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/303d-list.aspx>.
- 5) Prior to proceeding with any work in accordance with this Regional Permit, potential impacts to threatened or endangered species shall be identified through use of the State's Ecological Compliance Assessment Tool (EcoCAT) at <http://dnrecocat.state.il.us/ecopublic/>. If potential impacts to State threatened or endangered species are identified, the Illinois Department of Natural Resources shall be consulted with.
- 6) Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area that is in compliance with all State statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by the Illinois EPA. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 7) All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent soil erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching to prevent transport of sediment and materials to adjoining wetlands and downstream. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining a NPDES Storm Water Permit under the federal Clean Water Act prior to initiating construction if the construction activity associated with the project will result in the disturbance of one (1) or more acres, total land area. A NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the IEPA's Division of Water Pollution Control, Permit Section.
- 8) Asphalt, bituminous material and concrete with protruding material such as reinforcing bar or mesh shall not be 1) used for backfill, 2) placed on shorelines/stream banks, or 3) placed in waters of the State.
- 9) The applicant shall implement all necessary sedimentation and erosion control measures consistent with the current version of the "Illinois Urban Manual" found at <https://illinoisurbanmanual.org/>.

**DRAFT**

- 10) The fill material used for temporary work areas in waters of the State shall be predominantly sand or larger size material, with <20% passing a #230 U. S. sieve.

Should you have any questions or comments regarding the content of this letter, please contact Francisco J. Herrera at 217-782-3362.

Sincerely,

Darin E. LeCrone, P. E.  
Manager, Industrial Unit, Permit Section  
Division of Water Pollution Control

DEL:FJH:C-0162-20.docx

cc: IEPA, Records Unit  
CoE, Chicago District  
CoE, Louisville District (Indianapolis Office)  
CoE, Louisville District (Newburgh Office)  
IEPA, DWPC, FOS, Des Plaines  
IEPA, DWPC, FOS, Peoria  
IEPA, DWPC, FOS, Champaign  
IEPA, DWPC, FOS, Springfield  
IEPA, DWPC, FOS, Collinsville  
IEPA, DWPC, FOS, Marion  
IDNR, OWR, Springfield  
USEPA, Region 5