

**Illinois Environmental Protection Agency  
Bureau of Water, Permit Section  
(IEPA)**

1021 North Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276, 217/782-3362

The IEPA has issued a Public Notice of a request for a Clean Water Act Section 401 water quality certification that would allow the issuance of a federal permit for the discharge of pollutants to waters of the State.

**Public Notice Beginning Date:**

Monday, January 10, 2022

**Public Notice Ending Date:**

Monday, January 31, 2022

**Agency Log No.:C-0234-21**

**Federal Permit Information:** Federal permit/license no. CEMVR-RD-2021-1227 is under the jurisdiction of Rock Island District, Regulatory Branch U.S. Army Corps of Engineers

**Name and Address of Discharger:** :U.S. Army Corps of Engineers, Rock Island District, ATTN: OD-P, ATTN: Mrs. Jackie M. Groves - Clock Tower Building, Post Office Box 2004, Rock Island, IL 61204-2004

**Discharge Location:** In Section 35 of Township 18-North and Range 2-West of the West 4th Principal Meridian in Rock Island County. Additional project location information includes the following: Applicable to the whole state, Rock Island, IL 61201

**Name of Receiving Water:** All Waters of the State

**Project Description:** Proposed Issuance of General Permit 38 Linear Transportation Crossings in the State of Illinois

**Construction Schedule:** Unknown at this time

The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters must provide their name and address along with comments on the certification request. The IEPA Log number must appear on each comment page. Commenters may include a request for public hearing. Only hearing requests and comments that pertain to Clean Water Act Section 401 authority will be considered. This authority provides consideration of whether the permit or license would be consistent with Sections 301, 302, 303, 306, or 307 of the CWA, as well as "any other appropriate requirement of State [or tribal] law". Requests for additional comment period must provide a demonstration of need. The final day of comment acceptance will be on the Public Notice Ending date shown above, unless the IEPA grants an extended notice period.

The attached Fact Sheet provides a detailed description of the project and the findings of the IEPA's antidegradation assessment.

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 see the contact information below.

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Phone: 217/782-3362

Post Document. No. C-0234-21-01102022-PublicNoticeAndFactSheet.pdf

Antidegradation Assessment Review for a 401 Water Quality Certification for Reissuance of Regional Permit 38 – Linear Transportation Crossings  
IEPA Log No. C-0234-21  
Various County  
Contact: Angie Sutton 217-782-9864

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The U.S. Army Corps of Engineers (Corps) Rock Island District in conjunction with the St. Louis, Louisville, Chicago, and Memphis Districts, (“Applicant”) have applied for a 401 Water Quality Certification and reissuance of Regional Permit 38 for impacts associated with the placement of dredged or fill material associated with bridge construction activities in waters of the United States within the State of Illinois. This regional permit, originally issued on May 17, 1983, has been reissued approximately every 5 years and expired on October 21, 2021. Based on information provided from the Rock Island District, approximately 2 road projects were authorized in the Rock Island District over the period spanning from October 21, 2016 to October 21, 2021. The proposed Regional General Permit 38 (RP38) would be effective in all areas within the regulatory boundaries of the Rock Island, St. Louis, Chicago, Louisville and Memphis Districts of the Corps of Engineers. The regional permit could be utilized for linear transportation projects that meet the current conditions of Nationwide Permit 14. The regional permit would also authorize certain discharges of dredged or fill material that currently exceed the limitations of Nationwide Permit 14.

#### **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 2 acres of water of the United States. (B.) Temporary fills for construction are authorized. (C.) The affected reach of stream must occur within 1000 feet upstream and downstream of the centerline of the roadway (existing channel length), with a maximum distance of existing channel length permanently impacted not to exceed 2,000 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, St. Louis, Chicago, Louisville and Memphis Districts of the Corps of Engineers. 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 2 acres of wetland area and 2,000 feet of jurisdictional stream may be permanently impacted through the discharge of dredged or fill material in conjunction with each road crossing project. Compensatory wetland mitigation is required 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 33CFR Parts 325 and 332 and 401 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.**

The pollutant load increases that would occur from activities authorized under the proposed permit include some possible increases in total suspended solids. These increases, a normal and unavoidable result of linear transportation crossing construction, may occur at the point of the activity. 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 and 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. 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 erosion control measures that will be installed to provide continuous control throughout the construction and post construction period. Flows from the site are to be maintained to existing conditions or less. 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.

### **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 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.

### **Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities**

Per a Memorandum of Understanding (“MOU”) between the Illinois Department of Natural Resources (“IDNR”) and the Illinois Department of Transportation (“IDOT”), IDOT Bureau of Design & Environment will continue to review all IDOT’s projects for potential conflicts with Illinois endangered and threatened species, sites listed on the Illinois Natural Areas Inventory (“INI”), and wetlands in the vicinity of IDOT project areas. If any conflicts are identified IDOT will work with IDNR to resolve the conflicts before the project would be allowed to proceed. The 401 water quality certification will be conditioned to require compliance with 17 Ill. Adm. Code Part 1075.

### **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 the assessment was written. We tentatively find that the proposed issuance of Regional Permit 38 with general 401 water quality certification, with appropriate 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.