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:	**Public Notice Ending Date:**
Wednesday, March 5, 2025	Thursday, April 3, 2025

Agency Log No.: C-0141-24

Federal Permit Information: Proffered by Rock Island District, Regulatory Branch U.S. Army Corps of Engineers and as adopted by other USACE Districts in Illinois

Name and Address of Discharger: Permittees as would be eligible under the terms of the proffered General Permit

Discharge Location: Within areas of the State of Illinois approved for coverage by the federal permitting agency and as further limited or specified by the proffered General Permit and the herein discussed draft Illinois EPA water quality certification.

Name of Receiving Water: All Waters of the United States under jurisdiction of the Rock Island District

Project Name/Description: New Regional General Permit 48 - Residential Developments In the State of Illinois - proposed new Regional General Permit (RGP) for the activities required for the construction, expansion, modification, or improvements of residential developments of a single residence, a multiple unit residential development, or a residential subdivision, which result in a total loss of up to 2.0 acre of WOTUS including the loss of up to 1,000 linear feet of stream bed.

Construction Schedule: Not identified

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.

Name: Darren Gove Email: Darren.Gove@illinois.gov Phone: 217/782-3362

Post Document. No. C-0141-24-03052025-PublicNoticeAndFactSheet.pdf

401 Water Quality Certification Fact Sheet for Regional General Permits 48 and 49

IEPA Log No. C-0141-24 and C-0142-24

Contact: Angie Sutton 217-782-9864

The U.S. Army Corps of Engineers, Rock Island District (USACE) has proposed issuance of Regional General Permits 48 and 49 that will authorize work in waters of the United States (WOUS), including rivers, lakes, streams, and wetland areas, associated with activities required for the construction, expansion, modification, or improvement of residential, and commercial and institutional developments in all WOUS within the regulatory boundaries of the Rock Island District.

The Regional General Permits (RGP) authorize activities as follows:

RGP 48 Construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features include (but are not limited to) roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreational facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

- For residential subdivisions, the total loss of WOUS cannot exceed 2 Ac, including the loss of up to 1000 linear feet (LF) of stream bed. This includes any loss of WOUS associated with development of individual subdivision lots.
- The project must be a single and complete project. The maximum impact limitations will be applied on a cumulative basis for activities that are part of a larger common plan of development or sale.

RGP 49 Construction, expansion, modification, or improvement of commercial and institutional developments, including associated infrastructure and attendant features. Activities may include, but are not limited to, building foundations and pads, roads, parking lots, garages, yards, utility lines, stormwater management facilities, septic systems, and wastewater treatment facilities. Examples of commercial developments include (but are not limited to) retail stores, industrial facilities, restaurants, hotels, stadiums, arenas, business parks, and shopping centers. Examples of institutional developments include (but are not limited to) schools, fire stations, government office buildings, judicial buildings, public works building, libraries, hospitals, and places of worship.

- The total loss of WOUS cannot exceed 1000 linear feet (LF) of stream bed. The loss of stream bed plus any other losses of jurisdictional wetlands and waters as a result of the activity cannot exceed a combined total loss of 2.0 Ac of WOUS.
- The project must be a single and complete project. The maximum impact limitations will be applied on a cumulative basis for activities that are part of a larger common plan of development or sale.

Special conditions have also been proposed in these RGPs that: require clean, appropriately graded, sized, placed, and maintained fill materials; authorizes temporary structures, fill and work, necessary to perform, authorized activities with minimum impacts necessary to achieve project objectives including removal of temporary impacts within 30 days that they are no longer needed for construction activities, disposal of temporary fill, cleared vegetation, and construction debris at an upland area or licensed landfill, non-erodible

temporary fills, and return of temporarily impacted areas to pre-construction contours with native revegetation; require heavy equipment usage in wetland area to minimize soil disturbance and compaction; require spoil material not be returned to waterway or wetlands and backfill with clean material; stormwater detention/retention basins are authorized, but regulatory authority/designation is not changed when constructed in WOUS. Further, mitigation for wetland losses greater than 0.1 Ac and/or stream losses greater than 300 LF and/or 0.03 Ac streambed impacts may be required. Stormwater basins cannot be used for compensatory mitigation; restricts activity which may disrupt indigenous aquatic life species life cycle movements including all waterbody crossings to be constructed or designed to maintain low flows to sustain movement of aquatic species; restrict activities in areas of concentrated shellfish populations and avoid spawning areas to the maximum extent practicable; requires minimization of adverse effects from accelerated or restricted flow as a result of creation of an impoundment of water from the activity; requires the pre-construction conditions of open waters be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossing. The activity must be constructed to withstand expected high flows and not restrict or impede the passage of normal or high flows unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment.

Temporary impacts/restoration requirements include replanting of construction right-of-way (ROW), reconstruction and revegetation (if not armored) of side slopes of new channels no steeper than 2:1, and storage of wetland topsoil after removal for use in re-establishment.

Identification and Characterization of the Affected Water Body

The Regional General Permits 48 and 49 may be applied to those water bodies within the boundaries of the Rock Island District of the Corps of Engineers. These water bodies are General Use waters within the State of Illinois.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses

Activities proposed would result in minimal adverse impacts to Waters of the US. They are unlikely to result in a change in the existing uses of a water body. Projects requiring work in biologically significant streams must obtain an individual 401 certification unless the project meets the special condition provided in the Agency's 401 certification for protection of these resources.

Fate and Effect of Parameters Proposed for Increased Loading.

Mitigation requirements for the proposed RGPs 48 and 49 include compensatory mitigation if permanent wetland loss exceeds 0.1 Ac or for stream losses greater than 300 LF and /or 0.03 Ac of streambed. Mitigation must offset unavoidable impacts or losses to regulated WOUS. Permanent stream losses greater than 300 LF and/or 0.03 Ac require completion of the Illinois Stream Mitigation Method (ISMM) to determine adequate compensatory stream mitigation.

The Agency proposes to grant certification under CWA Section 401 for the activities described under the

RGPs 48 and 49 subject to the following terms and conditions:

Water quality certification pursuant to Section 401 of the federal Clean Water Act is hereby denied, and an individual (case-specific) water quality certification shall be required for an RGP 48 and 49 issued as an authorization to carry out proposed activities, that would result in any of the following:

1. Permanent impacts to jurisdictional surfaces waters that, in the aggregate, cause the loss of greater than 0.5 acres of any open water body, wetland or stream corridor as measured from bank to bank at the ordinary high-water mark, or any adverse impact to a stream including relocation or bank stabilization that exceeds 300 linear feet, as measured along the stream channel, except that this limit shall be 1000 linear feet for in-place stream bank stabilization activities that employ bioengineering practices in lieu of structural practices. Enclosures of free-flowing stream segments are not approved, unless such enclosures are for transportation crossings associated with the proposed activity and are limited to 60 feet per crossing, is measured along the stream channel, and do not exceed the cumulative 300 linear foot adverse impact limit.

2. Discharge of dredged or fill materials to waters designated by the State of Illinois as waters of particular biological significance or Outstanding Resource Waters under 35 Ill. Adm. Code 302.105(b). Biologically Significant Streams (BSS) are cataloged in Illinois DNR's publication "Integrating Multiple Taxa in a Biological Stream Rating System" and may be identified at: https://www2.illinois.gov/dnr/conservation/BiologicalStreamratings/Pages/default.aspx.

3. Discharge of dredged or fill materials that may directly or indirectly result in the temporary or permanent increase of a pollutant parameter, such as suspended solids, chloride, or phosphorus, or deterioration of any water quality related parameter, such as dissolved oxygen, pH, and stream or flow alterations, where such parameter has been designated as a potential cause of water quality use impairment within the same waterbody segment as where the proposed discharge will occur. For purposes of this condition, water quality use impairments shall be determined by using the most recent Illinois Integrated Water Quality Report and Section 303(d) List found at: https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/303dlist.aspx.

Certification Conditions

1. State listed threatened and endangered species. Potential impacts to State threatened or endangered species and Natural Areas shall be determined in accordance with applicable consultation procedures established under 17 Ill. Admin Code Part 1075. The Department of Natural Resources (IDNR) Ecological Compliance Assessment Tool (EcoCAT). If IDNR determines that adverse impacts to protected natural resources are likely, the applicant shall address those identified concerns with IDNR through the consultation process.

2. Permitted activities that may directly or indirectly result in the temporary or permanent increase of a pollutant parameter, or deterioration of any water quality parameter, such as pH or dissolved oxygen, where such pollutant or parameter is addressed by a USEPA approved Total Maximum Daily Load (TMDL) report for the receiving water body shall develop and implement a plan that addresses

necessary additional measures, procedures, and pollution controls that will ensure that the permitted activity will remain in compliance with the waste load allocations, assumptions and requirements of the TMDL report during construction and operation of the activity. TMDL reports can be found at https://epa.illinois.gov/topics/water-quality/watershed-management/tmdls/reports.html.

3. Permitted activities shall not cause violation of applicable water quality standards of the Illinois Pollution Control Board or interference with existing water use practices near public recreation areas or water supply intakes. The permittee shall also minimize the total amount of unstabilized land surface at any given time during the project development so as to minimize incidental sediment loading to the maximum extent possible.

4. During construction and until permanent stabilization is established, the permittee shall implement all necessary sedimentation and erosion control measures and Best Management Practices (BMPs) consistent with the current "Illinois Urban Manual". Measures to prevent erosion during construction shall be taken and may include installation of sedimentation basins, silt fencing and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions, and all areas affected by construction shall be seeded and stabilized as soon after construction as possible.

5. The permittee shall be responsible for obtaining an NPDES Storm Water Permit required by the federal Clean Water Act prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section or by visiting the following website: https://www2.illinois.gov/epa/topics/forms/water-permits/storm-water/Pages/construction.aspx

6. For development activities not subject to requirements of an existing Multiple Separate Storm Sewer System (MS4) permit or qualifying local program as defined at 40 CFR 122.34(c), a stormwater management plan shall be developed and implemented to address stormwater runoff from all impervious areas of development. The plan shall provide water quality treatment and erosion prevention to the maximum extent practicable to avoid pollutant loading associated with urban runoff and to reduce or delay peak flow and volume of runoff by holding stormwater on-site, encouraging infiltration, enhancing evapotranspiration, or similar practices consistent with drainage and detention principles in Nonpoint Source Pollution Control Processes and Planning Principles of the "Illinois Urban Manual" (https://illinoisurbanmanual.org/).

7. The permittee shall be responsible for obtaining all necessary permits to construct sanitary sewers, water mains, water treatment plants, wastewater treatment plants and related facilities prior to construction.

8. Permanent stream channel relocation activities shall be carefully planned in accordance with Construction Specification No. 760 of the "Illinois Urban Manual" or as otherwise necessary to ensure that a fully stabilized stream channel has been completed prior to the introduction of normal stream flows. All segments of the new stream channel including upstream and downstream transition points shall be capable of withstanding erosive forces of expected stream flows to prevent unnatural turbidity and sedimentation within and downstream of the project activity. Diversion of flow to the new channel shall be timed to coordinate with seasonal low flows to the maximum extent possible. Removal of water from the stream channel during development may be completed only in accordance with construction site dewatering requirements pursuant to this certification.

9. The permittee shall ensure that a spill avoidance and response plan has been developed and implemented for management of accidental releases of petroleum, oil, and lubricant products to the aquatic environment during construction and for emergency notification of applicable downstream water supply operators. Absorbent pads, containment booms and skimmers shall be available to facilitate the cleanup of petroleum spills. If floating hydrocarbon (oil and gas) products are observed, the applicant or his designated individual will be responsible for directing that work be halted so that appropriate corrective measures including notification are taken in accordance with the plan prior to resuming work. Immediate telephone notification to Illinois Emergency Management Agency (1-800-782-7860) shall be given by the permittee when a release equal to or exceeding the reportable quantity of an extremely hazardous substance or a CERCLA hazardous substance occurs.

10. All hydraulic machinery utilized for the permitted activity and used in or immediately adjacent to waters of the State shall utilize biodegradable or bio-based hydraulic fluids to minimize pollution in the case of broken or leaking hydraulic equipment.

11. Temporary work pads, cofferdams, access roads and other temporary fills are approved provided that such activities are constructed with clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, prefabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities. Temporary fills within streams, creeks or rivers shall utilize adequate flow diversion measures to maintain normal stream flow during construction. Temporary stream diversion activities shall incorporate Best Management Practices in accordance with Practice Standard no. 976 of the current edition of the "Illinois Urban Manual" or as otherwise appropriate to prevent side channel erosion, and to ensure that adverse impacts to water quality, habitat, and aquatic life are minimized to the maximum extent possible. Wetlands that are that are temporarily impacted due to underground installations shall be backfilled to the extent practicable, with the upper six (6) to twelve (12) inches using wetland topsoil obtained during excavation.

12. Dewatering of a construction site is authorized provided the dewatering activity is limited to the immediate work area within a cofferdam or otherwise isolated from waters of the State, and the work site is free from sources of contamination including those of natural origin. Dewatering activities shall incorporate Best Management Practices in accordance with Practice Standard no. 813 of the current edition of the "Illinois Urban Manual" or as otherwise appropriate to ensure that

return flows from the dewatering activity are free of unnatural turbidity and floating debris and meet applicable water quality standards. Dewatering or discharge of flush water from construction of drilled piers or boreholes is not authorized and must be conducted in accordance with an NPDES permit issued by the Illinois EPA.

13. Any spoil material excavated, dredged, or otherwise produced, unless intended to be part of an engineered embankment or shoreline stabilization plan having stabilization practices sufficient to prevent erosion into the waterbody and does not cause or tend to cause dissolved or suspended pollutant loadings, must not be returned to the water body or placed in contact with waters of the State, but must be deposited in a self-contained area in compliance with all state statutes. Any backfilling shall be done with clean material that is predominantly sand or larger size material, with no more than 20% passing a #230 U. S. sieve and placed in a manner to prevent violation of applicable water quality standards.

14. The following materials are not permissible under this § 401 water quality certification for contact with waters of the State because of their potential to cause or tend to cause water pollution:
    a. Soil or quarried materials having considerable fine-grained content and potential for resuspension (more than 20% passing a #230 U. S. sieve)
    b. Asphaltic materials or concrete with protruding reinforcement materials.
    c. Uncured concrete placed without containment or forms adequate to prevent mixing with surface waters.
    d. Treated wood or timber products.
    e. Any material that may cause water pollution as defined by the Illinois Environmental Protection Act.

15. Restoration of impacted riparian areas should be implemented immediately to reestablish stable conditions and water quality protections. The permittee shall be responsible for minimizing disturbances to riparian areas and for carrying out a plan for periodic post-stabilization inspections to ensure effective riparian area restoration has occurred.

Compensatory mitigation for permanent losses of surface waters and aquatic habitat would be required in accordance with the RGPs general conditions. Compensatory mitigation at a minimum one-to-one ratio will be required for all wetland losses that exceed 1/10-acre, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate, or the adverse environmental effects of the proposed activity are no more than minimal. For wetland losses of 1/10 acre or less, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation at a minimum one-to-one ratio will be required for all losses of stream bed that exceed 3/100-acre, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate, or the adverse environmental effects of the proposed activity are no more than minimal. For losses of stream bed of 3/100-acre or less, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable,

through stream rehabilitation, enhancement, or preservation since streams are difficult to replace resources (see 33 CFR 332.3(e)(3)).

Purpose and Anticipated Benefits of the Proposed Activity

Projects authorized under the proposed permits will authorize work in waters of the United States (WOUS), including rivers, lakes, streams, and wetland areas, associated with activities required for the construction, expansion, modification, or improvement of residential, and commercial and institutional developments.

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 minimizes environmental degradation.

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

The general permit will require proof that the proposed activity has undergone consultation with the Illinois Department of Natural Resources via the Ecological Compliance Assessment Tool (EcoCAT) prior to issuance of the general permit.

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 Regional Permits 48 and 49 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. Projects requiring work in biologically significant streams must obtain an individual 401 certification unless the project meets the special condition provided in the Agency's 401 certification for protection of these resources. 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.