

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

2520 West Iles, 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:

Wednesday, August 20, 2025

Public Notice Ending Date:

Tuesday, September 9, 2025

Agency Log No.: C-0183-25

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 Water of the United States under jurisdiction of the Rock Island, St. Louis, and Memphis Districts

Project Name/Description: Regional General Permit 16 Renewal - Fill Material Placed in Waters of the United States for Bank Stabilization Activities in the States of Illinois - proposed reauthorization of a regional permit for bank stabilization activities for a period of 5 years to begin around October 15, 2025

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.

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Post Document. No. C-0183-25-08202025-PublicNoticeAndFactSheet.pdf

401 Water Quality Certification Fact Sheet for Regional Permit 16 – Bank Stabilization Activities in IL

IEPA Log No. C-0183-25

Contact: Angie Sutton 217-782-9864

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, in counties under the above-mentioned Districts’ jurisdictions. This regional permit, originally issued on May 17, 1983, has been reissued approximately every 5 years and is set to expire on October 14, 2025. In the past five years, there have been 150 projects authorized with this regional permit within the State of 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, channel defining structures, and grade control structures will be authorized under this regional permit. Any design projects not specifically listed must be approved by 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 covered by this Corp’s regional permit; a partial list of these restrictions is listed below:

- Total affected length of shoreline, stream bank, or channel to be protected shall not exceed 2500 feet in length
- Permanent loss of wetland is authorized up to 0.5 Acres (Ac) with compensatory mitigation required at 0.1 Ac.
- Only reaches experiencing erosion are covered under this regional permit.
- Does not authorize activities such as stream channelization, channel modifications, placement of materials other than on an area of eroded bank, and projects which conflict with a Federal, state, or local project or improvement.
- Material placement shall not cause erosion or debris accumulation and shall be placed so that the modified channel will conform to or be no more restrictive than the natural channel.
- 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 shall be kept to a minimum during construction to prevent erosion and sedimentation.
- Excess material excavated during the construction of bank or shoreline protection shall be placed in accordance with local, state, and Federal laws.
- This RP does not authorize any activity that would conflict with a Corps civil works project’s congressionally authorized purposes, established limitations or restrictions, or limit an agency’s ability to conduct necessary operation and maintenance functions.
- The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the

navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States.

- The District Engineer (DE) may require an individual permit on a case-by-case basis.
- If the Illinois Department of Natural Resources, Office of Water Resources, (IDNR/OWR) or the Corps of Engineers determines that the bank stabilization obstructs or impairs navigation, or in any way infringes on the rights or interests of the public or any individual party, the permittee agrees to make necessary modifications to the project as determined by the IDNR/OWR or the Corps of Engineers.
- The project proponent must notify the appropriate public or private utility in advance of any work within 250 feet of an underground utility so that the utility is not damaged during construction activities.

Information used in this review was obtained from the Applicant in a document entitled Regional Permit 16 Fill Materials Placed Waters of the United States for Bank Stabilization Activities in the State of Illinois and the U.S. Corps of Engineers Public Notice published April 10, 2025.

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 waterbodies in counties under the jurisdiction the Chicago or Louisville Districts.

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

The pollutant load increases 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.

Each project will be reviewed for avoidance and minimization measures. There is a limit up to 2,500 linear feet (LF) of stream impact for this Regional Permit. If armoring opposite banks of the same waterway, there is a limit of a maximum of 1,250 linear feet of armoring per bank and the armoring must end at the toe of the bank to prevent channelization. Permanent loss of wetland is limited to 0.5 acres with compensatory mitigation required at 0.1 acres. The design specifications section of the permit provides additional limits; however, IEPA's 401 certification will require an individual certification for activities that propose impacts to 1,000 LF or more of stream, as measured along the stream corridor.

The Antidegradation Assessment finds that the activities proposed for general 401 water quality certification, when conducted in a manner that is consistent with the terms and conditions of the Nationwide permits and the proposed 401 regional conditions, will be fully protective of all existing uses, and impacts will be mitigated at 0.1 Ac.

Activities described under the Regional Permit 16 procedures, apart from those activities which must obtain case-specific water quality certification as outlined above or for those permit applicants that do not accept or cannot meet the General Conditions, are hereby granted water quality certification subject to conditions pursuant to Section 401 of the federal Clean Water Act provided that the thirteen (13) water quality based conditions are incorporated into the federal authorization pursuant to CWA Section 404.

- 1) Pursuant to 35 Ill. Admin. Code Sections 395.401(a) and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for impacts to waters of the State associated with bank stabilization activities that exceed 1,000 linear feet, as measured along the length of the stream corridor.
- 2) Pursuant to 35 Ill. Admin. Code Section 302.105(d)(6), 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 waters of particular biological significance or Outstanding Resource Waters under 35 Ill. Adm. Code 302.105(b). Except that, for Biological Significant Streams (BSS), an individual certification shall not be required for activities that exclusively employ bioengineering techniques in accordance with Condition No. 1, in lieu of structural practices and otherwise meets all requirements of this certification. 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) Pursuant to 35 Ill. Admin. Code Section 302.105(f)(1)(F), prior to proceeding with any work in accordance with this Regional Permit, 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) is available to complete consultation at <http://dnr.illinois.gov/EcoPublic/>. 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. Please contact IDNR, Impact Assessment Section at 217-785-5500 if you have any questions regarding consultation.
- 4) Pursuant to 35 Ill. Admin. Code Sections 302.105(a), 302.105(c)(2)(B), and 395.401(a), activities permitted under this Regional Permit that may cause a discharge that, whether temporarily or permanently, may cause or contribute to additional loading of any pollutant, 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 additional

measures and or procedures which ensure consistency with the load allocations, assumptions and requirements of the TMDL report. TMDL program information and water listings are available at <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/reports.aspx>.

- 5) Pursuant to the Illinois Environmental Protection Act Section 39(a)[415 ILCS 5/39(a)] and 35 Ill. Admin. Code Sections 302.203 and 395.402(b)(2), the applicant shall implement all necessary sedimentation and erosion control measures consistent with the current edition of the "Illinois Urban Manual" found at <https://illinoisurbanmanual.org/>. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins, silt fencing and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. All areas affected by construction shall be seeded and stabilized as soon after construction as possible.
- 6) Pursuant to the Illinois Environmental Protection Act Section 39(a)[415 ILCS 5/39(a)] and 35 Ill. Admin. Code Section 395.402(b)(2), the applicant 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 (one) or more acres, total land area. An NPDES Storm Water Permit may be applied for at <https://www2.illinois.gov/epa/topics/forms/water-permits/storm-water/Pages/construction.aspx>.
- 7) Pursuant to 35 Ill. Admin. Code Sections 395.401, 302.203 and 302.208, the applicant 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 are taken in accordance with the plan prior to resuming work.
- 8) Pursuant to 35 Ill. Admin. Code Sections 302.203, 302.304, and 302.515, 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.
- 9) Pursuant to 35 Ill. Admin. Code Sections 302.203, 395.204, and 395.401(b), 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, pre-fabricated 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 bypass measures (i.e. dam and pump, flumes, culverts, etc.) to minimize sedimentation and erosion and to maintain normal stream flow during construction.

- 10) Pursuant to Illinois Environmental Protection Act Section 39(a)[415 ILCS 5/39(a)] and 35 Ill. Admin. Code Section 395.402(b)(2), 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 the current edition of the “Illinois Urban Manual” <https://illinoisurbanmanual.org/>. Practice Standard for Dewatering (no. 813) 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.
- 11) Pursuant to 35 Ill. Admin. Code Sections 302.203, 302.208, and 395.401(b), any spoil material excavated, dredged or otherwise produced must not be returned to the water body but must be deposited in a self-contained area in compliance with all state statutes. Except as specifically allowed by special condition, any backfilling must 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.
- 12) Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), asphalt, bituminous material and concrete with protruding material such as reinforcing bar or mesh shall not be:
- a. used for backfill;
 - b. placed on shorelines/stream banks; or
 - c. placed in waters of the State.
- 13) Pursuant to 35 Ill. Admin. Code Sections 302.203, 302.208, and 395.401(b), the applicant shall consider installing bioengineering practices in lieu of structural practices of bank stabilization to minimize impacts to the lake, pond, river or stream and enhance aquatic habitat. The applicant shall document the selection process for the bank stabilization technique(s) and the basis for the selection of the bank stabilization practices. Bioengineering techniques may include, but are not limited to:
- a. adequately sized riprap or A-Jack structures keyed into the toe of the slope with native plantings on the banks above;
 - b. vegetated geogrids;
 - c. coconut fiber (coir) logs;
 - d. live, woody vegetative cuttings, fascines or stumps;
 - e. brush layering; and
 - f. soil lifts.

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.

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.

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 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.