

**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:

Tuesday, November 4, 2025

Public Notice Ending Date:

Wednesday, December 3, 2025

Agency Log No.: C-0206-25

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:

Project Name/Description: Nationwide Permits Proposal to Reissue and Modify - proposed reissuance of existing Nationwide Permits (NWP) and associated general conditions and definitions with proposed modifications for a small number of NWPs.

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-0206-25-11042025-PublicNoticeAndFactSheet.pdf

401 Water Quality Certification Fact Sheet for Nationwide Permits Renewal

IEPA Log No. C-0206-25

Contact: Angie Sutton 217-782-9864

On June 18, 2025, the U.S. Department of the Army Corps of Engineers (Corps) issued the notice of proposed rulemaking in the Federal Register (90 FR 26100) concerning their determination to reissue and modify the current Nationwide Permits (NWP) that are due to expire on March 15, 2026. According to the Corps, NWPs are a streamlined series of general permits issued by the Corps throughout the U.S. for minor projects in certain areas. All nationwide permits have general conditions which must be met for a project to qualify under the nationwide permit program. Some nationwide permits also require pre-construction notification to the Corps prior to the initiation of any activities. Activities permitted by the Corps through a NWP would fall under their permitting authorities pursuant to Section 404 of the federal Clean Water Act for the discharge of dredged or fill materials into waters of the United States and or Section 10 of the 1899 Rivers and Harbors Act.

Section 404(e) of the Clean Water Act, 33 U.S.C. §1344(e) states the following:

(1) In carrying out his functions relating to the discharge of dredged or fill material under this section, the Secretary may, after notice and opportunity for public hearing, issue general permits on a State, regional, or nationwide basis for any category of activities involving discharges of dredged or fill material if the Secretary determines that the activities in such category are similar in nature, will cause only minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effect on the environment.

Additional information about the proposed and previous NWPs including the June 18 Federal Register posting is available at <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>.

The Corps proposes to reissue fifty-six (56) of the existing NWPs with some modifications, and to issue one new NWP. The proposed new NWP A, if issued, would authorize activities that improve the passage of fish and other aquatic organisms, and other important ecological processes provided the activity does not result in the loss of greater than 1 acre of waters of the United States (WOUS) for each single and complete project. The Illinois Environmental Protection Agency (Agency) is considering general water quality certification pursuant to Section 401 of the Clean Water Act for forty-seven (47) of the proposed NWPs. This Agency is not considering ten (10) of these NWPs because they are authorized exclusively under Section 10 of the 1899 Rivers and Harbors Act and are therefore not subject to Section 401 certification.

The NWP's proposed for renewal that are being considered by Illinois EPA are listed below in Table 1., along with additional information including the number of permits that were issued by the Corps in Illinois over the tallied period and the tentative Section 401 water quality certification (WQC) determination that Illinois EPA is considering. In Table 1., we refer to General Conditions and Special Conditions which are described in the Attachment titled Draft Illinois EPA WQC Determination for 2026 NWP's. The attachment provides the General Conditions and NWP specific Special Conditions the Agency proposes to include in its final determination regarding the proposed NWP's.

Table 1. NWP's Proposed for Renewal

<u>NWP Name</u>	<u>Issued</u>	<u>Tallied Period</u>	<u>IEPA Action</u>
NWP 3 – Maintenance	241	Feb 25, 2022 - Aug 31, 2025	General Conditions
NWP 4 - Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	93	Feb 25, 2022 - Aug 31, 2025	General Conditions
NWP 5 - Scientific Measurement Devices	4	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 6 – Survey Activities	15	Feb 25, 2022 - Aug 31, 2025	General Conditions
NWP 7 – Outfall Structures and Associated Intake Structures	86	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 12 - Oil or Natural Gas Pipeline Activities	182	Mar 15, 2021 - Aug 31, 2025	General and Special Conditions
NWP 13 - Bank Stabilization	370	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 14 - Linear Transportation Projects	857	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 15 – U.S. Coast Guard Approved Bridges	11	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 16 - Return Water from Upland Contained Disposal Areas	24	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 17 - Hydropower Projects	0	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 18 - Minor Discharges	43	Feb 25, 2022 - Aug 31, 2025	General conditions

NWP 19 – Minor Dredging	7	Feb 25, 2022 - Aug 31, 2025	General conditions
NWP 20 - Response Operations for Oil or Hazardous Substances	0	Feb 25, 2022 - Aug 31, 2025	General conditions
NWP 21 - Surface Coal Mining Activities	0	Mar 15, 2021 - Aug 31, 2025	Denial
NWP 22 - Removal of Vessels	3	Feb 25, 2022 - Aug 31, 2025	General conditions
NWP 23 - Approved Categorical Exclusions	8	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 25 - Structural Discharges	3	Feb 25, 2022 - Aug 31, 2025	General conditions
NWP 27 - Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities	130	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 29 - Residential Developments	42	Mar 15, 2021 - Aug 31, 2025	General and Special Conditions
NWP 30 - Moist Soil Management for Wildlife	0	Feb 25, 2022 - Aug 31, 2025	General conditions
NWP 31 - Maintenance of Existing Flood Control Facilities	3	Feb 25, 2022 - Aug 31, 2025	General conditions
NWP 32 - Completed Enforcement Actions	5	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 33 - Temporary Construction, Access, and Dewatering	43	Feb 25, 2022 - Aug 31, 2025	General conditions
NWP 34 - Cranberry Production Activities	0	Feb 25, 2022 - Aug 31, 2025	Denial
NWP 36 - Boat Ramps	19	Feb 25, 2022 - Aug 31, 2025	General conditions
NWP 37 - Emergency Watershed Protection and Rehabilitation	1	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 38 - Cleanup of Hazardous and Toxic Waste	0	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions

NWP 39 - Commercial and Institutional Developments	82	Mar 15, 2021 - Aug 31, 2025	General and Special Conditions
NWP 40 - Agricultural Activities	11	Mar 15, 2021 - Aug 31, 2025	General and Special Conditions
NWP 41 - Reshaping Existing Drainage and Irrigation Ditches	11	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 42 - Recreational Facilities	97	Mar 15, 2021 - Aug 31, 2025	General and Special Conditions
NWP 43 - Stormwater Management Facilities	15	Mar 15, 2021 - Aug 31, 2025	General and Special Conditions
NWP 44 - Mining Activities	0	Mar 15, 2021 - Aug 31, 2025	Denial
NWP 45 - Repair of Uplands Damaged by Discrete Events	0	Feb 25, 2022 - Aug 31, 2025	General conditions
NWP 46 - Discharges in Ditches	0	Feb 25, 2022 - Aug 31, 2025	General conditions
NWP 46 - Discharges in Ditches	0	Feb 25, 2022 - Aug 31, 2025	Denial
NWP 48 - Commercial Shellfish Mariculture Activities	0	Mar 15, 2021 - Aug 31, 2025	Denial
NWP 49 - Coal Remining Activities	0	Feb 25, 2022 - Aug 31, 2025	Denial
NWP 50 - Underground Coal Mining Activities	0	Mar 15, 2021 - Aug 31, 2025	Denial
NWP 51 - Land-Based Renewable Energy Generation Facilities	25	Mar 15, 2021 - Aug 31, 2025	General and Special Conditions
NWP 52 - Water-Based Renewable Energy Generation Pilot Projects	0	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 53 - Removal of Low-Head Dams	0	Feb 25, 2022 - Aug 31, 2025	Denial
NWP 54 - Living Shorelines	0	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions
NWP 57 - Electric Utility Line and Telecommunications Activities	478	Mar 15, 2021 - Aug 31, 2025	General and Special Conditions

NWP 58 - Utility Line Activities for Water and Other Substances	171	Mar 15, 2021 - Aug 31, 2025	General and Special Conditions
NWP 59 - Water Reclamation and Reuse Facilities	0	Feb 25, 2022 - Aug 31, 2025	General and Special Conditions

By providing Section 401 Water Quality Certification for NWPs with either General Conditions only or Special Conditions also, it allows the Corps to issue these permits in a more rapid manner than if an individual WQC were required. However, the requirement for an Individual Section 401 Water Quality Certification would be imposed on any activities covered by NWPs for which this Agency has denied WQC. There are also several WQC coverage exclusions within both the General and Special Conditions. If such an exclusion applies to an activity, an individual WQC request in accordance with 40 CFR 121 would need to be initiated by the applicant. An individual certification would allow the public (through public notice) an opportunity to provide comments related to the project and this Agency's review of the project.

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

Potential load increases associated with the proposed renewed NWPs including the proposed new NWP A would primarily be total suspended solids associated with construction related disturbance of soils or sediments within areas in direct contact with surface waters or from stormwater runoff from adjacent upland areas that have been disturbed by related construction. Title 35 Illinois Administrative Code, Subpart B: General Use Water Quality Standards, states that Waters of the State must be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, and color or turbidity of other than natural origin [Section 302.203 Offensive Conditions]. Turbidity being essentially the same as suspended solids, can decrease the clarity of water, reducing photosynthesis and the function of aquatic plants to produce oxygen. Suspended solids can also cause respiratory distress and other toxic effects on fish because of its ability to diminish dissolved oxygen and increase ammonia concentrations when organic constituents are present in sediments. Solids may also settle out in the receiving stream causing suffocation of sensitive aquatic life species.

To address turbidity/total suspended solids, projects authorized to discharge dredged or fill material under these certified NWPs would be required to use a variety of best management practices (BMPs) to control and minimize resuspension, erosion, and sedimentation so that loadings of total suspended solids would be limited to increases that are local and temporary.

The proposed new NWP A includes discharges of dredged or fill materials into WOUS, and structures or work for crossings associated with proposed activities. The placement of boulders, cobbles, and other sediments may alter the substrate to alter hydraulics to

improve the ability of fish to move through the fish passes. In nature-like fish bypass channels, sediments of various sizes and pieces of large wood may be added to the substrate to mimic the substrate of stream channels to provide habitat for fish, macroinvertebrates, and other aquatic organisms. Boulders, rocks, and logs may be added to the substrate to facilitate the passage of fish and other aquatic organisms. Temporary fills may be placed upon the substrate during construction of authorized activities, but must be removed upon completion of the activity

Identification and Characterization of the Affected Water Body.

The Nationwide Permits regulate activities that may be applied to a variety of water bodies within the boundaries of the U.S. Army Corps of Engineers (Corps) Rock Island, St. Louis, Louisville, Memphis and Chicago Districts. These water bodies are General Use, Upper Dresden Island Pool Aquatic Life Use, Chicago Area Waterway System Aquatic Life Use A, Chicago Area Waterway System and Brandon Pool Aquatic Life Use B, and Secondary Contact, Indigenous Aquatic Life Use Waters and Lake Michigan Basin waters within the State of Illinois.

All impacted wetlands will be required to be fully delineated in accordance with the USACOE's Wetland Delineation Manual. Any impacts to surface waters and/or wetlands will need to be mitigated for in accordance with regulations published in the Federal Register dated April 10, 2008, under 33 CFR Parts 325 and 332 and 40 CFR Part 230 entitled "*Compensatory Mitigation for Losses of Aquatic Resources; Final Rule.*"

Fate and Effect of Parameters Proposed for Increased Loading.

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 including regional conditions for Illinois and the proposed 401 General and Special Conditions, will not result in increases of total suspended solids beyond local and temporary increases, will not cause or contribute to violations of water quality standards of affected water bodies and will be fully protective of all existing uses.

Purpose and Social & Economic Benefits of the Proposed Activity.

A variety of benefits are associated with the activities allowed by the Nationwide Permits. These generally entail improvements in transportation, maintenance of waters for transportation, agricultural, residential, commercial, and recreational development, and restoration of waters for aquatic life uses. This assessment finds that the Nationwide Permit activities proposed for 401 certification will benefit the community at large and that any pollutant loadings associated with such activities are necessary for important social or economic development.

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

The review of the activities allowed under each of the Nationwide Permits proposed for general 401 water quality certification finds that the conditions and limitations defined by the Nationwide Permits and all applicable conditions including Illinois regional conditions and the WQC conditions will assure that all technically and economically reasonable measures to avoid or minimize the extent of the impacts will be incorporated into the proposed activity.

Agency Conclusion.

This preliminary assessment in regard to 401 water quality certification issuance for the U.S. Army Corps of Engineers Nationwide Permits 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 Antidegradation review summary was written. We tentatively find that activities proposed for general 401 water quality certification, with all applicable conditions including Illinois regional conditions and the proposed WQC conditions found on the attachment to this factsheet, would have minimal individual and cumulative impacts on the aquatic resources within the State of Illinois. Comments received during the 401 water quality certification public notice period will be evaluated before a final decision is made by the Agency.

Attachment to Public Notice Fact Sheet

General Conditions 1 through 12 below are applicable to the following nationwide permits:

NWP 3 – Maintenance
NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Device and Activities
NWP 5 – Scientific Measurement Devices
NWP 18 – Minor Discharges
NWP 19 – Minor Dredging
NWP 20 – Response Operations for Oil or Hazardous Substances
NWP 22 – Removal of Vessels
NWP 25 – Structural Discharges
NWP 30 – Moist Soil Management for Wildlife
NWP 31 – Maintenance of Existing Flood Control Facilities
NWP 33 – Temporary Construction, Access and Dewatering
NWP 36 – Boat Ramps
NWP 41 – Reshaping Existing Drainage Ditches
NWP 45 – Repair of Uplands Damaged by Discrete Events
NWP A – Activities to Improve Passage of Fish and Other Aquatic Organisms

General Conditions 1 through 12 below AND the Special Conditions contained in the attachment: Special Conditions for Illinois EPA 401 Water Quality Certifications of Certain Nationwide Permits Concerning Federal Register [Docket Number: COE-2025-0002] Proposal to Reissue and Modify Nationwide Permits dated June 18, 2025, are applicable to the following nationwide permits:

NWP 6 – Survey Activities. Refer to Special Conditions for NWP 6 in Attachment.
NWP 7 – Outfall Structures and Associated Intake Structures. Refer to Special Conditions for NWP 7 in Attachment.
NWP 12 – Oil or Natural Gas Pipeline Activities. Refer to Special Conditions for NWP 12 in Attachment.
NWP 13 – Bank Stabilization. Refer to Special Conditions for NWP 13 in Attachment.
NWP 14 – Linear Transportation Projects. Refer to Special Conditions for NWP 14 in Attachment.
NWP 15 – U.S. Coast Guard Approved Bridges. Refer to Special Conditions for NWP 15 in Attachment.
NWP 16 – Return Water from Upland Contained Disposal Areas. Refer to Special Conditions for NWP 16 in Attachment.
NWP 17 – Hydropower Projects. Refer to Special Conditions for NWP 17 in Attachment.
NWP 23 – Approved Categorical Exclusions. Refer to Special Conditions for NWP 23 in Attachment.

NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities. Refer to Special Conditions for NWP 27 in Attachment.

NWP 29 – Residential Developments. Refer to Special Conditions for NWP 29 in Attachment.

NWP 32 – Completed Enforcement Actions. Refer to Special Conditions for NWP 32 in Attachment.

NWP 37 – Emergency Watershed Protection and Rehabilitation. Refer to Special Conditions for NWP 37 in Attachment.

NWP 38 – Cleanup of Hazardous and Toxic Waste. Refer to Special Conditions for NWP 38 in Attachment.

NWP 39 – Commercial and Institutional Developments. Refer to Special Conditions for NWP 39 in Attachment.

NWP 40 – Agricultural Activities. Refer to Special Conditions for NWP 40 in Attachment.

NWP 42 – Recreational Facilities. Refer to Special Conditions for NWP 42 in Attachment.

NWP 43 – Stormwater Management Facilities. Refer to Special Conditions for NWP 43 in Attachment.

NWP 51 – Land-Based Renewable Energy Generation Facilities. Refer to Special Conditions for NWP 51 in Attachment.

NWP 52 – Water-Based Renewable Energy Generation Pilot Projects. Refer to Special Conditions for NWP 52 in Attachment.

NWP 54 – Living Shorelines. Refer to Special Conditions for NWP 54 in Attachment.

NWP 57 – Electric Utility Line and Telecommunications Activities. Refer to Special Conditions for NWP 57 in Attachment.

NWP 58 – Utility Line Activities for Water and Other Substances. Refer to Special Conditions for NWP 58 in Attachment.

CWA §401 certification is hereby denied with reasons provided in accordance with 401 CFR 121.7 for the following NWP:

NWP 21 – Surface Coal Mining Activities. The Illinois EPA has determined that a case-specific review is warranted for all surface mining activities including carbon extraction because pursuant to 35 Ill. Admin. Code Section 401.102, mining activities are identified as having, when certain refuse materials are used, the capability to cause or threaten to cause a nuisance or render waters harmful or detrimental to public health and to all legitimate uses including but not limited to livestock and wildlife uses. The likelihood that contaminants related to coal extraction, particularly acid producing minerals in mine refuse, would be found within overburden and soil stockpiles and therefore present within fill materials warrant a facility specific antidegradation assessment pursuant to 35 Ill. Admin. Code Section 302.105. Additionally, Illinois' Section 401 implementation rules at 35 Ill. Admin. Code Part 395 regarding material testing exemptions specifically exclude material with known sources of pollution. Therefore, Section 401 certification is denied for this nationwide permit (NWP21).

NWP 34 – Cranberry Production Activities: The Illinois EPA has determined that the area of impact that is allowed by an authorization under this nationwide permit exceeds 1/2 acre. 1/2 acre is determined to be representative of the maximum threshold for minimal degradation of existing uses of aquatic resources. Consequently, any activity authorized under this nationwide permit must be subject to a case-specific antidegradation assessment pursuant to 35 Ill. Admin. Code Section 302.105. Therefore, the Illinois EPA denies 401 certification for NWP 34.

NWP 44 – Mining Activities: The Illinois EPA has determined that a case-specific review is warranted for all surface mining activities because pursuant to 35 Ill. Admin. Code Section 401.102, mining activities are identified as having, when certain refuse materials are used, the capability to cause or threaten to cause a nuisance or render waters harmful or detrimental to public health and to all legitimate uses including but not limited to livestock and wildlife uses. Furthermore, all mining activities are regulated by the Illinois EPA under federal and state statute because of their potential to cause or threaten to cause water pollution. Therefore, for the above reasons, the Illinois EPA denies 401 certification for NWP 44.

NWP 46 – Discharges into Ditches: The Illinois EPA has determined that a case-specific review is warranted for all discharge activities into ditches because of the nationwide permit exceeds the 1/2 acreage determined to be the maximum threshold for minimal degradation of existing uses of aquatic resources. Consequently, any activity authorized under this nationwide permit must be subject to a case-specific antidegradation assessment pursuant to 35 Ill. Admin. Code Section 302.105. Therefore, the Illinois EPA denies 401 certification for NWP 46.

NWP 48 – Commercial Shellfish Mariculture Activities: As proposed, the Illinois EPA believes this nationwide permit is inapplicable to waters of the U.S. that are found within the State of Illinois. Therefore, the Illinois EPA denies 401 certification for NWP 48.

NWP 49 – Coal Remining Activities: By reference to the certification denial explanation for NWP 21, the Illinois EPA denies 401 certification for NWP 49.

NWP 50 – Underground Coal Mining: By reference to the certification denial explanation for NWP 21, the Illinois EPA denies 401 certification for NWP 50.

NWP 53 – Removal of Low-head Dams: The specific conditions and requirements that the Illinois EPA deems necessary to ensure compliance with Illinois Water Quality Standards and antidegradation provisions under 35 Ill. Admin. Code Section 302.105 are not reasonably enforceable by the U.S. Army Corps of Engineers under this nationwide permit. Additionally, the State lacks an established process for the transmittal and review of Pre-Construction Notifications (PCNs), which prevents the Illinois EPA from conducting the case-specific evaluations necessary to ensure that individual dam removal projects do not cause more than minimal degradation or violate water quality standards. Therefore, the Illinois EPA denies 401 water quality certification for NWP 53.

NWP 59 – Water Reclamation and Reuse Facilities: As proposed in the Federal Register, this proposed nationwide permit would appear to allow utilization of existing natural waterbodies as treatment devices. According to 35 Ill. Admin. Code 301.440 such utilization is not permissible. Therefore, the Illinois EPA denies 401 certification for NWP 59.

In addition to the above denials of water quality certification for certain categorical permits, the Illinois EPA notes that an applicant for any NWP for which this Agency has granted general water quality certification, has the duty to make project specific determinations regarding the ability of the project to comply with applicable General or Special Conditions of this water quality certification. Additionally, Special Conditions contained on the attachment: Special Conditions for Illinois EPA 401 Water Quality Certifications of Certain Nationwide Permits Regarding Federal Register [Docket Number: COE-2025-0002] Proposal to Reissue and Modify Nationwide Permits dated June 18, 2025, may result in the denial of certification based on project specific characteristics. These Special Conditions are intended to implement water quality-based limitations or criteria that will, in some cases, cause explicit denial of water quality certification and therefore necessitates that an applicant for a NWP seek individual (case-specific) 401 certification from the Illinois EPA.

General Conditions applicable to all NWP's granted §401 water quality certification

General Condition 1: Waterbodies that Require Individual Certification

Pursuant to 35 Ill. Adm. Code Section 302.105(d)(6), an individual 401 water quality certification will be required for activities permitted under these Nationwide Permits 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). 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://dnr.illinois.gov/conservation/biologicalstreamratings.html>.

General Condition 2: Water Quality Impairments

Pursuant to 35 Ill. Adm. Code Sections 302.105(a), 302.105(c)(2)(B), and 395.401(a), an individual 401 water quality certification will be required for activities permitted under these Nationwide Permits 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 also designated by the State of Illinois as a cause of water quality impairment of the particular segment of the receiving water body according to the Illinois Environmental Protection Agency's Section 303(d) list. The most recent Illinois Integrated Water Quality Report and Section 303(d) List can be found at <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/303d-list.aspx>.

General Condition 3: Threatened and Endangered Species

Pursuant to 35 Ill. Admin. Code Section 302.105(f)(1)(F), prior to proceeding with any work in furtherance of activities permitted under these Nationwide Permits, 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 <https://dnr.illinois.gov/programs/ecocat.html>. 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.

General Condition 4: TMDLs

Pursuant to 35 Ill. Admin. Code Sections 302.105(a), 302.105(c)(2)(B), and 395.401(a), activities permitted under these Nationwide Permits 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://epa.illinois.gov/topics/water-quality/watershed-management/tmdls/reports.html>

General Condition 5: Prohibitions

Pursuant to 35 Ill. Admin. Code Section 395.401(a), the applicant shall not cause:

- a. violation of applicable provisions of the Illinois Environmental Protection Act;
- b. water pollution defined and prohibited by the Illinois Environmental Protection Act;
- c. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- d. interference with water use practices near public recreation areas or water supply intakes.

General Condition 6: Erosion and Sedimentation Control Measures

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.

General Condition 7: NPDES Stormwater Construction Permit

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://epa.illinois.gov/topics/forms/water-forms/storm-water.html>

General Condition 8: Spill Response Plan

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.

General Condition 9: Hydraulic Machinery

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.

General Condition 10: Temporary Structures and Work

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.

General Condition 11: Construction Site Dewatering

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.

General Condition 12: Discharged Material Quality

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.

401 Certification Special Conditions

Special Conditions including the conditional exclusions of 401 certification coverage that are listed within the Supplemental Attachment: “Special Conditions for Illinois EPA 401 Water Quality Certifications of Certain Nationwide Permits” shall be applicable as stated therein.

Special Conditions applicable to specific categories of projects.

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**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 6
Survey Activities**

1. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(iii), 302.203, and 395.401(a), the applicant for the applicable nationwide permit 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.
2. Pursuant to 35 Ill. Admin. Code Section 395.401(a), material resulting from trench excavation within surface waters of the State may be temporarily sidecast adjacent to the trench excavation provided that:
 - a. Sidecast material is not placed within a creek, stream, river or other flowing water body such that material dispersion could occur;
 - b. Sidecast material is not placed within ponds or other water bodies other than wetlands; and
 - c. Sidecast material is not placed within a wetland for a period longer than twenty (20) calendar days. Such sidecast material shall either be removed from the site or used as backfill (refer to Condition 4).
3. Pursuant to 35 Ill. Admin. Code Sections 302.203, 395.205, and 395.401(a), backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean coarse aggregate, gravel or other material which will not cause siltation. Excavated material may be used only if:
 - a. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or
 - b. Excavation and backfilling are done under dry conditions.
4. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii) and 395.401(a), backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITION FOR NATIONWIDE PERMIT 7**

Outfall Structures and Associated Intake Structures

1. Coverage under this NWP does not obviate the applicant's responsibility to comply with Section 316(b) of the Clean Water Act to ensure that any cooling water intake structure is located, designed, constructed, and operated using the best available technology (BAT) to minimize adverse environmental impacts, including the impingement and entrainment of aquatic organisms.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMITS 12, 57, and 58.
Oil or Natural Gas Pipeline, Electric Utility Line and Telecommunications Activities,
and Utility Line Activities for Water and Other Substances.**

1. Pursuant to 35 Ill. Adm. Code Sections 302.105(c)(2)(B), 302.208, and 395.401, a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for the following:
 - a. Any regulated activity having connection or association with construction activities including, but not limited to trenching, excavation, stockpiling, or land clearing, for purposes of new installation or repair or replacement of existing infrastructure and causing a total of 4.5 miles or greater of disturbance to aquatic and upland areas in the State of Illinois. For purposes of this condition, infrastructure shall mean structures, cribs, vaults, pipes, conduits and appurtenances related to oil, petroleum, natural gas, carbon sequestration gases, electric transmission line, telecommunications materials, potable and non-potable water, wastewater of industrial or municipal nature, or any other substance.
 - b. activities that involve open water trenching in the following waters:
 - i. Lake Calumet
 - ii. Fox River (including the Fox Chain of Lakes)
 - iii. Lake Michigan
 - iv. Chicago Sanitary and Ship Canal
 - v. Calumet-Sag Channel
 - vi. Little Calumet River
 - vii. Grand Calumet River
 - viii. Calumet River
 - ix. Pettibone Creek (in Lake County)
 - x. South Branch of the Chicago River (including the South Fork)
 - xi. North Branch of the Chicago River (including the East and West Forks and the Skokie Lagoons)
 - xii. Chicago River (Main Stem)
 - xiii. Des Plaines River

xiv. Kankakee River

- c. activities in the following waters if material is sidecast into waters of the State or wetlands:
 - i. Saline River (in Hardin County)
 - ii. Richland Creek (in St. Clair and Monroe Counties)
 - iii. Rock River (in Winnebago County)
 - iv. Illinois River upstream of mile 229.6 (Illinois Route 178 bridge)
 - v. Illinois River between mile 140.0 and 182.0
 - vi. DuPage River (including the East and West Branches)
 - vii. Salt Creek (Des Plaines River Watershed)
 - viii. Waukegan River (including the South Branch)
 - d. activities in waters designated as Public and Food Processing Water Supplies with surface intake facilities within 2000 feet of the proposed discharge unless the discharge is reasonably considered downstream of the intake. The Illinois EPA's Division of Public Water Supply at 217/782-1020 may be contacted for information on these water supplies.
 - e. activities within inundated or submerged areas or otherwise having contact with surface waters and which involve the use of uncured cementitious materials as the primary means of installation, repair, stabilization, or protection of infrastructure.
2. Section 401 water quality certification is hereby issued for all other waters, with the following conditions:
- a. Pursuant to 35 Ill. Admin. Code Sections 395.401(b) and 302.105(c)(2)(B)(iii), the applicant for the applicable nationwide permit(s) 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.
 - b. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii), 302.203, 302.208, 395.203, and 395.401, dredged material resulting from trench excavation within surface waters of the State may be temporarily sidecast adjacent to the trench excavation provided that:
 - i. Sidecast material is not placed within a creek, stream, river or other flowing water body such that material dispersion could occur;
 - ii. Side cast material is not placed within ponds or other water bodies other than wetlands; and

- iii. Sidecast material is not placed within a wetland for a period longer than twenty (20) calendar days. Such sidecast material shall either be removed from the site (refer to Condition 2.e) or used as backfill (refer to Condition 2.d).
- c. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii), 302.203, 302.208, 395.203, and 395.401, backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean coarse aggregate, gravel or other material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material may be used only if:
 - i. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or
 - ii. Excavation and backfilling are done under dry conditions.
- d. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii), 302.203, 302.208, 395.203, and 395.401, backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.
- e. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii), 302.203, 302.208, 395.203, and 395.401, all material excavated which is not being used as backfill as stipulated in Condition 2.d and 2.c shall be stored or disposed in self-contained areas with no discharge to waters of the State. Material shall be disposed of appropriately under the regulations at 35 Il. Adm. Code Subtitle G.
- f. Pursuant to 35 Ill. Admin. Code Sections 395.401(b), 302.203, and 302.208, the use of directional drilling to install utility pipelines below surface waters of the State is hereby certified provided that:
 - i. All pits and other construction necessary for the directional drilling process are located outside of surface waters of the State;
 - ii. All drilling fluids shall be adequately contained such that they cannot cause a discharge to surface waters of the State. Such fluids shall be treated as stipulated in Condition 2.F; and
 - iii. Erosion and sediment control is provided in accordance with Conditions 2.B, 2.G, and 2.H.
- g. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(iii), 302.203, and 395.401(b), permanent access roads shall be constructed of clean coarse aggregate or non-erodible nonearthfill material that will not cause siltation. Material excavated or dredged from the surface water or wetland shall not be

used to construct the access road in waters of the state. The applicant for Nationwide Permit 12 that constructs access roads shall maintain flow in creeks, streams and rivers by installing culverts, bridges or other such techniques.

- h. Pursuant to 35 Ill. Admin. Code Sections 395.401(b) and 302.203, open trench cuts or any land disturbances in upland areas adjacent to waters of the State and extending to the most immediate topographical crest shall be stabilized immediately following construction. During construction, these areas shall be afforded all appropriate measures to prevent erosion within the construction corridor and sedimentation within waters of the State. Such measures and practices shall be designed and implemented to treat, divert, or detain stormwater flows associated with a 25-year 24-hour storm event. Construction of sedimentation basins, check dams, slope-breakers, etc. shall be conducted in accordance with practice standards of the Illinois Urban manual. All construction within the waterway shall be conducted during zero or low flow conditions.
- i. Pursuant to 35 Ill. Admin. Code Sections 395.401(b) and 302.203, 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.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 13
Bank Stabilization**

- 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 bank stabilization activities that will exceed 1000 linear feet, as measured along the length of the stream corridor.
- 2. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), asphalt, bituminous material and concrete with protruding material such as reinforcing bars or mesh shall not be a) used for backfill, b) placed on shorelines/streambanks, or c) placed in waters of the State.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 14
Linear Transportation Projects**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for linear transportation activities that would result in the enclosure or encapsulation of any portion of a free-flowing stream or cause adverse impact to greater than 500 linear feet of stream channel, as measured along the stream corridor.
2. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for linear transportation activities covered by this nationwide permit that include the temporary or permanent placement of steel or other painted structures within the waterbody as a result of demolition work of previous structures performed without implementing a lead paint removal remediation / abatement plan.
3. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for new or expanded roadways that affect waterways which are designated by the State of Illinois as having water quality impairments caused by chloride. The most recent Illinois Integrated Water Quality Report and Section 303(d) List can be found at <https://epa.illinois.gov/topics/water-quality/watershed-management/tmdls/303d-list.html>.
4. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 15
U.S. Coast Guard Approved Bridges**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for linear transportation activities covered by this nationwide permit that include the temporary or permanent placement of steel or other painted structures within the waterbody as result of demolition work of previous structures performed without implementing a lead paint removal remediation / abatement plan.

2. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA shall be required for new bridges (not replacing another) that affect waterways which are designated by the State of Illinois as having water quality impairments caused by chloride. The most recent Illinois Integrated Water Quality Report and Section 303(d) List can be found at <https://epa.illinois.gov/topics/water-quality/watershed-management/tmdls/303d-list.html>.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 16
Return Water from Upland Contained Disposal Areas**

1. Pursuant to 35 Ill. Adm. Code Sections 302.105(c)(2)(B), 302.208, and 395.401, a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for:
- a. return water discharge resulting from dredging activities in the following waters:
 - i. Lake Calumet
 - ii. Fox River (including the Fox Chain of Lakes)
 - iii. Lake Michigan
 - iv. Chicago Sanitary and Ship Canal
 - v. Calumet-Sag Channel
 - vi. Little Calumet River
 - vii. Grand Calumet River
 - viii. Calumet River
 - ix. Pettibone Creek (in Lake County)
 - x. South Branch of the Chicago River (including the South Fork)
 - xi. North Branch of the Chicago River (including the East and West Forks and the Skokie Lagoons)
 - xii. Chicago River (Main Stem)
 - xiii. Des Plaines River
 - xiv. Kankakee River
 - xv. Saline River (in Hardin County)
 - xvi. Richland Creek (in St. Clair and Monroe Counties)
 - xvii. Rock River (in Winnebago County)
 - xviii. Illinois River upstream of mile 229.6 (Illinois Route 178 bridge)
 - xix. Illinois River between mile 140.0 and 182.0
 - xx. DuPage River (including the East and West Branches)
 - xxi. Salt Creek (Des Plaines River Watershed)
 - xxii. Waukegan River (including the South Branch)

- b. return water discharge, resulting from dredging activities, in waters designated as Public and Food Processing Water Supplies with surface intake facilities within 2000 feet of the proposed discharge unless the discharge is reasonably considered downstream of the intake. The Illinois EPA's Division of Public Water Supply at 217/782-1020 may be contacted for information on these water supplies.
- c. disposal areas or return water discharges that are located within a designated Environmental Justice (EJ) area of concern. An EJ mapping tool is available at <https://experience.arcgis.com/experience/aa364c77db684dfa92afa5094b69f6ff>.
- d. dredging activities that would result in upland placement of more than 125,000 cubic yards of material or would produce effluent discharge on a recurring basis for a period lasting more than 5 years, including periods covered under a previous Department of the Army authorization.
- e. hydraulic dredging activities if the total quantity of dredged material per dredge event would exceed 500 cubic yards and the receiving water:
 - i. is listed on the Agency's 303(d) List, or
 - ii. has a USEPA approved Total Maximum Daily Load (TMDL) is in effect, or
 - iii. is designated pursuant to Section 302.206(d) Stream Segments for Enhanced Dissolved Oxygen Protection.

Information on 303(d) List and TMDLs can be found at <https://epa.illinois.gov/topics/water-quality/watershed-management/tmdls/303d-list.html> and Information on Stream Segments for Enhanced Dissolved Oxygen Protection may be found at <https://pcb.illinois.gov/documents/dsweb/Get/Document-33354/>. You may also utilize Resource Management Mapping Service to graphically identify impaired waters at [https:// www.rmms.illinois.edu/](https://www.rmms.illinois.edu/).

2. Pursuant to 35 Ill. Admin. Code Subtitle C Part 309 Subpart B, applicants shall also apply for and obtain a water pollution control permit for and prior to construction and operation of treatment works used for dewatering, containment, or disposal of dredged materials.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITION FOR NATIONWIDE PERMIT 17
Hydropower Projects**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(b), an individual Section 401 water quality certification will be required for any project that is not previously approved by a Section 401 water quality certification issued by the Illinois EPA for a Federal Energy Regulatory Commission license or permit.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 23
Approved Categorical Exclusions**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that would result in the enclosure or encapsulation of any portion of a free-flowing stream or that will cause the adverse impact to aquatic resources which exceed the lesser of ½ acres or 300 linear feet of stream channel as measured along the stream corridor.
2. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for linear transportation activities covered by this nationwide permit that include the temporary or permanent placement of steel or other painted structures within the waterbody as result of demolition work of previous structures performed without implementing a lead paint removal remediation / abatement plan.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 27
Aquatic Habitat Restoration, Establishment, and Enhancement Activities**

1. Pursuant to the Illinois Environmental Protection Act Section 12(a)[415 ILCS 5/12(a)] and 35 Ill. Admin. Code Sections 395.401(a) and 395.401(b)(2), all activities conducted under this nationwide permit shall be in accordance with the provisions of 35 Ill. Adm. Code 405.108. Work in reclaimed surface coal mine areas are required to obtain prior authorization from the Illinois EPA for any activities that result in the use of acid-producing mine refuse.

2. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B), 302.208, and 395.401(a), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for the relocation of waters of the State.
3. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B), 302.203, and 395.401(a), any backfilled materials used within artificial channels shall be clean coarse aggregate, gravel or other material which will not cause siltation and placed in a manner to prevent violation of applicable water quality standards.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 29
Residential Developments**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for development activities covered by this nationwide permit that would result in the enclosure or encapsulation of any portion of a free-flowing stream or that would cause adverse impact to greater than 300 linear feet of stream channel, as measured along the stream corridor. Enclosures of previously channelized streams for transportation crossings associated with the proposed activity are limited to 30 feet of enclosure per crossing with a minimum 30 feet of daylighted gap between each crossing.
2. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.
3. Pursuant to 35 Ill. Admin. Code Section 395.402(b)(2), the applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 32
Completed Enforcement Actions**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that involve carbon recovery (coal mining or coal remining) or materials that may be considered “acid-producing material”.

2. Pursuant to 35 Ill. Admin. Code Sections 395.401(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that include proposed (yet to be undertaken) adverse impact to aquatic resources which exceed the lessor of ½ acres or 300 linear feet of stream channel as measured along the stream corridor.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITION FOR NATIONWIDE PERMIT 37
Emergency Watershed Protection and Rehabilitation**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that would result in the enclosure or encapsulation of any portion of a free-flowing stream or that will cause the adverse impact to aquatic resources which exceed the lessor of ½ acres or 300 linear feet of stream channel as measured along the stream corridor.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 38
Cleanup of Hazardous and Toxic Waste**

1. Pursuant to 35 Ill. Admin. Code Section 395.401(b), a case-specific (individual) Section 401 water quality certification will be required for activities covered by this nationwide permit that do not require or will not receive authorization or approval from the Illinois EPA, Bureau of Land (BOL).
2. Pursuant to 35 Ill. Admin. Code Section 395.401(b), the applicant shall notify the Illinois EPA, Bureau of Water, Permit Section, of the specific activity. This notification shall include information concerning the orders and approvals that have been or will be obtained from the BOL, for all cleanup activities under BOL jurisdiction or for which authorization or approval is sought from BOL for no further remedial action.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 39
Commercial and Institutional Developments**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for development activities covered by this nationwide permit that would result

in the enclosure or encapsulation of any portion of a free-flowing stream or that would cause adverse impact to greater than 300 linear feet of stream channel, as measured along the stream corridor. Enclosures of previously channelized streams for transportation crossings associated with the proposed activity are limited to 30 feet of enclosure per crossing with a minimum 30 feet of daylighted gap between each crossing.

2. Pursuant to 35 Ill. Admin. Code Section 395.402(b)(2), the applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, water treatment plants, wastewater treatment plants and related facilities prior to construction.
3. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.
4. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii), 302.203, and 395.401(b), for construction of oil and gas wells, the impacted waters of the State shall be restored to pre-construction conditions within six months after construction is started. For purposes of this condition, restoration includes stabilization and seeding or planting of vegetation on the disturbed areas that were vegetated prior to construction.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 40
Agricultural Activities**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that cause adverse impact to greater than 300 linear feet of stream channel, as measured along the stream corridor.
2. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 42
Recreational Facilities**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for development activities covered by this nationwide permit that would result in the enclosure or encapsulation of any portion of a free-flowing stream or that cause adverse impact to greater than 300 linear feet of stream channel, as measured along the stream corridor. Enclosures of previously channelized streams for transportation crossings associated with the proposed activity are limited to 30 feet of enclosure per crossing with a minimum 30 feet of daylighted gap between each crossing.
2. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.
3. Pursuant to 35 Ill. Admin. Code Section 395.402(b)(2), the applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 43
Stormwater Management Facilities**

1. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), the Agency hereby issues Section 401 water quality certification of Nationwide Permit 43 exclusively for the construction and maintenance of stormwater management facilities designed to reduce inputs of sediments, nutrients, and other pollutants into waters to meet reduction targets established under Total Daily Maximum Loads set under the Clean Water Act.
2. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for stormwater management facilities designed for flood control purposes covered by this nationwide permit that cause adverse impact to greater than 300 linear feet of stream channel, as measured along the stream corridor.
3. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.
4. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a) and 302.105(c)(2)(B), this certification does not authorize activities that impound or otherwise impede the

natural flow of waters of the United States or waters of the state. Such activities are prohibited under this certification.

5. Pursuant to 35 Ill. Admin. Code Section 395.402(b)(2), the applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 51
Land-Based Renewable Energy Generation Facilities**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that would result in the enclosure or encapsulation of any portion of a free-flowing stream or that would cause adverse impact to greater than 300 linear feet of stream channel, as measured along the stream corridor. Enclosures of previously channelized streams for transportation crossings associated with the proposed activity are limited to 30 feet of enclosure per crossing with a minimum 30 feet of daylighted gap between each crossing.
2. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 52
Water-Based Renewable Energy Generation Pilot Projects**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that cause adverse impact to greater than 300 linear feet of stream channel, as measured along the stream corridor.
2. Pursuant to 35 Ill. Admin. Code Section 395.401(b), an individual Section 401 water quality certification will be required for any hydrokinetic project that is not previously approved by a Section 401 water quality certification issued by the Illinois EPA for a Federal Energy Regulatory Commission license or permit.

ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITION FOR NATIONWIDE PERMIT 54
Living Shorelines

1. Pursuant to 35 Ill. Admin. Code Section 395.401(a), an individual Section 401 water quality certification shall be required for any project that exceeds 1000 feet as measured along the bank or when the District Engineer waives the limitation of 30 feet as measured from the mean high-water line.