

**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, July 23, 2025

Public Notice Ending Date:

Tuesday, August 12, 2025

Agency Log No.: C-0296-24

Federal Permit Information: Proffered by Chicago 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: Lake Michigan

Project Name/Description: Lake Michigan Regional General Permit - For activities that would have minimal individual and cumulative impacts on aquatic resources.

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-0296-24-07232025-PublicNoticeAndFactSheet.pdf

401 Water Quality Certification Fact Sheet for Lake Michigan Regional General Permit

IEPA Log No. C-0296-24

Contact: Angie Sutton 217-782-9864

The U.S. Army Corps of Engineers, Chicago District (USACE) has proposed the renewal of Regional General Permit that will authorize work within Lake Michigan in Cook and Lake Counties. The current Lake Michigan Regional General Permit (LMRGP) set to expire on September 30, 2025, is designed to cover activities under Section 10 of the 1899 Rivers and Harbors Act and Section 404 of the federal Clean Water Act that would have minimal individual and cumulative impacts on Lake Michigan aquatic resources in the counties of Cook and Lake. USACE has issued 103 LMRGP verifications under the current LMRGP, including 4 re-verifications. The Chicago District issued a public notice concerning the proposed RGP on May 5, 2025. The Illinois Environmental Protection Agency (Agency) is considering general water quality certification pursuant to Section 401 of the Clean Water Act for the proposed RGP.

An antidegradation assessment in accordance with 35 Ill. Adm. Code 302.105 (Antidegradation standard) has been conducted on the conditions and limitations of the RGP. The purpose of this assessment is to determine whether or not the activities authorized under the proposed RGP will meet Illinois' water quality standards and therefore qualify for general water quality certification pursuant to Section 401 of the Clean Water Act. The Agency is proposing to issue general Section 401 water quality certification with conditions for the following proposed activities:

1. Installation, repair and modification of permanent and seasonal piers/docks, boat ramps, boat hoists, and lifts.
2. Installation, repair, and modification of shore protection (revetments, breakwaters, seawalls).
3. Maintenance of existing public harbors, public access facilities, and navigational features required for maintaining existing function.
4. Beach nourishment and in-water placement of dredged material, including beneficial use of dredged material for beach nourishment, shore protection, or ecosystem restoration.

Identification and Characterization of the Affected Water Body.

The Regional General Permit regulates activities that may be applied to Lake Michigan Basin waters. Lake Michigan is a large oligotrophic lake subject to the Lake Michigan Basin water quality standards of 35 Ill. Adm. Code 302 Subpart E. Illinois has jurisdiction over 1,526 square miles of Lake Michigan open water, 3.88 square miles of Lake Michigan harbors and 64 miles of Lake Michigan shoreline, which are covered under the Lake Michigan Basin Water Quality Standards. Lake Michigan shoreline protection enhancement projects take place within two Lake Michigan Water types: Lake Michigan Open Waters and Lake Michigan Shoreline.

Lake Michigan Nearshore, Waterbody Segment, QLM-01, is listed on the 2024 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for fish consumption use with potential causes given as aldrin, dieldrin, endrin, heptachlor, mercury, mirex, polychlorinated biphenyls, and toxaphene, and aesthetic quality with a potential cause given as total phosphorus. Aquatic life, public and food processing water supply, and primary contact uses are fully supported.

Lake Michigan Shoreline Waters comprise 51 beach segments that span the entire 64 miles of Lake Michigan shoreline (excluding harbors and harbor entrances) within Illinois. Each of these segments are listed on the 2024 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for fish consumption use with potential causes given as mercury and polychlorinated biphenyls and primary contact with a potential cause of *Escherichia coli*.

The Illinois EPA has completed 51 Total Maximum Daily Load (TMDL) reports to address primary recreational use impairments by bacteria at beaches along Lake Michigan's Shoreline in Illinois. These TMDL reports are presented in 3

separate documents for the following areas: Lake County (9 beaches), Suburban Cook County (13 beaches), and the City of Chicago (29 beaches). These documents are available at:

<https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/reports.aspx>.

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

The pollutant load increases that would occur from activities covered by the Regional General Permit include increases in total suspended solids during the construction of shoreline erosion protection structures and the dredging and placement of the spoil material. These increases are expected to be local and temporary for the proposed activities. Benthic habitat may be disturbed in the vicinity of the construction or dredging and filling area. Shoreline protection structures may convert some open lakebed areas into stone revetments, breakwaters or stone reinforced steel groins. Dredging activities would be limited to areas where certain water depths are necessary for navigation and where dredging has occurred in the past. Dredged materials may be placed in the open waters of Lake Michigan or onto beaches or in nearshore areas to replenish sand starved areas.

Construction or beneficial use fill material will either be obtained from upland quarry sites which are considered non-pollutional or it will be obtained from in-lake dredge sites. For materials obtained in-lake, pre-dredge sediment samples will be required to be analyzed for particle size distribution, asbestos, and certain chemical parameters to determine if material exceed threshold concentrations. If the pre-dredge testing indicates thresholds may be exceeded, the permittee will be required to either conduct water quality monitoring at the discharge and at in-lake locations determined by an individual analysis or to obtain a case-specific written approval from the Agency prior to discharge. The sampling and testing of dredged materials will be required prior to each yearly dredging event, unless the permittee can demonstrate that previous years material analyses shows that the materials involved is consistently non-pollutional and does not cause or contribute to water quality violations.

TMDL reports have been prepared by the Agency and approved by the USEPA for 51 beaches along Illinois' Lake Michigan shoreline to address Primary Contact Use Recreation impairments due to excess bacteria. The proposed activities may occur within an area identified by the TMDL reports as a Beach Protection Area subject to that TMDL. The proposed activities may create embayments that influence nearshore concentrations of bacteria. Certain shoreline protection activities, due to different factors, will either require implementation of Best Management Practices in accordance with the TMDL or require the permittee to seek case-specific 401 certification for the project.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in total suspended solids would be local and temporary. Although the benthic habitat will be disturbed by the construction activities, it is anticipated to recover and improve over time due to the placement of sand over exposed clay lakebed substrates. Additionally, the voids within the proposed shoreline protective structures are expected to provide a stable and diverse habitat opportunity for fish and other aquatic species.

According to the proposed RGP, regulated activities must include a statement describing how compensatory mitigation requirements will be satisfied, or an explanation why compensatory mitigation should not be required for proposed impacts to Lake Michigan. The Corps of Engineers will make a determination if compensatory mitigation is required in accordance with 33 CFR 332. For projects that would be covered by the RGP's general Section 401 certification, the Illinois EPA has determined that compensatory mitigation requirements as determined by the Corps of Engineers satisfies the Agency's antidegradation rule at 302.105(f) as it may be construed as related to mitigation.

Proposed Lake Michigan shoreline embayments would be required to comply with the TMDL's water quality concentration limit load allocation of 126 cfu/100ml if the proposed embayment is constructed within a Beach Protected Area as defined in the USEPA approved TMDL for Lake Michigan Shoreline segments. Implementation of Best Management Practices in

accordance with the TMDL report's recommendations would be required as assurance that any potential adverse effects on water quality related to bacterial loading is adequately addressed.

Purpose and Anticipated Benefits of the Proposed Activity.

The purpose of Lake Michigan shoreline protection enhancement projects are to establish a more stable layer of sand that serves to reduce downcutting of the clay lakebed and prevents erosion along the project-affected length of the shoreline as well as to provide a higher level of shoreline protection during higher lake levels and larger storm waves. The purpose of any proposed sand nourishment is to offset any littoral sands whose drift would be restricted by the proposed shoreline protection structures and to maintain sand lost during storm events. Erosion of the lakebed and bluff, if not prevented, would undermine existing shoreline structures or the bluff and result in additional beach erosion and resuspension of clays found in the substrate material. The purpose of dredging is to provide necessary maintenance to recreational areas and navigational features allowing for continued use.

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

The review of the activities allowed under the Regional General Permit proposed for general 401 water quality certification finds that the conditions and limitations defined by the RGP and proposed Section 401 certification 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 activities.

Agency Conclusion

This preliminary assessment in regard to 401 water quality certification issuance for the U.S. Army Corps of Engineers, Chicago District Regional General Permit Program 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 subject to conditions 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.