

**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, September 30, 2026

Public Notice Ending Date: Tuesday, October 20, 2026

Agency Log No.: C-0155-26

Federal Permit Information: This civil works project is under the jurisdiction of Chicago District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: US Army Corps of Engineers, Chicago District, David F. Bucaro - 231 S. LaSalle St., Suite 1500, Chicago, IL 60604

Discharge Location: In Section 22 of Township 45-North and Range 12-East of the East 3rd Principal Meridian in Lake County. Additional project location information includes the following: 55 Harbor Pl, Waukegan, IL 60085

Name of Receiving Water: Lake Michigan

Project Name/Description: Waukegan Harbor Dredging – Approach Channel and Advanced Maintenance Area - proposed annual dredging of up to 150,000 cubic yards from the Waukegan Harbor Approach Channel and Advanced Maintenance Area and conduct dredged material disposal using hopper or split hull barges in the open waters of Lake Michigan

Construction Schedule: Immediate (Planned project duration is approximately 243 days)

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-0155-26-09302026-PublicNoticeAndFactSheet.pdf

401 Water Quality Certification Fact Sheet for Waukegan Harbor Dredging: Approach Channel and Advanced Maintenance Dredging Area

IEPA Log No. C-155-26

Contact: Angie Sutton 217-782-9864

The U.S. Army Corps of Engineers (COE), Chicago District (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the discharge of dredged material from the maintenance of the federal navigation channel at Waukegan Harbor. The proposed project is a renewal of previous authorization to conduct dredging of up to 150,000 cubic yards annually from the Waukegan Harbor Approach Channel and Advanced Maintenance Area and placement of the dredged material using hopper or split hull barges in the open waters of Lake Michigan at one of three potential locations previously used. Existing placement locations are the Open Water South Placement Area and the littoral zone of Illinois Beach State Park (historical only).

Routine navigation maintenance dredging currently occurs near Waukegan Harbor within areas designated as the Approach Channel and the Advance Maintenance Dredging Area. The source locations contain littoral sands that have been shown to be suitable for open water disposal in Lake Michigan. The near shore placement area is a 46 acre (Ac) area south of the harbor. Analysis of the dredged materials has been conducted and are referenced in documents submitted previously for C-0280-14 as well as in 2024 sampling reports submitted as part of the application documents. Erosion control plans and Best Management Practices (BMPs) will be utilized as during the previous permit cycles to minimize erosion and encourage the settling of solids, with the goal of keeping the materials at the placement site. Waukegan Harbor was constructed in the 1850s and the COE has been conducting navigation dredging operations in the area off and on since 1889. Currently, dredging occurs on an annual or biennial basis.

Information used in this review was obtained from the application documents dated June 2019, September 2019, September 30, 2019, February 2025, April 2026, July 26, 2026, and July 27, 2026.

Identification and Characterization of the Affected Water Body.

Lake Michigan Nearshore (Waterbody Segment IL_QLM-01) has 0 cfs of flow during critical 7Q10 low-flow conditions. Lake Michigan is classified as a Lake Michigan Basin Use Water. Lake Michigan is not listed as a biologically significant stream in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor is it given an integrity rating in that document. Lake Michigan, Waterbody Segment IL_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 (PCBs) and toxaphene, and aesthetic quality use with potential causes given as total phosphorus. Aquatic life, primary contact, and public and food processing water supply uses are fully supported.

A Total Maximum Daily Load (TMDL) Report has been prepared 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 activity occurs within an area identified by the May 15, 2013 report "Shoreline Segments in Suburban Lake County, Illinois" as a Beach Protection Area and is therefore subject to this TMDL.

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 are a normal and unavoidable result of the placement of nourishment sand and impact of wave activity on the newly placed sand. The dredged sediment is the result of littoral transport from north of the harbor as is sediment in the placement areas. The dredged sand has undergone testing of the sediment and elutriate to determine that it is acceptable for onshore and offshore placement.

Elutriate data was analyzed from sediment and surface water sampling completed in 2024 per 401 certification (Log No. C-0280-14) requirements. Parameters analyzed were in accordance with the certification special conditions. A detailed description of the most recent sampling and analytical results can be found in the document Clean Water Act Section 404(b)(1) Contaminant Determination Maintenance Dredging and Beneficial Use, dated April 2026. Testing consisted of 4-hour settling, no centrifuging, and 1:4 sediment to water ratio when mixing. If sediment sample fines passing a No. 230 U.S. sieve were greater than 20%, elutriate testing was completed with analysis done after a 4-hour settling time. The averages of testing results of ammonia, total phosphorus (TP), chloride, sulfate, Total Suspended Solids (TSS), and Total Dissolved Solids (TDS) were all shown to be less than the historical (2009 through 2014) maximum values. Chloride and phosphorus results were greater than the water quality standards (12.0 mg/L and 0.007 mg/L, respectively); however, because testing results were near the standard limits, dilution within the 46-acre placement area is expected to disperse localized chloride and P water quality exceedances. The in-water placement of this material is not anticipated to cause detrimental water quality impacts for Lake Michigan.

Dredging and open water placement of sediment from the Approach Channel and Advanced Maintenance Area has not caused water quality impacts and is suitable for placement. Any potential nursery or spawning habitat functions of the placement area would be temporarily disrupted but is expected to recover fully once placement ceases.

The existing benthic habitat would be temporarily disturbed by fill activities but impacts to the aquatic life uses of this area are anticipated to be temporary during sand placement and will recover over time. The proposed BMPs that would be implemented for open water placement would effectively reduce TSS which has consistently demonstrated compliance with water quality standards during in-lake placement

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in total suspended solids would be local and temporary. The existing aquatic life use in the shallow, nearshore zone that will be temporarily disturbed is expected to recover over time. Minor effects may be avoided by following any recommended fish windows. A bottom dump scow will be used for open water placement of sediment in order to minimize resuspension. Placement should be done during favorable weather conditions that minimize turbulence

Although the dredging and placement operations will cause temporary, localized impacts that adversely affect some aquatic organisms, the Environmental Assessment concluded that the impacts would be minor and there would not be a significant adverse impact upon the biological, social, cultural, or physical resources of the area. A Finding of No Significant Impact (FONSI) document was prepared based on the results of the Environmental Assessment in 2019. No compensatory mitigation is required as part of the recommended plan.

The minor, temporary, and localized increases of suspended solids and turbidity associated with the dredging and placement operations are anticipated to be lower than the increased levels of suspended solids and turbidity that typically result from storm events and adverse weather conditions.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of the ongoing dredging is to dredge up to 150,000 CY of material annually from the Waukegan Harbor Approach Channel and Advanced Maintenance Area and place in the open water nearshore placement area. The proposed quantity reflects the shoaling rates and volumes that have been increasing. The shoaling blocks the channel and increases the potential for dangerous navigational conditions. The proposed dredging would keep the harbor open and allow for accommodation of fully loaded commercial vessels.

A lack of accommodation for vessels would burden the local industry with increased shipping costs and an economic burden. Closure of the harbor would be detrimental to local large businesses near the harbor. Additionally, harbor closure would not allow for continued use as a designated harbor of refuge for ships to avoid adverse weather conditions.

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

A no action option would cease dredging in and around Waukegan Harbor. No physical, biological, cultural, archaeological or social resources would be adversely impacted. This option could potentially reduce employment, business and industrial activity in the area as a result of limitations on shipping and transportation capabilities of the harbor. This alternative has been extensively evaluated in previous

Environmental Assessments and Environmental Impact Statements that can be found within the Northwestern University library system and were conducted in 1971, 1973, and 1975. Additional evaluations were conducted in 1988, 1989, 1997, 2013, and 2019. Not maintaining and dredging Waukegan Harbor would severely limit navigation and would negatively impact the regional economy. Furthermore, the Code of Federal Regulations (33 CFR 336.1) stipulates that a reliable Federal navigation system is essential to the economic well-being and national defense of the country.

Dredging for this particular project is proposed only in the Approach Harbor and Advanced Maintenance Area. In addition to the no action option and the proposed project, alternatives were evaluated as part of the 2019 Environmental Assessment which is included as part of the application documents. The alternatives discussed included placement at Illinois Beach State Park, changing the east/west open water placement area boundaries to north/south, and placement at municipal beaches including Lake Bluff Park District, Foss Park District in North Chicago, Glencoe Park District and the City of Evanston. Of note, this particular project does not propose any beach placement as it is considered a historical placement area where this project is concerned.

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

An Environmental Assessment dated September 2019 was provided by the US Army Corps of Engineers (USACE) Chicago District. This Environmental Assessment includes the direct, indirect, and cumulative effects of dredging clean sand from the Waukegan Outer Harbor, Approach Channel and Advance Maintenance areas along with placing the dredged material in an expanded open water area, or near shore and/or on shore beach sites. This EA provides the USACE and other decision makers with the information needed to make an informed decision about the dredging and placement activities.

A Finding of No Significant Impact (FONSI) dated September 30, 2019 was provided by the USACE and states that the recommended action may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat:

- Piping Plover (*Charadrius melodus*)
- Eastern Massasauga (*Sistrurus catenatus*)
- Eastern Prairie Fringed Orchid (*Platanthera leucophaea*)
- Hine's Emerald Dragonfly (*Somatochlora hineana*)
- Karner Blue Butterfly (*Lycaeides Melissa samuelis*)
- Mead's milkweed (*Asclepias meadii*)
- Northern Long Eared Bat (*Myotis septentrionalis*)
- Pitcher's Thistle (*Cirsium pitcheri*)
- Rattlesnake-master Borer Moth (*Papaipem erynigii*)
- Rufa Red Knot (*Calidris canutus rufa*)
- Rusty Patched Bumble Bee (*Bombus affinis*)

The US Fish and Wildlife Service (USFWS) concurred with the USACE determination on August 13, 2018.

USACE initiated an IPaC official species list on June 5, 2026. The species list identifies four federally listed species as potentially occurring within the defined project area:

- Piping Plover (*Charadrius melodus*) – Endangered
- Rufa Red Knot (*Calidris canutus rufa*) - Threatened
- Monarch Butterfly (*Danaus plexippus*) – Proposed Threatened
- Pitcher’s thistle (*Cirsium pitcheri*) – Threatened

The project was determined to have no effect of the Monarch Butterfly and Pitcher’s Thistle and is not likely to adversely affect the Piping Plover or Rufa Red Knot. The US Fish and Wildlife Service (USFWS) concurred with the USACE determination on August 4, 2026.

Additionally, the USACE determined that the recommended plan has no potential to cause adverse effects to historic properties.

An Illinois Department of Natural Resources EcoCAT consultation (Project # 2406437) was initiated on November 2, 2023. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 was terminated. However, the Department recommends work on the project occurs while the mudpuppy is in deeper waters from approximately May 1 to October 31.

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 this assessment was written. We tentatively find that the proposed activity would result in the attainment of water quality standards; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity would benefit the dredging area by maintaining the harbor for navigational purposes. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.