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: Thursday, June 25, 2026

Public Notice Ending Date: Friday, July 24, 2026

Agency Log No.: C-0453-25

Federal Permit Information: Federal permit/license no. LRC-2025-595 is under the jurisdiction of Chicago District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: DuPage Water Commission, Paul May - 600 E. Butterfield Rd., Elmhurst, IL 60126

Discharge Location: In Section 4 of Township 37-North and Range 8-East of the East 3rd Principal Meridian in Kendall County. Additional project location information includes the following: Wolfs Crossing Rd./Douglas Rd., Oswego, IL 60543

Name of Receiving Water: Morgan Creek and three Unnamed Streams within Kendall County

Project Name/Description: DuPage Water Commission WaterLink Extension - Section FW1/25 Sections 1 and 2 - proposed installation of a new 54-inch main from north of the Meadow Ct/Harvey Rd intersection to Collins Rd/Minkler Rd intersection in Oswego, IL

Construction Schedule: Beginning Mar 2026 and ending Jan 2028

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-0453-25-06252026-PublicNoticeAndFactSheet.pdf

Project Description

Applicant: DuPage Water Commission; Paul May, 600 E. Butterfield Road, Elmhurst, IL 60126;

Project location: The project is located in Kendall County, Illinois, near the Village of Oswego. The alignment begins near the intersection of Treasure Drive/Harvey Road and continues in a southwesterly direction, terminating near the Collins Road/Minkler Road intersection. The project corridor is located primarily within Township 37N, Range 7E and 8E, Sections 12, 14, 15, 22, 27, 28, 29, and 30 (Latitude: 41.68638°N, Longitude: -88.304166°W).

Project description: The project consists of the installation of a new 54-inch water main from north of the Meadows Court/Harvey Road intersection to the Collins Road/Minkler Road intersection in Oswego, Illinois. The new watermain will transport treated water from Lake Michigan through the DuPage Water Commission network to seven delivery points throughout the communities of Montgomery, Oswego, and Yorkville in Kendall County. The majority of the route will be constructed using open trench methods, with some portions installed trenchlessly. All work will be performed within existing utility easements or road rights-of-way. All land disturbance is temporary in nature; disturbed areas will be restored to original contours and reseeded with appropriate seed mix at the conclusion of construction.

Type and name of receiving water: Morgan Creek (ephemeral segment S8; perennial segment S10) and three unnamed streams (one perennial, S7; two intermittent, S9 and S11) within Kendall County, Illinois.

Description of impacts: Temporary impacts are anticipated to 0.91 acres of freshwater emergent wetland (W15) and approximately 266 linear feet across four stream segments (S7, S8, S9, and S11). Trenchless directional drilling will be implemented beneath Morgan Creek at stream segment S10, resulting in no direct impact. No permanent wetland or waterway impacts are proposed. All disturbed areas will be returned to pre-construction contours and conditions.

Timeline for impacts: Construction will commence immediately upon permit issuance, with an anticipated completion time of approximately 22.5 months (estimated completion date of January 31, 2028).

Description of application including title and dates of material reviewed:

Joint *Application Form for Illinois*, Application No. C-0453-25; submitted December 22, 2025; received by IEPA December 29, 2025.

DuPage Water Commission Water Link Extension FW-1/25 Sections 1 and 2 Wetland Delineation Report, Final; prepared by Stanley Consultants, Inc.; certified by Megan M. Dusing, PWS (#2711); dated December 22, 2025.

FW25S1S2 IEPA Impact Summary.xlsx, completed by the DPWC design team and submitted electronically by Jeff Loster, P.E, on May 11, 2026.

Project Scope and Applicability

This project has tentatively been found appropriate for consideration under a categorical antidegradation assessment that is consistent with 35 Ill. Adm. Code 302.105. This assessment is applicable only to projects that meet the U.S. Army Corps of Engineers guidelines and limitation for coverage under one of three Nationwide Permits (NWPs 12, 57, and 58) but were denied blanket CWA Section 401 coverage by the December 17, 2025, Illinois EPA water quality certification for the Nationwide Permit program. Project types that are applicable to this categorical assessment include oil and gas pipelines, electric transmission lines, buried or overhead CO2 or wastewater pipelines, and water supply pipelines. Many of these projects on their own produce minimal adverse impacts that are fitting for Nationwide Permit and associated blanket 401 coverage. However, when combined with other impacts from the same activity, their impacts may accumulate into a sum of impacts that are no longer appropriate for blanket coverage under the assumption of minimal adverse impacts.

Clean Water Act Section 401(a)(1) states that that "Any applicant for a Federal license or permit to conduct any **activity** including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State … that any such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of this title."

Therefore, Illinois EPA determined that impacts associated with long corridor construction activities may be most appropriately evaluated under case-specific 401 review circumstances but with constraints to streamline processing and minimize impacts to the regulated community. The category of impacts applicable to this assessment are readily associated with common factors regarding waterbody characteristics, cumulative impacts, and project specific construction activity. These factors are evaluated in accordance with established procedures and are used to determine if this assessment is applicable. This project has been determined applicable to this categorical assessment, otherwise Illinois EPA may determine that projects are subject to a standard individual 401 certification process or that an affirmative waiver of 401 certification is appropriate. The factors that are evaluated in making this determination include, but are not limited to, the following:

- Generic project information that includes the method of waterbody crossing or nature of waterbody impacts.
- Results from Illinois DNR's threatened and endangered species and natural area review.
- Full description of all permanent and temporary impacts for both jurisdictional and non-jurisdictional waters.

- Wetland delineation or appropriate rapid assessment method such as ORAM[1].
- Permanent impacts on jurisdictional and non-jurisdictional wetlands contrasted with total wetland area and a review of regional density of such aquatic resources.
- Stream assessment or appropriate rapid assessment method such as QHEI[2].
- Other information necessary to characterize the waterbody or impacts including stream watershed area, bank-full width, and risk profile for open-cut activity in the approach terrain.
- Stormwater pollution prevention plan when deemed necessary.
- Temporary impact mitigation plans with 2-year monitoring.
- Permanent impact mitigation plans when required.
- Characterization of permanent and temporary riparian and wetland buffers impacts and appropriate restoration plans.

Identification and Characterization of the Affected Water Body.

The type of activity that could be covered by this categorical assessment may occur in all 102 counties of the State of Illinois. Therefore, the waters applicable to this assessment generally include General Use Waters, Chicago Area Waterway System Aquatic Life Use A Waters, Chicago Area Waterway System and Brandon Pool Aquatic Life Use B Waters, Upper Dresden Island Pool Aquatic Life Use Waters, and Public and Food Processing Water Supplies. This assessment is not applicable, however, to Lake Michigan Basin waters and the categories of waters identified below.

Certain Impaired Waters. Waterbody segments identified on the Agency's 303(d) List of impaired waters having particular causes of impairment that may be subject to further impairment because of the type of activity proposed. Waterbody segments, impairments and their causes may be found at 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. This assessment does not apply to impaired waterbodies with the following causes of impairment unless the applicant has provided a specifically developed plan to avoid further impairment during and as a result of the construction activity.

- Alteration in Stream-side or Littoral Vegetative Covers
- Sedimentation/Siltation
- Total Suspended Solids

[1] ORAM is a standardized, qualitative tool developed to assess wetland quality and function, typically producing a score from 0-100. The score is quantitative and used to categorize wetlands as Category 1, 2, or 3. ORAM is used to classify wetlands based on their ecological condition by evaluating habitat, vegetation, and surrounding land use through field surveys

[2] QHEI serves as a rapid assessment tool designed to map the physical characteristics of a stream. It is used in conjunction with biological sampling to provide stream health information and evaluates physical components that determine viability of aquatic ecosystems. This is not a direct measure of water chemistry, but rather a tool used to evaluate physical makeup.

- Turbidity

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://arcg.is/zXHiW1 or https://dnr.illinois.gov/conservation/biologicalstreamratings.html. In addition, higher quality waters as indicated by rapid assessment protocols or other physical, biological or chemical characterization means will not be applicable to this assessment. Except as allowed in accordance with case-specific project determinations that are based on multifactorial analytical tools or risk assessments developed specifically for such allowances, Biologically Significant Streams, Outstanding Resource Waters, and higher quality waters shall not be applicable to this categorical assessment.

Public and Food Processing Water Supplies. This assessment does not apply to activities that may have a discharge to any water body designated as Public and Food Processing Water Supplies. Except that projects that do not facilitate the transmission of hazardous substances may be considered eligible so long as the surface intake facilities are greater than 2000 feet from the proposed discharge or the discharge is reasonably considered downstream of the intake and unlikely to influence intake water.

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

This categorical assessment is applicable to the following activity:

- Oil and gas pipeline
- Electric Transmission Line, buried or overhead
- CO2 or wastewater pipelines
- Water supply pipelines

This type of project could result in multiple forms of adverse environmental impacts as the kind of work often involves open cut trenching and other construction activities such as establishment of right-of-way and access roads as well as other surface facilities to support installation and maintenance of the new infrastructure. Open cut trenching within flowing waterbodies often involves complex stream redirection and pumping to maintain flows while the construction occurs. Any work within the stream will cause increases of turbidity and possible resuspension of contaminants found in sediments being excavated. The stream work will also cause minor alterations of the bed and bank that will result in instability of those areas leading to erosion. Changes to the flow regime caused by dam and flume or dam and pump techniques may also cause unintended erosion at the temporary discharge location not to mention potential impacts to fish caused by impingement and entrainment within pumping systems. The land disturbances immediately adjacent to streams and wetlands that are

crossed using open trench methods are susceptible to becoming conduits for accelerated sedimentation into the waterbody during precipitation events due to extensive land disturbance extending further upland. Other impacts during construction within waterbodies or on land adjacent to them include pollutant loadings from leakage and spills related to the operation of mechanized equipment that utilize petroleum fuels and lubricants such as hydraulic fluids, engine oil and grease. Another impact that may arise is from waterbody crossings that involve the use of horizontal directional drilling technique which may result in the release of large amounts of drilling fluids into the waterbody when the drilling process experiences a frac-out.

Material used in the construction of this type of project includes existing soil and subsurface materials obtained from excavation of the trench or pit used for the installation of pipes or electrical conduit. Placement of this material within waterbodies is limited to wetlands and is done in a way to preserve the topsoil's capability to reestablish wetland vegetation. Other materials used include crushed stone that is used for stabilization of banks, backfill within waterbodies and for access road construction.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in turbidity or suspended solids resulting from instream construction will be local and temporary due to implementation of best management practices and adherence to construction protocols found in the Illinois Urban Manual. The increase in suspended and settleable solids resulting from stormwater runoff of land disturbances adjacent to waterbody crossings will be local and temporary due to erosion prevention practices and adherence to schedules for open trench crossing methods within 50 feet of a waters of the state. Discharge of toxics from the operation of mechanical equipment within the waterbody and within the work zone area adjacent to the worksite is prevented by adherence to spill prevention and response plans. Impacts to known populations of fish and mussels will be handled through development of appropriate avoidance and minimization measures developed in coordination with IDNR. Permanent and temporary impacts to waterbodies and riparian areas will require appropriate mitigation as determined by the Agency.

Purpose and Anticipated Benefits of the Proposed Activity.

The purpose of these types of projects is to build new utility infrastructure or perform work on existing infrastructure that supports the transmission of commodities and substances through pipes and pipelines, or electricity and data through wires and cables. Such transmission is relied upon by all sectors of the economy and is essential to meet the increasing energy demand. Pipelines can also provide environmental benefits by reducing emissions and increasing efficiency when compared to other transportation methods such as rail, truck, and ship transportation. Pipeline construction, operation, and maintenance also stimulate the nation's economy by creating jobs, generating revenue, and boosting local economies.

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

Given that the most common pollutant discharge associated with open cut trench installation of utilities is suspended solids resulting from the trench excavation and associated work within waterbodies, the incorporation of best management practices is the most practical means of pollution prevention. Such practices include performing work with heavy machinery from outside of the water to greatest extent possible, isolating the trench cut from open waters using coffer dam techniques or redirecting stream flows around the open trench cut. These practices not only facilitate reduction of the potential for elevated suspended solids but also allow for maximum control of mechanized equipment related pollution prevention through practical implementation of standard spill prevention and control plans.

There are four basic methods for crossing bodies of water with techniques that are unique to each method and crossing site.

Wet Open-Cut. This involves digging an open trench in the stream bottom, laying the prefabricated length of pipe necessary to reach bank to bank, and then backfilling.

Dry Open-Cut. This involves the use of coffer dam techniques and or the use of flume pipe(s) to direct the stream through the disturbed area which allows trenching to be done in drier conditions. Cofferdams may be used in larger streams to allow segments of the trench installation to be completed in phases. Smaller streams may be handled by using damming techniques to channel stream flow through a flume pipe downstream of another dam and the excavation can occur under the flume pipe. On very low flow streams, only an upstream dam may be needed where a pump can be installed to transfer water to a downstream segment outside of the work area.

Horizontal Directional Drilling (HDD). This technique uses a land-based drilling rig to drill a borehole with a shallow arc under water bodies or other obstacles through which a pipeline may be pulled through to the other side. The objective of HDD is to have minimal impact on the waterbody. Depending on geological conditions and other factors, HDD construction is considered suitable for large river crossings, extreme congestion (such as rail yards), sensitive crossings or other unique site-specific situations because it minimizes

Alternatives to open cut trench installation of utility infrastructure include horizontal direction drilling techniques.

The Do-Nothing alternative would require transportation of substances via means such as rail, ship, or roadway methods which are less efficient and would result in additional emissions. The Do-Nothing alternative is not considered acceptable where substance transportation via pipeline conveyance is feasible. The construction of the proposed project would follow conditions set forth by the Agency, Illinois DNR and USACE. The least intrusive alternative

would be to not complete the project. This is not an acceptable alternative given the importance of this type of project for economic security and infrastructure development.

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

The project has undergone consultation by the Illinois Department of Natural Resources (IDNR) using the EcoCAT web-based tool. Consultation results have been submitted to the Illinois EPA as part of the application documents. *Consultation results can be found at the following link: https://dnr.illinois.gov/programs/ecocat/consultationsearch.html*

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 will 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 will provide a stable shoreline system that reduces the impacts of wave energy, protects benthic habitats, prevents the further bluff destabilization, retains a sandy beach area, and provides access for landowners to the lake. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.