

IEPA Loan Applicant Environmental Checklist and Certification Form

Loan Applicant: _____

L17#: _____

This form must be signed by the loan applicant's Authorized Representative. All loan applicants must provide items 1 and 2 below. The information that must be provided for items 3-8 are specific to conditions of the project. See the attached instructions that explain the requirements and provide contact information. If you believe an item is not required for your project, enter N/A and provide an explanation. For checklist items marked as N/A, also indicate the page number of the planning report where the explanation is located.

Provide records of consultation with Illinois Department of Natural Resources (IDNR), State Historic Preservation Office (SHPO) for the National Historic Preservation Act (NHPA), Section 106. Projects may also need to consult with Tribal Historic Preservation Offices. Please refer to the next page for more information, and page 9 for an example letter.

1) Date of IDNR, SHPO response: _____

Provide records of consultation with IDNR's Impact Assessment Section for evaluation pursuant to the Illinois Endangered Species Protection Act [520 ILCS 10/11], the Illinois Natural Areas Preservation Act [525 ILCS 30/17], Title 17 Illinois Administrative Code, Part 1075, and Interagency Wetlands Policy Act of 1989 (Illinois Administrative Code, Part 1090).

2) Date of EcoCAT printout: _____

Date of IDNR follow-up letter (when protected resources are identified): _____

For projects located within any wetland, river, stream, flood plain, floodway, waterway, any body of water, or construction located within 250 feet of a wetland; provide records of consultation from:

3) U.S. Army Corps of Engineers (USACE). Date of USACE response: _____

For projects located within a flood plain or floodway, or along a jurisdictional river, lake, or stream without a mapped floodway or flood plain, provide records of consultation from:

4) IDNR Office of Water Resources (OWR). Date of IDNR OWR response: _____

If the project involves conversion of prime agricultural land to other uses, provide records of consultation from:

5) Illinois Department of Agriculture (IDOA). Date of IDOA response: _____

If the project includes 30% or more reserve capacity for future growth in the existing or proposed service areas, provide records of consultation from all applicable environmental regulatory entities listed on this form for the known growth/development areas associated with the identified secondary/indirect environmental impacts.

6) Secondary impacts list of applicable regulatory entities and date of their responses: _____

If any project with secondary impacts is in a county under the jurisdiction of a Designated Water Quality Management Agency (DWQMA), which are the Greater Egypt Regional Planning & Development Commission (GERPDC), the Southwestern Illinois Metropolitan and Regional Planning Commission (SIMAPC), and the Chicago Metropolitan Agency for Planning (CMAP), provide records of consultation from:

7) **Date of DWQMA response:** _____

For certain projects, if construction has the potential for adverse effects on properties that have religious, historical, or cultural significance, Section 106 of the NHPA requires consultation with federally recognized Indian tribes, including those previously residing in Illinois, to determine whether such properties are present. Check all boxes below that apply to this project. If any boxes except the first are checked, consultation must be initiated with a representative of each interested tribe, and IDNR SHPO's determination must be submitted to the tribe, along with project information. Please refer to page 7 for specific instructions on consultation.

- None of the below apply or not applying for loan funding – Tribal Consultation is Not Applicable, or:**
- Significant ground disturbance**
Does NOT apply to sewer lining; in-place sewer or water main replacements without an increase to the size of a previously-disturbed trench; re-building any previously existing well or building within the same footprint. **Examples of significant ground disturbance include new sewers, new foundations or footings, grading, and new access roads.**
- New construction in undeveloped natural areas**
E.g.: treatment plants, pipelines, or other new facilities in undeveloped natural areas such as forests, etc.
- Visual changes and/or audible changes**
E.g.: construction of a focal point that is out of character with the surrounding natural area, impairment of the view from an observation point in the natural landscape or of the historic scenic qualities of an area, or an increase in noise levels above an acceptable standard in areas known and appreciated for their quietness.
- Atmospheric changes**
Example: introduction of lights that create skyglow in an area with a dark night sky.
- Work on a building with significant tribal association**
Examples: rehabilitation, demolition, or removal of a surviving ancient tribal structure(s), or a structure that is believed to be the location of a significant tribal event or that served as a tribal school or community hall.
- Transfer, lease, or sale of a historic property of religious and cultural significance**
Examples: Involves properties that contain archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, or structures with significant tribal association.

8) **Date IDNR SHPO consultation letter and project information submitted to tribes:** _____

List tribes contacted below or attach a list. Indicate contact date and if a response was received. One copy of the consultation letter sent, and copies of all responses received, must be submitted to IEPA.

Certification: By signing this form, the Loan Applicant certifies that the applicable environmental evaluations were conducted for the proposed project locations, and if the review results for any of these environmental evaluations include recommendations, conditions, certifications, and/or permits, the Loan Applicant agrees to comply.

Signed: _____ Date: _____
Loan Applicant's Authorized Representative

IEPA Loan Applicant Environmental Checklist and Certification Form Instructions

To obtain Project Plan approval, a loan applicant must satisfy the IEPA that the project will comply with various State and Federal enactments for protection of historical/cultural resources, recreational areas, rivers, streams wetlands, any body of water, floodplains, river and stream banks, rare and endangered species, prime agricultural land, air and water quality and other sensitive environmental areas. These required evaluations are intended to ensure compliance with Section II, Environmental Authorities, of the USEPA Handbook for Cross-cutting Federal Authorities. Please note that in Illinois, the Wild and Scenic Rivers Act requirements only apply to a designated 17.1-mile part of the middle fork of the Vermilion River, which is located west of Danville, Illinois, in Vermilion County.

These requirements can be satisfied by providing the information noted on this checklist. This checklist itemizes the project conditions that determine which environmental evaluations are required. The loan applicant must ask the identified regulating entities to evaluate their proposed project and then provide records of consultation to the IEPA. Records of consultation consist of copies of the loan applicants request for consultation; all correspondence to document the evaluation of the project; and the final review results. If the final environmental review results include recommendations, conditions, certifications, or if permits are issued, copies must be provided as part of the records of consultation. The records of consultation for all necessary environmental evaluations must be provided to the IEPA before we can complete the project summary document (Categorical Exclusion or Preliminary Environmental Impacts Determination), which is necessary to comply with the public notification and project planning approval requirements. Depending on the site-specific project conditions, the required environmental evaluations can take two or more months to complete. If your project meets any listed conditions, it is suggested that you submit the project information to the regulating entity as soon as possible.

To determine whether evaluations by USACE (Item 3) and IDNR-OWR (Item 4) are required, loan applicants must provide the IEPA Loan Program a minimum of two maps that show the project location and the specified environmentally sensitive areas. One map must be an official floodway location map as described in Item 4 to determine whether IDNR-OWR evaluation must be conducted. One or more other maps that show wetlands, rivers, streams and any body of water as described in Item 3 must be provided to determine whether USACE evaluation must be conducted. If the project is in any one of the specified areas, the loan applicant must submit a joint application form to IDNR-OWR and/or USACE and provide records of consultation to IEPA. If the provided maps demonstrate that project is not located in the specified areas, further evaluation is not required for Items 3 and 4.

By signing the Environmental Checklist and Certification Form, the loan applicant is certifying that the correct environmental evaluations were done for all proposed project construction areas and that they will comply with all environmental requirements. **The checklist and certification form must be signed and dated by the loan applicant's Authorized Representative (not the consulting engineer) and submitted to IEPA.**

Some environmental evaluation results specify a time period that the consultation remains valid. The consultation may expire in two or three years or may be project specific. The environmental evaluations must be current and in effect when the IEPA approves the project planning. If an environmental consultation expires before IEPA loan project planning approval, the loan applicant must provide new updated records of consultation.

If you have any questions regarding this package, please contact the IEPA Infrastructure Financial Assistance Section (IFAS) in the Bureau of Water at 217/782-2027.

1) Historical/Cultural Resources - National Historic Preservation Act, Section 106

A sign-off from the Illinois Department of Natural Resources State Historic Preservation Office (SHPO) must be provided to IEPA. The request for evaluation must indicate that the project will be funded through the IEPA loan program and therefore will require a federal Section 106 Sign-off (this will also satisfy the State Agency Historic Preservation Protection Act of 1966). The sign-off may be unconditional, or it may be conditional upon the applicant agreeing to incorporate measures to protect or recover historic or archeological resources. For more information visit: <https://www2.illinois.gov/dnrhistoric/Preserve/Pages/Resource-Protection.aspx>.

IL Historic Preservation Office phone number: (217) 782-4836

E-mail requests for SHPO review to: SHPO.Review@Illinois.gov .

2) Threatened & Endangered Species, Natural Areas, Wetlands - Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, Illinois Interagency Wetland Policy Act

All projects, except for equipment only purchases, must be evaluated by the Illinois Department of Natural Resources (IDNR) Impact Assessment Section (IAS) for potential adverse effects to protected natural resources pursuant to the Illinois Endangered Species Protection Act [520 ILCS 10/11], the Illinois Natural Areas Preservation Act [525 ILCS 30/17], Title 17 Illinois Administrative Code, Part 1075, and Interagency Wetlands Policy Act of 1989 (Illinois Administrative Code, Part 1090). Loan applicants should submit the project via IDNR's EcoCAT website at: <https://dnr2.illinois.gov/EcoPublic/>. Applicants must then provide copies of the following records of consultation to IEPA:

- An EcoCAT review report which states that consultation under Part 1075 is terminated and that the wetland review under Part 1090 is terminated. If protected resources are identified, also provide;
- A letter from IDNR terminating the Part 1075 consultation and the Part 1090 wetland review because adverse effects are unlikely, or
- A letter from IDNR detailing any recommendations or measures which must be taken to avoid, minimize or mitigate adverse effects. All recommendations or measures must be incorporated into the project bidding and construction contract specifications.

Loan applicants may contact IDNR, IAS in at: Illinois Department of Natural Resources
Office of Realty and Capital Planning, Impact Assessment Section
One Natural Resources Way
Springfield, Illinois 62702-1271
Phone: 217-785-5500
Email: DNR.Ecocat@Illinois.gov

Reminder: Fees are not applicable to consultations required by State or Federal Government projects. If this consultation is for an IEPA funded project, do not pay the fee.

3) U.S. Army Corps of Engineers (USACE) for construction located within a river, stream, wetland, flood plain, floodway, waterway, or any body of water; or construction within 250 feet of a wetland.

To demonstrate compliance, all applicants must provide a copy of an area topographic or satellite image map that shows the project location and at least one-quarter mile of surrounding area and identifies all the following areas: rivers, streams, wetlands, flood plains, floodways, waterways, or any body of water or that will verify these areas are not present. The origin of the map must be provided. It is acceptable to provide as many maps as necessary to show the listed environmentally sensitive areas. Please note that an official flood plain/floodway map must be provided separately for item 4 below. If the project is not located in the listed areas, Item 3 of the checklist can be marked N/A and further evaluation by USACE is not necessary.

For all projects located in any of these areas, the loan applicant must submit a Joint Application Form and supporting project information to USACE. If the review results obtained from the IDNR Eco-CAT, Part 1090 Wetland Protection Act evaluation identify wetlands within 250 feet of the project location, the loan applicant must submit the project to USACE for evaluation, regardless of whether the Eco-CAT review was terminated. If the project locations are in previously disturbed areas; or directional boring will be used, the USACE evaluation must still be conducted.

The Joint Application Form is available on the USACE website at this link:

<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>. Click on Applications and Application Information to see several options for District Specific Permit information. **Attachment A** to this guidance provides a map and addresses to help you determine the appropriate Army Corps of Engineers District Office for your project.

When USACE evaluation is required, the loan applicant must provide IEPA with a copy of the evaluation request and the review results that were obtained from USACE. Acceptable review results must be from the regulating entity and may consist of a letter or email stating that the project is not regulated, and/or a permit is not required. If the review results include recommendations, conditions, and/or permits, the loan applicant must provide IEPA with a copy of all correspondence. If recommendations, conditions and/or permits are issued, the applicant must comply. The conditions must be included within the bidding and construction contract documents before a loan is issued.

4) IDNR Office of Water Resources (OWR) for projects located within a flood plain or floodway, or along a jurisdictional river, lake, or stream without a mapped floodway or floodplain

IDNR/OWR has jurisdiction on any river, lake, or stream with a drainage area greater than one square mile in an urban area, or ten square miles in a rural area. To demonstrate compliance, all applicants must provide a copy of an official floodways area map that shows the project location and at least one-quarter mile of surrounding area. Acceptable floodway location maps can be the Flood Insurance Rate Map for the project location's county or community, or from the Federal Emergency Management Agency (FEMA). The origin of the map must be provided. Some flood plain areas regulated by the IDNR-OWR have not been identified on flood insurance rate or FEMA mapping. If the project is in an area that is not shown on an official flood insurance rate or FEMA map, the loan applicant must provide a topographic or satellite image map that documents the project is not in the flood plain of any river, lake, or stream with a drainage area greater than one square mile in an urban area or ten square miles in a rural area. A printout report from the U.S. Geological Survey (USGS) StreamStats website that shows the square miles of the drainage area (Parameter Code DRNAREA) can be used to document flood drainage areas in unmapped locations. The StreamStats website is at: <https://water.usgs.gov/osw/streamstats/>.

If the project is not located within a flood plain or floodway or jurisdictional area, Item 4 of the checklist form can be marked as N/A and further evaluation by IDNR-OWR is not necessary.

If the project is located within any area designated as a flood plain or floodway area, or along a jurisdictional river, lake or stream without a mapped floodway or floodplain, the loan applicant must submit a Joint Application Form and supporting project information to IDNR-OWR. If the project locations are in previously disturbed areas; or directional boring will be used, the IDNR-OWR evaluation must still be conducted. **The Joint Application Form** is available at: <https://www2.illinois.gov/dnr/WaterResources/Pages/PermitApplicationandInstructions.aspx> When IDNR OWR evaluation is required, the loan applicant must provide IEPA with a copy of the evaluation request and the review results that were obtained from IDNR OWR. Acceptable review results must be from the regulating entity and may consist of a letter or email stating that the project is not regulated, and/or a permit is not required. If the review results include recommendations, conditions, and/or permits, the loan applicant must provide IEPA with a copy of all correspondence and agree to comply. The conditions must be included within the bidding and construction contract documents before a loan is issued.

IDNR OWR contact information: <https://www.dnr.illinois.gov/WaterResources/Pages/ResourceManagement.aspx>

Projects in Cook, Lake, Illinois Department of Natural Resources – Office of Water Resources phone:
McHenry, DuPage, Kane Division of Resource Management 847/608-3100
and Will Counties 2050 West Stearns Road
Bartlett, Illinois 60103

Projects in remainder of the Illinois Department of Natural Resources – Office of Water Resources phone:
State Downstate Regulatory Programs Section 217/782-3863
One Natural Resources Way
Springfield, Illinois 62702-1271

5) Conversion of Prime Agricultural Land to Other Uses (Federal Farmland Preservation Policy Act)

If the project involves permanent conversion of prime agricultural land to other uses, a description and map of the area to be converted along with a discussion of the necessity of utilizing prime agricultural land for the project must be provided. A copy of the evaluation request and review results must be provided to IEPA. If prime agricultural land is being converted, comments should be obtained from the IL Department of Agriculture, Bureau of Land & Water Resources: <https://www2.illinois.gov/sites/agr/Resources/LandWater/Documents/agsitereview.pdf>

Or by writing: Illinois Department of Agriculture, Bureau of Land and Water Resources,
P.O. Box 19281, State Fairgrounds
Springfield, IL 62794-9281
Phone: (217) 785-4389

6) Secondary Environmental Impacts

Projects that include 30% or more reserve capacity for future growth in the existing or proposed service areas, must include a discussion of the potential secondary impacts of the proposed project(s) in the planning documents. The loan applicant must identify reasonably foreseeable secondary/indirect environmental impacts from the project that are likely to occur. Secondary/ indirect impacts can include changes in the rate, density, type of development or use of open space, floodplain, prime agricultural land, impacts to historical/cultural resources, endangered or threatened species, natural areas, wetlands, rivers and streams, floodways, waterways, or any body of water. Provide a map that shows all proposed growth/development areas. The impacts to sensitive ecosystems due to induced growth must be evaluated and appropriate measures for mitigation proposed if necessary.

Projects that have 30% or more reserve growth capacity and know the actual location of growth/development areas, must also submit these known growth/development areas for evaluation to the same regulating entities listed above that evaluate the identified project construction areas. For example: If a WWTP is being expanded to a capacity that is 30% more than the existing capacity for reasons that includes serving a new 40-acre subdivision, the 40-acre property must be evaluated for environmental impacts using the same criteria listed in items 1-5 and 8 of this checklist. These secondary environmental impacts evaluations must be identified separately from the project's direct construction impacts. A copy of the evaluation requests and records of consultation must be provided to the IEPA. If recommendations, conditions and/or permits are issued, the loan applicant must agree to the conditions and to include them in the bidding and construction contract documents before a loan is issued.

7) Designated Water Quality Management Agency (DWQMA) Consultation/Sign-off

This evaluation is only applicable to projects that identify secondary impacts as noted in item 6 above and are in any of the counties covered by a Designated Water Quality Management Agency (DWQMA) that are identified in **Attachment B** and the contact information below. The DWQMA will determine whether the project is consistent with that Agency's goals, future growth service areas, and their Water Quality Management Plans. A copy of the evaluation requests and records of consultation must be provided to the IEPA. If recommendations and/or conditions are issued, the loan applicant must agree to the conditions and to include them in the bidding and construction

contract documents before a loan is issued. See Item No. 6 for a list of secondary impacts. Contact information for DWQMAs is below.

Chicago Metropolitan Agency for Planning (CMAP)
233 South Wacker Drive
Suite 800
Chicago, Illinois 60606
(312) 454-0400
<https://www.cmap.illinois.gov/>

Counties: Cook, DuPage, Kane,
Kendall, Lake, McHenry, Will

Greater Egypt Regional Planning & Development Commission
3000 West DeYoung St.
Suite 800B-3
Marion, Illinois 62959
(618) 997-9351
<http://greateregyp.org/>

Counties: Franklin,
Jefferson, Jackson,
Perry, Williamson

Southwestern Illinois Metropolitan and Regional Planning
Commission
10025 Bunkum Road, #201
Fairview Heights, Illinois 62208
(618) 344-4250
<https://simapc.org/>

Counties: Bond, Clinton, Madison
Monroe, Randolph, St. Clair,
Washington

8) Tribal Consultations – Not required for state-funded grant projects.

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires that when federal monies are involved, any project construction activities which have the potential for adverse impacts are required to consult with the Tribal Historic Preservation Office (THPO) or authorized representative of all federally recognized, interested tribes. The purpose is to preserve and protect tribal heritage through consultations, investigations, and planning efforts, and to comply with cultural resource laws. Consultation is only required if construction has the potential to affect any properties with religious, historical, or cultural significance that may be present. The checklist on Page No. 2 of this document may be used to determine if tribal consultation is required. If you are uncertain as to whether consultation is required, consult with your IEPA project manager.

The US Department of Housing & Urban Development's Office of Environment and Energy developed an application called the Tribal Directory Assessment Tool (TDAT) to help users identify tribes that may have an interest in a location down to the county level. The TDAT is accessible through the following link: (<https://egis.hud.gov/TDAT/>). If consultation is required, loan applicants should access the TDAT website to retrieve contact information for interested tribes. When a Tribal Historic Preservation Officer (THPO) is listed as a contact, consultations should be directed to this individual. If no THPO is listed, other listed tribal representatives should be contacted. The preferred method of contact is email, but a formal letter may be sent when a tribe does not have an email address listed on TDAT.

To initiate consultation, provide project information along with the determination letter from the IL State Historic Preservation Office (SHPO), and a letter asking whether the tribal representative concurs with IL SHPO's determination. Be as specific as possible when indicating the area of project effect. E.g., if there are four project sites, but digging outside of an existing footprint/trench will only take place at one site, that is the only site that should be submitted for review. Tribal representatives may ask for a KMZ file with GPS coordinates. Tribal representatives must be allowed 30 days to review the complete project materials, including IL SHPO's determination, and provide additional comments. The tribe may provide the applicant with information regarding potential adverse impacts of construction activity. A tribe may request that a cultural resources survey or archaeological monitoring be performed.

For projects required to consult with the Osage Nation Historic Preservation Office (ONHPO), additional instructions can be accessed at: <https://www.osageculture.com/culture/historic-preservation-office/nhpa-section-106>. When submitting information to the ONHPO, CC your assigned IEPA project manager and Ellen.Jordal@Illinois.gov.

An example consultation letter is below. The letter or e-mail must be signed by the applicant's authorized representative. A list of tribes contacted, the contact date, and any responses received must be submitted to IEPA with the Environmental Checklist. If a tribal representative requests mitigative measures, notify your IEPA project manager and Ellen.Jordal@Illinois.gov.

Tribal Consultation Letter Example

[Date]

[Name], [Title - Preferred THPO]

[Name of Tribe]

[Address]

Re: Section 106 Review – **[Name of Loan Applicant]/[County]**

Dear **[Title] [Last Name]**,

The **[Name of Applicant]** is applying for funding from the Illinois Environmental Protection Agency (IEPA) for **[Project Purpose: i.e., Sanitary Sewer Extension; Installing a New Pump Station]**. IEPA provides low interest loans through the State Revolving Fund (SRF), which receives annual federal capitalization funding from USEPA. Prior to receiving planning approval, IEPA requires review of all projects to assure compliance with federal cross-cutting authorities, including Section 106 of the National Historic Preservation Act (NHPA).

In cooperation with IEPA, our municipality conducted a review of this proposed project's location to comply with Section 106 of the National Historic Preservation Act according to procedures outlined in 36 CFR Part 800. Please see the attached results from the IL State Historic Preservation Office. Due to tribal interests in **[County Name]** County, IL, we invite you to be a consulting party in this review to help identify properties in the project area that may have historical, religious, or cultural significance to your tribe. If such properties are identified and the project has the potential to impact historical or cultural resources, we request guidance regarding how to avoid, minimize, or mitigate any adverse effects.

Information regarding the project is attached. If you would like to be a consulting party on this project, please respond to this letter within 30 days. If you have information regarding potential adverse impacts of construction activities, please submit a description of your concerns along with a request for mitigative measures. We value your input. If you have further questions regarding this project, please contact **[Name]** at **[e-Mail or Phone]**.

Sincerely,

[Name]

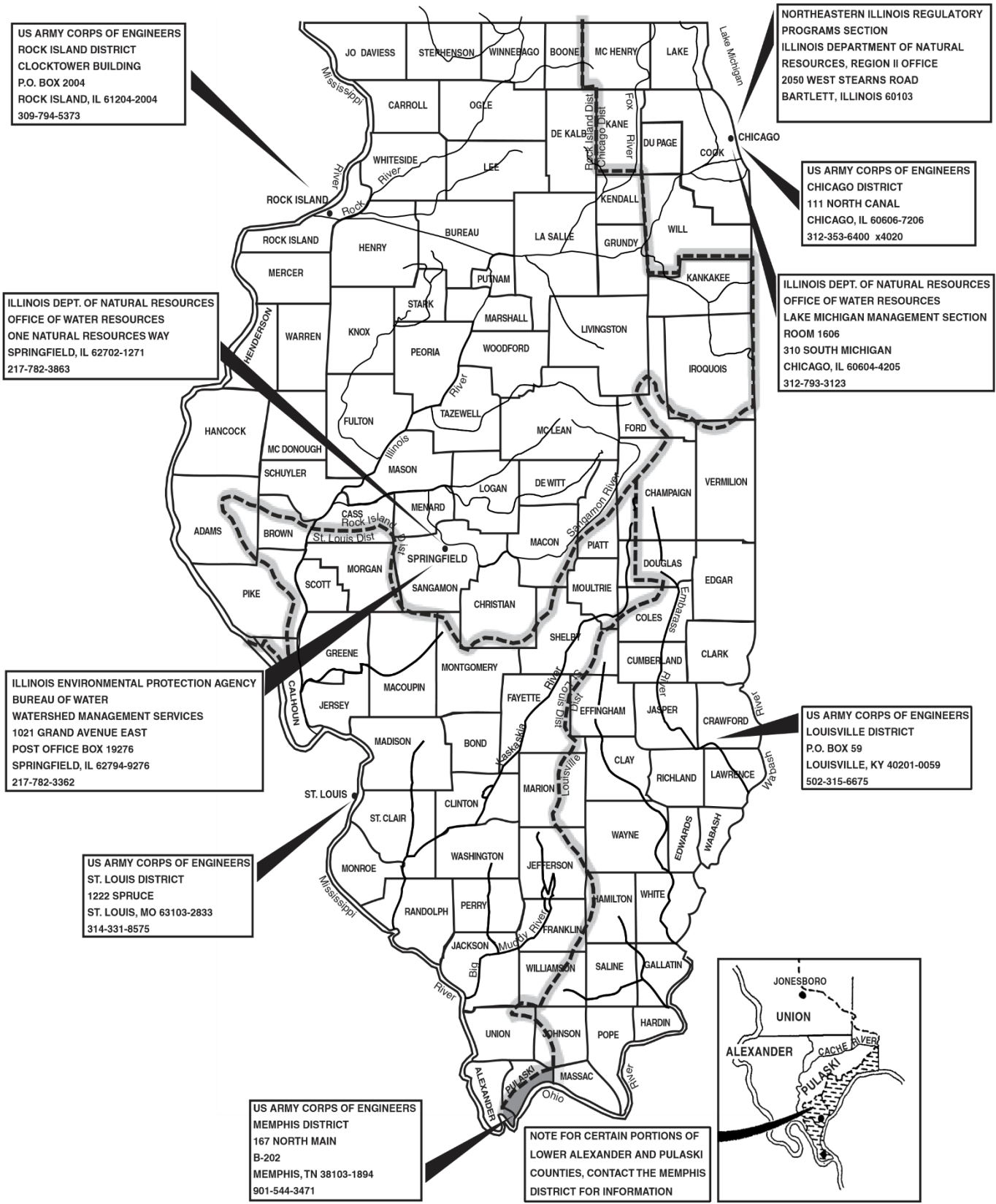
[Title]

[Organization]

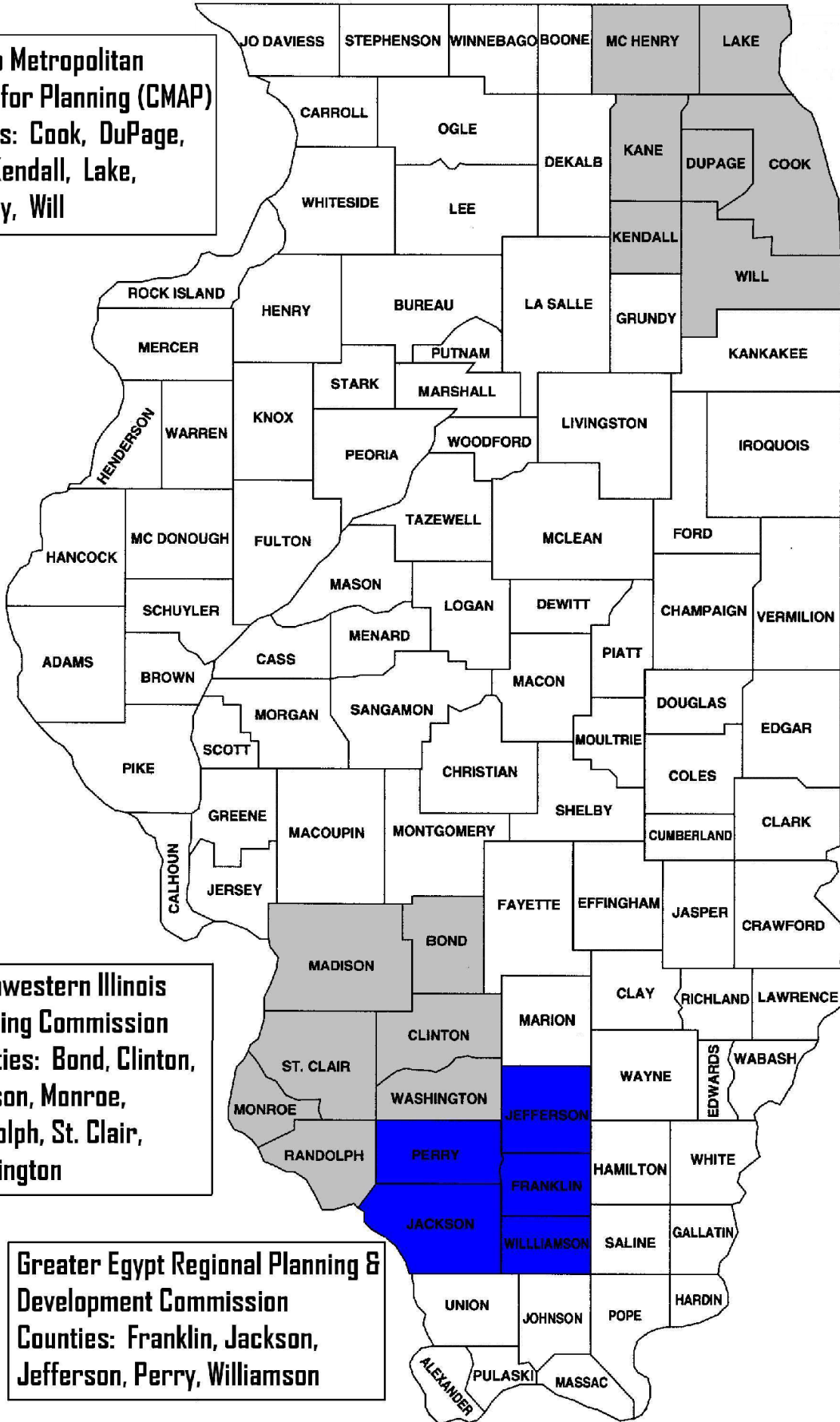
Cc: IL EPA #15

Attachment A

REGULATORY JURISDICTIONAL BOUNDARIES



Chicago Metropolitan Agency for Planning (CMAP)
Counties: Cook, DuPage, Kane, Kendall, Lake, McHenry, Will



Southwestern Illinois Planning Commission
Counties: Bond, Clinton, Madison, Monroe, Randolph, St. Clair, Washington

Greater Egypt Regional Planning & Development Commission
Counties: Franklin, Jackson, Jefferson, Perry, Williamson