

Streamlined 401 Certification Requirements

An applicant for Nationwide Permit (NWP) 12, 57, or 58 seeking individual certification from the Illinois EPA must provide adequate information to determine if a streamlined 401 certification review process or an affirmative waiver of 401 certification may be implemented. If the Illinois EPA determines that it cannot waive 401 certification or use a streamlined approach, then the Applicant is responsible for additional information, including information noted on the pre-filing meeting request notification letter, to further process a typical case-specific 401 review. The following information is required:

- A. Identification and characterization of all impacts to both jurisdictional and non-jurisdictional waters with each impact being assessed as a permanent or temporary impact. For streams, the application must provide the watershed size tributary to the downstream project reach according to StreamStats (<https://streamstats.usgs.gov/ss/>), if the regulated stream is on the order of intermittent or perennial flow, an evaluation using the Qualitative Habitat Evaluation Index (QHEI) for streams is required at a minimum. Additional biological and chemical characterization information may be needed if a streamlined 401 review is deemed infeasible. For wetlands, the Ohio Rapid Assessment Method (ORAM) must be provided, and as with streams, an actual wetland delineation in accordance with the 1987 Corps of Engineers Wetland Delineation Manual will be required. QHEI and ORAM resources can be found on the main 401 web page.
- B. Description of the project activity and how the activity will result in discharges of dredged or fill materials to include descriptions of type and quantity of fill materials. Provide adequate plan detail showing work areas, aquatic habitat, and permanent and temporary impacts. Include a narrative of the proposed waterbody crossing methods, construction techniques, and measures that will be utilized to minimize adverse impacts. Provide adequate detail about riparian buffers that are present including vegetation characterization and the width of such buffers that will be affected.
- C. Discussion of all other projects that are reasonably associated with the subject project that are part of a common plan, and which require Section 404 permitting. Indicate the type and amount of permanent and temporary impacts associated with these separate projects and note the type of Section 404 permit that will be required.
- D. Discussion of less environmentally damaging alternatives to the proposed adverse impacts and description of the minimization and avoidance incorporated into the proposed activity.

- E. Wetland mitigation plan for jurisdictional impacts greater than 1/10 acre.
- F. Riparian impact restoration plan, if applicable, provide maximum protection to aquatic resources.
- G. Temporary impact mitigation plan, if applicable, to ensure temporary impacts do not develop into permanent degradation/conversion of a resource. A minimum 2-year post-construction monitoring and contingency actions commitment is standard requirement.
- H. Demonstration of the status of an application for NPDES stormwater permit or discussion about the exemption status of such permit.
- I. Illinois Endangered Species Protection Act and Illinois Natural Areas Preservation Act consultation determinations resulting from EcoCAT review pursuant to 17 Ill. Admin. Code Part 1075.
- J. Any additional information the Agency may subsequently request based on review of above information.

Certification Fee: In accordance with 415 ILCS 5/12.6, each applicant seeking a federal authorization of an action requiring a Section 401 state water quality certification by the Agency shall submit the required fee to the Agency prior to the issuance of the certification. Applicants deemed eligible for the streamlined approach but not eligible for certification waiver shall provide a fee worksheet and the appropriate certification fee payment prior to issuance of the public notice. The Agency will provide the applicant with a blank fee worksheet at the time of pre-filing request submittal.

Submit the required information to:

Illinois EPA
Attn: BOW Permit Section - 401/Mines
2520 West Iles Avenue
P.O. Box 19276
Springfield, Illinois 62794-9276

And

epa.401.bow@illinois.gov

Important Resources:

Qualitative Habitat Evaluation Index (QHEI)

(<https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/35/documents/QHEIManualJune2006.pdf>)

Ohio Rapid Assessment Method (ORAM):

(<https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/35/401/ORAM%20Manual%205.0.pdf>)

StreamStats: (<https://streamstats.usgs.gov/ss/>)

Integrated Report Companion App (303(d) List): (<https://arcg.is/zXHiW1>)