ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR JOHN J. KIM, INTERIM DIRECTOR

217/782-3362

APR -2 2012

U.S. Army Corps of Engineers, Rock Island
ATTN: Regulatory Branch
Clock Tower Building
Post Office Box 2004
Rock Island, IL 61204-2004

Re: Final Notice of Issuance of Nationwide Permits, February 21, 2012
Section 401 Certifications, Denials, General and Regional Conditions

Gentlemen:

On February 21, 2012 the Corps of Engineers issued the final notice concerning the disposition of the expiring Nationwide Permits (NWPs) under Section 10 of the 1899 Rivers and Harbors Act and Section 404 of the Clean Water Act.

Based on our review of the final rules, Section 401 certifications are hereby issued for the following NWPs subject to the General Conditions 1, 2 and 3 below:

NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Device and Activities
NWP 5 – Scientific Measurement Devices
NWP 7 – Outfall Structures and Associated Intake Structures
NWP 20 – Response Operations for Oil and Hazardous Substances
NWP 22 – Removal of Vessels
NWP 36 – Boat Ramps
NWP 45 – Repair of Uplands Damaged by Discrete Events

In addition, the following NWPs are hereby issued Section 401 certifications subject to General Conditions 1, 2 and 3 and Regional Conditions as indicated below:

NWP 3 – Maintenance. Refer to Regional Conditions contained in Attachment 1

NWP 6 – Survey Activities. Refer to Regional Conditions contained in Attachment 2

NWP 12 – Utility Line Activities. Refer to Regional Conditions contained in Attachment 3

NWP 13 – Bank Stabilization. Refer to Regional Conditions contained in Attachment 4

NWP 14 – Linear Transportation Projects. Refer to Regional Conditions contained in Attachment 5

NWP 15 – U.S. Coast Guard Approved Bridges. Refer to Regional Conditions contained in Attachment 6

NWP 16 – Return Water from Upland Contained Disposal Areas. Refer to Regional Conditions in Attachment 7

NWP 17 – Hydropower Projects. Refer to Regional Conditions in Attachment 8

4302 N. Main St., Rockford, IL 61103 (815)987-7760
595 S. State, Elgin, IL 60123 (847)608-3131
2125 S. First St., Champaign, IL 61820 (217)278-5800
2009 Mall St., Collinsville, IL 62234 (618)346-5120
9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
5407 N. University St., Arbor 113, Peoria, IL 61614 (309)693-5462
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6026

PLEASE PRINT ON RECYCLED PAPER

NWP 18 – Minor Discharges. Refer to Regional Conditions in Attachment 9

NWP 19 – Minor Dredging. Refer to Regional Conditions in Attachment 10

NWP 25 – Structural Discharges. Refer to Regional Conditions in Attachment 11

NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities. All activities conducted under NWP 27 shall be in accordance with the provisions of 35 Il. Adm. Code 405.108. Work in reclaimed surface coal mine areas are required to obtain prior authorization from the Illinois EPA for any activities that result in the use of acid-producing mine refuse.

NWP 29 – Residential Developments. Refer to Regional Conditions in Attachment 12

NWP 32 - Completed Enforcement Actions. Refer to Regional Conditions contained in Attachment 13

NWP 33 -Temporary Construction, Access and Dewatering. Refer to Regional Conditions contained in Attachment 14

NWP 38 – Cleanup of Hazardous and Toxic Waste. Refer to Regional Conditions contained in Attachment 15

NWP 39 – Commercial and Institutional Developments. Refer to Regional Conditions contained in Attachment 16

NWP 40 – Agricultural Activities. Refer to Regional Conditions contained in Attachment 17

NWP 41 – Reshaping Existing Drainage Ditches. Refer to Regional Conditions contained in Attachment 18

NWP 42 – Recreational Facilities. Refer to Regional Conditions contained in Attachment 19

NWP 44 – Mining Activities. Refer to Regional Conditions contained in Attachment 20

NWP 46 – Discharges into Ditches. Refer to Regional Conditions contained in Attachment 21

NWP 51 – Land-Based Renewable Energy Generation Facilities. Refer to Regional Conditions contained in Attachment 22

NWP 52 – Water-Based Renewable Energy Generation Pilot Projects. Refer to Regional Conditions contained in Attachment 23

Section 401 Certification is denied for the following NWPs:
NWP 21 – Surface Coal Mining Activities
NWP 23 – Approved Categorical Exclusions
NWP 30 – Moist Soil Management for Wildlife
NWP 31 – Maintenance of Existing Flood Control Facilities
NWP 34 – Cranberry Production Activities
NWP 37 – Emergency Watershed Protection and Rehabilitation
NWP 43 – Stormwater Management Facilities
NWP 48 – Commercial Shellfish Aquaculture Activities
NWP 49 – Coal Remining Activities
NWP 50 – Underground Coal Mining Activities

General Condition 1: An individual 401 water quality certification will be required for any activities permitted under these Nationwide Permits for discharges to waters designated by the State of Illinois as Outstanding Resource Waters under 35 Ill. Adm. Code 302.105(b).

General Condition 2: Projects requiring authorization under Section 404 of the Clean Water Act must implement Best Management Practices (BMPs) to protect water quality, preserve natural hydrology and minimize the overall impacts to aquatic resources during and after construction. If the project involves a water with an approved Total Maximum Daily Load (TMDL) allocation for any parameter, measures which ensure consistency with the assumption and requirements of the TMDL shall be included. TMDL program information and water listings are available at www.epa.state.il.us/water/tmdl/. If the project involves an impaired water listed on the Illinois Environmental Protection Agency's Section 303(d) list for suspended solids, turbidity, or siltation, measures designed for at least a 25-year, 24-hour rainfall event shall be incorporated. Impaired waters are identified at www.epa.state.il.us/water/tmdl/303d-list.html.

General Condition 3: Prior to proceeding with any work in accordance with any Nationwide Permit, potential impacts to threatened or endangered species shall be identified through use of the State's Ecological Compliance Assessment Tool (EcoCAT) at http://dnrecocat.state.il.us/ecopublic/. If potential impacts to State threatened or endangered species are identified, the Illinois Department of Natural Resources shall be consulted with.

Should you have any questions or comments regarding the content of this letter, please contact Thaddeus Faught at 217-782-3362.

Sincerely,

Alan Keller

Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control

SAK:TJF:0089-11.docx

cc: Records Unit
Ms. Donna Jones, CoE, Rock Island District
CoE, Chicago District
CoE, Louisville District
CoE, Louisville District (Newburgh Regulatory Office)
CoE, Louisville District (Indianapolis Office)
CoE, Memphis District
CoE, St. Louis District
IDNR, OWR, DWRM, Bartlett and Springfield
IDNR, OWR, Lake Michigan Management Section, Chicago
USEPA, Region 5
USFWS, Rock Island, Barrington and Marion

Attachment 1

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 3

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, as determined by the Illinois EPA.

3. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. The applicant for Nationwide Permit 3 shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.

5. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant for Nationwide 3 shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant for Nationwide 3 shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

6. The applicant for Nationwide 3 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

7. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.

8. The applicant for Nationwide 3 that uses temporary work pads, cofferdams, access roads and other temporary fills in order to perform work in creeks, streams, or rivers shall maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

Attachment 2

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 6

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant for Nationwide Permit 6 shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.

3. Material resulting from trench excavation within surface waters of the State may be temporarily sidecast adjacent to the trench excavation provided that:
   A. Sidecast material is not placed within a creek, stream, river or other flowing water body such that material dispersion could occur;
   B. Side cast material is not placed within ponds or other water bodies other than wetlands; and
   C. Sidecast material is not placed within a wetland for a period longer than twenty (20) calendar days. Such sidecast material shall either be removed from the site, or used as backfill (refer to Condition 4 and 5).

4. Backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation. Excavated material may be used only if:
   A. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or
   B. Excavation and backfilling are done under dry conditions.

5. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.

6. Temporary work pads shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.

7. The applicant for Nationwide 6 that uses temporary work pads in order to perform work in creeks, streams, or rivers shall maintain flow in the these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

Attachment 3

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 12

1. Case-specific water quality certification from the Illinois EPA will be required for:
   A. activities in the following waters:
      i. Lake Calumet
      ii. Fox River (including the Fox Chain of Lakes)
      iii. Lake Michigan
      iv. All Public and Food Processing Water Supplies with surface intake facilities. The Illinois EPA's Division of Public Water Supply at 217/782-1020 may be contacted for information on these water supplies.
   B. activities in the following waters if material is sidecast into waters of the State or wetlands:
      i. Chicago Sanitary and Ship Canal
      ii. Calumet-Sag Channel
      iii. Little Calumet River
      iv. Grand Calumet River
      v. Calumet River
      vi. South Branch of the Chicago River (including the South Fork)
      vii. North Branch of the Chicago River (including the East and West Forks and the Skokie Lagoons)
      viii. Chicago River (Main Stem)
      ix. Des Plaines River
      x. Saline River (in Hardin County)
      xi. Richland Creek (in St. Clair and Monroe Counties)
      xii. Rock River (in Winnebago County)
      xiii. Illinois River upstream of mile 229.6 (Illinois Route 178 bridge)
      xiv. Illinois River between mile 140.0 and 182.0
      xv. Pettibone Creek (in Lake County)
      xvi. DuPage River (including the East and West Branches)
      xvii. Salt Creek (Des Plaines River Watershed)
      xviii. Waukegan River (including the South Branch)

2. Section 401 water quality certification is hereby issued for all other waters, with the following conditions:

   A. The applicant for Nationwide Permit 12 shall not cause:
      i. violation of applicable provisions of the Illinois Environmental Protection Act;
      ii. water pollution defined and prohibited by the Illinois Environmental Protection Act;
      iii. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
      iv. interference with water use practices near public recreation areas or water supply intakes.

   B. The applicant for Nationwide Permit 12 shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.

   C. Material resulting from trench excavation within surface waters of the State may be temporarily sidecast adjacent to the trench excavation provided that:
      i. Sidecast material is not placed within a creek, stream, river or other flowing water body such that material dispersion could occur;

ii. Side cast material is not placed within ponds or other water bodies other than wetlands; and

iii. Sidecast material is not placed within a wetland for a period longer than twenty (20) calendar days. Such sidecast material shall either be removed from the site (refer to Condition 2.F), or used as backfill (refer to Condition 2.D and 2.E).

D. Backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material may be used only if:

i. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or

ii. Excavation and backfilling are done under dry conditions.

E. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.

F. All material excavated which is not being used as backfill as stipulated in Condition 2.D and 2.E shall be stored or disposed in self-contained areas with no discharge to waters of the State. Material shall be disposed of appropriately under the regulations at 35 Il. Adm. Code Subtitle G.

G. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant for Nationwide 12 shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant for Nationwide 12 shall be responsible for obtaining an NPDES Storm Water Permit required by the federal Clean Water Act prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

H. The applicant for Nationwide 12 shall implement erosion control measures consistent with the Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

I. The use of directional drilling to install utility pipelines below surface waters of the State is hereby certified provided that:

i. All pits and other construction necessary for the directional drilling process are located outside of surface waters of the State;

ii. All drilling fluids shall be adequately contained such that they cannot cause a discharge to surface waters of the State. Such fluids shall be treated as stipulated in Condition 2.F; and

iii. Erosion and sediment control is provided in accordance with Conditions 2.B, 2.G, and 2.H.

J. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Material excavated or dredged from the surface water or wetland shall not be used to construct the temporary facility. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.

K. The applicant for Nationwide 12 that uses temporary work pads, cofferdams, access roads or other temporary fills in order to perform work in creeks, streams, or rivers for construction activities shall maintain flow in the these waters during such construction activity by utilizing dam and pumping, fluming, culverts or other such techniques.

L. Permanent access roads shall be constructed of clean coarse aggregate or non-erodible nonearthen fill material that will not cause siltation. Material excavated or dredged from the surface water or wetland shall not be used to construct the access road in waters of the state. The applicant for Nationwide 12 that constructs access roads shall maintain flow in creeks, streams and rivers by installing culverts, bridges or other such techniques.

Attachment 4

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 13

1. The bank stabilization activities shall not exceed 1000 linear feet.

2. Asphalt, bituminous material and concrete with protruding material such as reinforcing bars or mesh shall not be:
    A. used for backfill;
    B. placed on shorelines/streambanks; or
    C. placed in waters of the State.

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, as determined by the Illinois EPA.

4. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

5. The applicant shall consider installing bioengineering practices in lieu of structural practices of bank stabilization to minimize impacts to the lake, pond, river or stream and enhance aquatic habitat. The applicant shall document the selection process for the bank stabilization technique(s) and the basis for the selection of the bank stabilization practices. Bioengineering techniques may include, but are not limited to:
    A. adequately sized riprap or A-Jack structures keyed into the toe of the slope with native plantings on the banks above;
    B. vegetated geogrids;
    C. coconut fiber (coir) logs;
    D. live, woody vegetative cuttings, fascines or stumps;
    E. brush layering; and
    F. soil lifts.

Attachment 5

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 14

1. The affected area of the stream channel shall not exceed 300 linear feet, as measured along the stream corridor.

2. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, as determined by the Illinois EPA.

3. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

5. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

6. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

7. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.

8. The applicant for Nationwide Permit 14 that uses temporary work pads, cofferdams, access roads and other temporary fills in order to perform work in creeks, streams, or rivers shall maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

Attachment 6

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 15

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

Attachment 7

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 16

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. Applicants shall obtain a Subtitle C State Construction and Operating Permit for construction and operation of any dredge material disposal facility.

Attachment 8

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 17

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. An individual Section 401 water quality certification will be required for any project that is not previously approved by a Section 401 water quality certification issued by the Illinois EPA for a Federal Energy Regulatory Commission license or permit.

Attachment 9

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 18

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

3. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

Attachment 10

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 19

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. Dredging shall be done my mechanical means and material not discharged to Waters of the State.

Attachment 11

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 25

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

Attachment 12

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 29

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

5. The applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.

6. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 29.

Attachment 13

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 32

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.

3. Except as allowed under condition 9, any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by the Illinois EPA. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

5. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

6. The applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.

7. Backfill used in the stream-crossing trench shall be predominantly sand or larger size material, with <20% passing a #230 U.S. sieve.

8. Any channel relocation shall be constructed under dry conditions and stabilized to prevent erosion prior to the diversion of flow.

9. Backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material may be used only if:
   a) Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or
   b) Excavation and backfilling are done under dry conditions.

10. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.

11. Any applicant proposing activities in a mined area or previously mined area shall provide to the IEPA a written determination regarding the sediment and materials used which are considered "acid-producing material" as defined in 35 Il. Adm. Code, Subtitle D. If considered "acid-producing material," the applicant shall obtain a permit to construct pursuant to 35 Il. Adm. Code 404.101.

12. Asphalt, bituminous material and concrete with protruding material such as reinforcing bar or mesh shall not be 1) used for backfill, 2) placed on shorelines/stream banks, or 3) placed in waters of the State.

Attachment 14

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 33

1. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, as determined by the Illinois EPA.

2. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

3. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

5. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

6. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.

7. The applicant for Nationwide Permit 33 that uses temporary work pads, cofferdams, access roads and other temporary fills in order to perform work in creeks, streams, or rivers shall maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

Attachment 15

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 38

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. In addition to any actions required of the NWP applicant with respect to the "Notification" General Condition 27, the applicant shall notify the Illinois EPA, Bureau of Water, of the specific activity. This notification shall include information concerning the orders and approvals that have been or will be obtained from the Illinois EPA Bureau of Land (BOL), for all cleanup activities under BOL jurisdiction or for which authorization or approval is sought from BOL for no further remedial action.

3. An individual Section 401 water quality certification will be required for activities that do not require or will not receive authorization or approval from the BOL.

Attachment 16

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 39

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

5. The applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.

6. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 39.

7. For construction of oil and gas wells, the impacted waters of the State shall be restored to pre-construction conditions within six months after construction is started. For purposes of this condition, restoration includes stabilization and seeding or planting of vegetation on the disturbed areas that were vegetated prior to construction.

Attachment 17

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 40

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

Attachment 18

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 41

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant for Nationwide Permit shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by the Illinois EPA. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

5. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

6. The applicant is advised that the following permit(s) must be obtained from the Agency: permits to construct sanitary sewers, water mains and related facilities prior to construction.

7. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, etc.) to prevent transport of sediment and materials to the adjoining wetlands and/or streams.

Attachment 19

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 42

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 42.

Attachment 20

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 44

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. The facility shall be covered by either a Subtitle D NPDES mining permit or a Subtitle D State Construction and Operating Permit for mining activities.

5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 44.

Attachment 21

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 46

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant for Nationwide Permit shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by the Illinois EPA. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

5. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

6. The applicant is advised that the following permit(s) must be obtained from the Agency: permits to construct sanitary sewers, water mains and related facilities prior to construction.

7. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, etc.) to prevent transport of sediment and materials to the adjoining wetlands and/or streams.

8. The applicant shall not sever the connection between upstream and downstream surface waters of the State by the discharge of dredged or fill material into ditches.

Attachment 22

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 51

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 51.

Attachment 23

ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 52

1. The applicant shall not cause:
   A. violation of applicable provisions of the Illinois Environmental Protection Act;
   B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
   D. interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 52.

6. An individual Section 401 water quality certification will be required for any project that is not previously approved by a Section 401 water quality certification issued by the Illinois EPA for a Federal Energy Regulatory Commission license or permit.