



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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BRUCE RAUNER, GOVERNOR LISA BONNETT, DIRECTOR

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MAY - 3 2016

Rock Island District
Corps of Engineers
Regulatory Branch, PO Box 2004
Clock Tower Building
Rock Island, IL 61204-2004

Louisville District
Corps of Engineers
Indianapolis Regulatory Branch
8902 Otis Ave., Suite S106b
Indianapolis, IN 46216

Louisville District
Corps of Engineers
Newburgh Regulatory Branch
P.O. Box 489
Newburgh, IN 47629-0489

St. Louis District
Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, MO 63103-2833

Memphis District
Corps of Engineers
Regulatory Branch
167 North Main, B-202
Memphis, TN 38103-1894

Re: Rock Island District- U.S. Army Corps of Engineers: Rock Island District, St. Louis District, Louisville District, and Memphis District
Re-Issuance of Regional Permit 16 Bank Stabilization Activities
Log # C-0032-16 [CoE appl. # CEMVR-OD-P-2016-0048]

Gentlemen:

This Agency received a request on January 28, 2016 from U.S Army Corps of Engineers, Rock Island District, St. Louis District, Louisville District, and Memphis District requesting necessary comments concerning the re-issuance of Regional Permit 16 Bank Stabilization Activities in the State of Illinois. We offer the following comments.

Based on the information included in this submittal, it is our engineering judgment that bank stabilization activities authorized by this nationwide permit may be completed without causing water pollution as defined in the Illinois Environmental Protection Act, provided the project is carefully planned and supervised.

These comments are directed at the effect on water quality of the construction procedures involved with bank stabilization activities and are not an approval of any discharge resulting from the completed activity, nor an approval of the design of the facility. These comments do not supplant any permit responsibilities of the applicant toward the Agency.

This Agency hereby issues certification under Section 401 of the Clean Water Act (PL 95-217), subject to the applicant's compliance with the following conditions:

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

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2009 Mall St., Collinsville, IL 62234 (618) 346-5120

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412 SW Washington St., Suite D, Peoria, IL 61602 (309) 671-3022
2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-7200
100 W. Randolph, Suite 10-300, Chicago, IL 60601

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. An individual 401 water quality certification will be required for any activities permitted under this Regional Permit for discharges to waters designated by the State of Illinois as Outstanding Resource Waters under 35 Ill. Adm. Code 302.105(b).
4. 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 <http://www.epa.illinois.gov/topics/water-quality/watershed-management/tmdls/index>. 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.
5. Prior to proceeding with any work in accordance with this Regional Permit, potential impacts to threatened or endangered species shall be identified through use of the State's Ecological Compliance Assessment Tool (EcoCAT) at <http://dnr.illinois.gov/EcoPublic/>. If potential impacts to State threatened or endangered species are identified, the Illinois Department of Natural Resources shall be consulted with.
6. 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.
7. 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 staked straw bales, sedimentation basins and temporary mulching. All construction within the waterway shall be constructed 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.
8. 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/streambanks, or 3) placed in waters of the State.
9. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2015).

10. The fill material used for temporary work areas in waters of the State shall be predominantly sand or larger size material, with <20% passing a #230 U. S. sieve.

This certification becomes effective when the Department of the Army, Corps of Engineers, includes the above conditions # 1 through # 10 as conditions of the requested permit issued pursuant to Section 404 of PL 95-217.

This certification does not grant immunity from any enforcement action found necessary by this Agency to meet its responsibilities in prevention, abatement, and control of water pollution.

Sincerely,



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

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cc: IEPA, Records Unit
CoE, Chicago District
IEPA, DWPC, FOS, Rockford
IEPA, DWPC, FOS, DesPlaines
IEPA, DWPC, FOS, Peoria
IEPA, DWPC, FOS, Champaign
IEPA, DWPC, FOS, Springfield
IEPA, DWPC, FOS, Collinsville
IEPA, DWPC, FOS, Marion
IDNR, OWR, Springfield
USEPA, Region 5

