



U.S. Army Corps of Engineers
Chicago District

CHICAGO DISTRICT REGIONAL PERMIT PROGRAM

Effective: January 1, 2000
Expiration: January 1, 2005

Authority: 33 U.S.C. 401 et seq.; 33 U.S.C. 1344; 33 U.S.C. 1413

A. Introduction

The Chicago District of the U.S. Army Corps of Engineers (District) hereby issues a set of Regional Permits for activities with minimal individual and cumulative impacts on the aquatic environment in Cook, DuPage, Kane, Lake, McHenry and Will Counties, Illinois (see Appendix A: Regional Permits). Collectively, the Regional Permits and this document are known as the Regional Permit Program (RPP).

The purpose of the RPP is to provide a simplified and expeditious means to review activities that meet the specified terms and conditions described herein. This program replaces the Nationwide Permit Program and Regional Permits 3, 15, and 16 in the Chicago District.

Regional permits are a type of general permit, as defined in 33 CFR 322.2(f), 33 CFR 323.2(h) and 325.2(e)(2). A regional permit may be issued by a District Engineer for a category of activities that are substantially similar in nature and cause only minimal individual and cumulative environmental impacts.

B. Applicability

The RPP authorizes activities that involve structures or work in or affecting navigable waters of the United States (U.S.) under Section 10 of the Rivers and Harbors Act of 1899 and discharges of dredged or fill material into waters of the U.S. under Section 404 of the Clean Water Act.

C. Definitions

Definitions found at 33 CFR Parts 320-323 and 325-329 and 40 CFR Part 230 are applicable to the RPP and are incorporated by reference herein.

Applicant is the individual, organization or company requesting authorization under the RPP.

Authorization is written verification by the District that an activity qualifies for, and may proceed under, the RPP provided the terms and conditions of the program are followed. Authorization under the RPP is for three (3) years and will not generally be extended.

Best Management Practices (BMPs) are policies, practices, procedures or structures implemented to mitigate the direct and indirect degradation of surface water quality from an activity. BMPs include non-structural elements, such as the preservation of existing natural areas and drainageways, and structural elements, such as vegetated swales, filter strips and infiltration trenches, which are designed to remove pollutants, reduce runoff rates and velocity, and protect aquatic resources.

Compensatory wetland mitigation is the creation, restoration, enhancement or, in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Complete application is all required notification materials submitted by the applicant to the District. If all materials are not submitted, the application is considered incomplete and cannot be processed under the RPP.

Conservation area is any national park or forest, natural heritage landmark, State nature preserve or conservation area, Illinois Natural Area Inventory site (including proposed sites), county forest preserve, or land managed by a local government or organization for conservation purposes. Most, but not all, conservation areas are depicted on the Northeastern Illinois Regional Greenways Plan (latest version), prepared by the Northeastern Illinois Planning Commission and OpenLands Project.

Currently serviceable means that a structure or fill is useable as is, or with some maintenance, but not so degraded as to require reconstruction.

High-quality aquatic resources (HQARs) are aquatic areas considered to be regionally critical due to their uniqueness, scarcity, and/or value, and other wetlands considered to perform functions important to the public interest, as defined in 33 CFR Part 320.4(b)(2). These resources include Advanced Identification (ADID) sites, bogs, ephemeral pools, fens, forested wetlands, sedge meadows, seeps, streams rated Class A or B in the Illinois Biological Stream Characterization study, streamside marshes, wet prairies, wetlands supporting Federal or Illinois endangered or threatened species, and wetlands with a floristic quality index of 20 or greater or mean C-value of 3.5 or greater. These areas are generally considered unsuitable for dredge or fill activities. Descriptions of high-quality aquatic resources are provided in Appendix C.

Impact is the direct and indirect loss of waters of the U.S., including wetlands, which results from implementation of a proposed activity. This includes waters of the U.S. that are adversely affected by flooding, excavation, or drainage as a result of the activity.

Modification is the imposition of additional or revised terms or conditions on the authorization to ensure that an activity has minimal impacts on aquatic resources.

Notification is the submission of materials by the applicant to the District for a complete application.

Permittee is the individual, organization or company authorized to complete an activity under the RPP.

Pre-construction notice (PCN) is the notice provided to Federal and State agencies which requests comments concerning a proposed "Category II" activity.

Preservation is the protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection and/or enhancement of the overall aquatic ecosystem.

Project area is the land, including waters of the U.S. and uplands, utilized for a single and complete project. The acreage is determined by the amount of land cleared, graded, and/or filled to construct the single and complete project, including any buildings, utilities, stormwater management facilities, roads, yards, and other attendant features. The project area also includes any other land that is used in conjunction with the single and complete project, such as open space. Roads constructed by State or local governments for general public use are not included in the project area.

Revocation is the permanent cancellation of the authorization.

Single and complete project is the total project proposed or accomplished by one owner, developer or partnership, or agency.

Single-family residence is a parcel of land owned by an individual and used by that individual as his/her primary personal habitation.

Special conditions are conditions added by the District for "Category II" projects on a case-by-case basis to ensure an activity has minimal impacts on aquatic resources and complies with the RPP.

Suspension is the temporary cancellation of the authorization while a decision is made to modify, revoke or reinstate the authorization.

Terms and conditions. The terms and conditions are the parameters, including thresholds, limitations and requirements, for completing an activity under the RPP.

These parameters are described in each Regional Permit (see Appendix A) and in Section I (General Conditions) of this document. Case-specific conditions (called "special conditions") may also be added by the District on individual authorizations to ensure that an activity has minimal individual and cumulative impacts.

Utility line is any pipeline used to transport a gaseous, liquid, liquefiable or slurry substance for any purpose, and any cable, line or wire used to transmit electrical energy, telephone, radio signals, television signals or data communication. This definition does not include pipes or ditches which serve to drain a water of the United States, such as drainage tile; however, it does apply to pipes conveying drainage from another area.

D. Permit Expiration

The Regional Permits are valid for five (5) years from the date of issuance (or reissuance). The District will issue a public notice (with an opportunity for comment) describing the reasons for reissuing the Regional Permits, reissuing the Regional Permits with modifications, or not reissuing the Regional Permits for another five years, at least sixty (60) calendar days prior to the expiration date of the Regional Permits. If the District has not reissued the Regional Permits by the expiration date, the Regional Permits will no longer be valid.

A Regional Permit may also be modified, suspended or revoked by the District at any time deemed necessary. In such an instance, the District will issue a public notice (with an opportunity for comment) describing the proposed change at least sixty (60) calendar days prior to the date the change will go into effect.

E. Activity Categories

Activities to be covered under the RPP will fall under one of two categories:

Category I: Activities with very limited impacts requiring minimal review by the District and no special conditions.

Category II: Activities with minimal impacts requiring more rigorous review by the District and coordination with resource agencies. Authorization may include special conditions to ensure compliance with the RPP.

Activities that do not fall into one of the above categories by definition have more than minimal impacts and are therefore subject to the individual permit review process (see Appendix B).

F. Discretionary Authority

The District has the discretion to suspend, modify, or revoke authorizations under this RPP. This discretionary authority may be used by the District to further condition or restrict the applicability of the Regional Permits for cases where it has concerns for aquatic resources under the Clean Water Act Section 404(b)(1) Guidelines or for any factor of the public interest. Because of the nature of most Category I activities, the District anticipates that it will not exert discretionary authority, except in extraordinary cases. For Category II activities, the District will thoroughly evaluate each proposed activity before issuing authorization. Should the District determine that a proposed activity may have more than minimal

individual or cumulative adverse impacts to aquatic resources or otherwise be contrary to the public interest, the District will modify the authorization to reduce or eliminate those adverse effects, or notify the applicant that the proposed activity is not authorized by the RPP and provide instructions on how to seek authorization under an individual permit. The District may restore authorization under the RPP at anytime it determines that the reason for asserting discretionary authority has been resolved or satisfied by a condition, project modification, or new information.

The District may also use its discretionary authority to modify, suspend, or revoke a Regional Permit for any specific geographic area, class of activities, or class of waters within the District's boundaries or individual authorizations where an activity is not in compliance with the RPP.

G. Authorization

Applicants seeking authorization under the RPP must notify the District in accordance with Program Condition number 20, prior to commencing a proposed activity. If the District decides that an activity does not comply with the RPP, it will notify the applicant in writing within forty-five (45) calendar days and provide instructions on the procedures to seek authorization under an individual permit. If the District does not provide a written response to the applicant within 45 calendar days following receipt of a complete application, the applicant may presume the proposed activity qualifies for the requested Regional Permit(s), provided the activity complies with the terms and conditions of the RPP. If the District decides that a proposed activity complies with the terms and conditions of the RPP, it will notify the applicant within 45 calendar days of receipt of a complete application. If the District determines that an unauthorized activity complies with the terms and conditions of the RPP, it will notify the applicant once it is satisfied that the violation is resolved.

For Category II activities, the District may add special conditions to the authorization to ensure the activity complies with the terms and conditions of the RPP, and adverse impacts on the aquatic environment or other aspects of the public interest are individually and cumulatively minimal.

Multiple Regional Permits may be combined to authorize a proposed single and complete project, except as indicated under specific Regional Permits. If multiple Regional Permits are used, the total impact may not exceed the maximum allowed by the Regional Permit with the greatest impact threshold. To use multiple Regional Permits, the applicant must submit notification under Category II and indicate which Regional Permits are to be used for the project.

Any activity authorized by the District under the RPP must be completed within three (3) years of the date it is authorized. The authorization date is the date the District confirms in writing that the activity meets the terms and conditions of the RPP, or 45 calendar days after the District receives a complete application and the District fails to contact the applicant in writing concerning whether the activity meets the terms and conditions of the RPP. Time extensions will not generally be granted by the District if the permittee fails to complete the activity within three years.

H. Unauthorized Activities

The District evaluates unauthorized activities for enforcement action under 33 CFR Part 326. After considering whether a violation was knowing or intentional, and other indications of the need for a penalty, the District can suspend enforcement proceedings and allow submittal of an application for after-the-fact authorization under the RPP, if all terms and conditions of the RPP have been satisfied, either before or after the activity has been completed. Use of an after-the-fact RPP authorization must be consistent with the Army/EPA Memorandum of Agreement on Enforcement. A knowing, intentional or willful violation will generally be the subject of an enforcement action leading to a penalty in addition to restoration, rather than after-the-fact authorization.

I. General Conditions

Permittees must comply with the terms and conditions of the Regional Permits and the following general conditions for all activities authorized under the RPP:

1. State 401 Water Quality Certification. Water quality certification under Section 401 of the Clean Water Act is required from the Illinois Environmental Protection Agency (IEPA). The District may consider water quality, among other factors, in determining whether to exercise discretionary authority and require an individual permit.

On October 27, 1999, the IEPA granted Section 401 certification, with conditions, for all Regional Permits except RP13 and activities in certain waterways under RPs 4 and 8 (see Appendix D). The following conditions of the certification are conditions of the RPP:

a. The permittee shall not cause:

- 1) violation of applicable water quality standards of the Illinois Pollution Control Board Title 35, Subtitle C: Water Pollution Rules and Regulations;
- 2) water pollution defined and prohibited by the Illinois Environmental Protection Act; or
- 3) interference with water use practices near public recreation areas or water supply intakes.

b. The permittee 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. 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 IEPA. Any backfilling must be done with clean material placed in a manner to prevent violation of applicable water quality standards.

d. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The permittee shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent soil 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 conducted during zero to low flow conditions. The permittee 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 five (5) 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 IEPA's Division of Water Pollution Control, Permit Section.

e. The permittee shall implement erosion control measures consistent with the Illinois Urban Manual (IEPA/USDA, NRCS; latest version).

f. The permittee is advised that the following permits(s) must be obtained from the IEPA: the permittee must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.

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

h. Channel relocation shall be constructed under dry conditions and stabilized to prevent erosion prior to the diversion of flow. [Applicable only to projects which involve relocating stream channels.]

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

j. Backfill used within trenches passing through surface waters 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:

- 1) particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using #230 U.S. sieve; or
- 2) excavation and backfilling are done under dry conditions.

k. Backfill used within trenches passing through wetland areas shall be clean material that 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.

l. Any permittee proposing activities in a mined area or previously mined area shall provide determination on 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 permittee shall obtain a permit to construct pursuant to 35 Il. Adm. Code 404.101.

2. Threatened and Endangered Species. No activity is authorized under the RPP if the activity is likely to jeopardize the continued existence of a threatened or endangered species listed or proposed for listing under the Federal Endangered Species Act (ESA) or destroy, or adversely modify, the critical habitat of such species. Federal agencies should follow their own procedures for complying with the requirements of the ESA. Non-federal applicants shall notify the District if any Federally listed (or proposed for listing) endangered or threatened species or critical habitat might be affected by the activity or is located in the project area. If the District determines that the activity may affect Federally listed species or critical habitat, the activity shall not be authorized under the RPP. An individual permit will be required and the District will initiate Section 7 consultation in accordance with the ESA. If all issues pertaining to endangered and threatened species have been resolved through the consultation process to the satisfaction of the District and U.S. Fish and Wildlife Service (USFWS), the District may, at its discretion, authorize the activity under the RPP instead of an individual permit. Applicants are encouraged to obtain information on threatened or endangered species and their critical habitats from the USFWS at the earliest stages of project planning. For information, contact:

U.S. Fish and Wildlife Service
Chicago Field Office
1000 Hart Road, Suite 180
Barrington, Illinois 60010
(847) 381-2253

3. Historic Properties. No activity is authorized under the RPP if the activity will affect properties listed, or properties eligible for listing, in the National Register of Historic Places, in accordance with the provisions of 33 CFR Part 325, Appendix C and Section 106 of the National Historic Preservation Act. Federal agencies should follow their own procedures for compliance with the requirements of the National Historic Preservation Act and other Federal historic preservation laws. Non-federal applicants should notify the District if the activity may affect historic properties which are listed, determined eligible for listing, or which the applicant has reason to believe may be eligible for listing, on the National Register of Historic Places in the project area. If the District determines that the activity may potentially affect a historic property, or a property eligible for listing, the activity shall not be authorized under the RPP and an individual permit will be required. The District will take into account the effects on such properties in accordance with 33 CFR Part 325, Appendix C. If all issues pertaining to historic properties have been resolved through the consultation process to the satisfaction of the District, Illinois Historic Preservation Agency (IHPA) and Advisory Council on Historic Preservation, the District may, at its discretion, authorize the activity under the RPP instead of an individual permit. Applicants are encouraged to obtain information on historic properties from the IHPA and the National Register of Historic Places at the earliest stages of project planning. For information, contact:

Illinois Historic Preservation Agency
1 Old State Capitol Plaza

Springfield, Illinois 62701-1507
(217) 782-4836

4. Soil Erosion and Sediment Control. Measures must be taken to control soil erosion and sedimentation at the project site to ensure that sediment is not transported to waters of the U.S. during construction. Soil erosion and sediment control measures must be constructed before initiating any clearing, grading, excavating or filling activities. All temporary and permanent soil erosion and sediment control measures must be maintained during the construction period and until the site is stabilized. All exposed soil and other fills, and any work below the ordinary high water mark must be permanently stabilized at the earliest practicable date.

Applicants are required to prepare a soil erosion and sediment control (SESC) plan. The plan must be designed in accordance with the Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control ("Green Book", latest version, except chapter 6). Practice standards and specifications for measures outlined in the soil erosion and sediment control plans will follow the latest edition of the "Illinois Urban Manual: A Technical Manual Designed for Urban Ecosystem Protection and Enhancement."

At the District's discretion, an applicant may be required to submit the SESC plan to the local Soil and Water Conservation District (for activities in Cook, DuPage, Kane, McHenry and Will Counties), or the Stormwater Management Commission (for activities in Lake County) for review. When the District does require submission of a SESC plan, the following applies. An activity may not be commenced until the SESC plan for the project site has been reviewed. The SWCD/SMC will review the plan and provide a written evaluation of its adequacy. A SESC plan is considered acceptable when the SWCD/SMC has found it meets technical standards. Once this determination has been made, the authorized work may commence. The SWCD/SMC may attend pre-construction meetings with the permittee and conduct inspections during construction to determine compliance with the plans. Applicants are encouraged to begin coordinating with the appropriate SWCD/SMC office at the earliest stages of project planning. For information, contact:

Kane/DuPage SWCD 545 S. Randall Road St. Charles, IL 60174 (630) 584-7961	Will/South Cook SWCD 1201 Gougar Road New Lenox, IL 60451 (815) 462-3106	McHenry County SWCD 1143 N. Seminary Road Woodstock, IL 60098 (815) 338-0049
North Cook SWCD 899 Jay Street Streamwood, IL 60120 (847) 608-8302	Lake County SMC 333-B Peterson Road Libertyville, IL 60048 (847) 918-5260	

5. Floodplain. Discharges of dredged or fill material into waters of the United States within the 100-year floodplain (as defined by the Federal Emergency Management Agency) resulting in permanent above-grade fills must be avoided and minimized to the maximum extent practicable. When such an above-grade fill would occur, the applicant may need to obtain approval from the Illinois Department of Natural Resources, Office of Water Resources, (IDNR-OWR) which regulates activities affecting the floodway and local government (e.g., Village or County) with jurisdiction over activities in the floodplain. Compensatory storage may be required for fill within the floodplain. Applicants are encouraged to obtain information from the IDNR-OWR and local government with jurisdiction at the earliest stages of project planning. For information on floodway construction, contact:

IDNR-OWR
Northeastern Illinois Regulatory Programs Section
201 W. Center Court, 3rd Floor
Schaumburg, Illinois 60196
(847) 705-4341

For information on floodplain construction, please contact the local government and/or the Federal Emergency Management Agency. Pursuant to 33 CFR 320.4 (j), the District will consider the likelihood of the applicant obtaining approval for above-ground permanent fills in floodplains in determining whether to issue authorization under the RPP.

6. Navigation. No activity may cause more than minimal adverse effects on navigation.
7. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including that necessary to ensure public safety.
8. Aquatic Life Movements. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including species that normally migrate through the area, unless the activity's primary purpose is to impound water.
9. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures, such as low-ground pressure equipment, must be taken to minimize soil disturbance.
10. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status. Information on Wild and Scenic Rivers may be obtained from the appropriate land management agency in the area, such as the National Park Service and the U.S. Forest Service.
11. Tribal Rights. No activity or its operation may impair reserved tribal rights, such as reserved water rights, treaty fishing and hunting rights.
12. Water supply intakes. No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.
13. Shellfish production. No discharge of dredged or fill material may occur in areas of concentrated shellfish production.
14. Suitable material. No discharge of dredged or fill material may consist of unsuitable material and material discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act). Unsuitable material includes trash, debris, car bodies, and asphalt.
15. Spawning areas. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.
16. Obstruction of high flows. Discharges must not permanently restrict or impede the passage of normal or expected high flows. All crossings must be culverted, bridged or otherwise designed to prevent the restriction of expected high water flows, and must be designed so as not to impede low water flows or the movement of aquatic organisms.
17. Impacts from impoundments. If the discharge creates an impoundment of water, adverse impacts on aquatic resources caused by the accelerated passage of water and/or the restriction of its flow must be avoided to the maximum extent practicable.
18. Waterfowl breeding areas. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
19. Removal of temporary fills. Any temporary fill material must be removed in its entirety and the affected area returned to its pre-existing condition.
20. Mitigation. Impacts to waters of the U.S. must be avoided and minimized to the maximum extent practicable at the project site. Avoidance and minimization must be attempted before compensatory wetland mitigation is considered. Compensatory mitigation will be accomplished by establishing 1.5 acres for every 1.0 acre of waters of the U.S. impacted by the project (a mitigation ratio of 1.5:1). However, if the project involves impacts to high-quality aquatic resources or is the subject of an enforcement action, the mitigation ratio will generally be greater than 1.5:1. Mitigation shall be consistent with the Memorandum of Agreement (MOA) between the Department of the Army and the Environmental Protection Agency Concerning the Determination of Mitigation under the Clean Water Act Section 404(b)(1) Guidelines.

Mitigation may consist of the following, listed in order of preference: restoration of historic wetlands that are currently non-wetlands because of drainage or other alterations; enhancement of existing aquatic resources through various actions such as modification of hydrology, introduction of appropriate native species, invasive species removal, and other management measures; creation of aquatic resources in historically upland areas; and, preservation of existing aquatic resources through real estate acquisition strategies. Careful consideration must be given to the likelihood of sustainability, practicability, availability, and reliability of compensatory mitigation. Off-site wetland mitigation may be considered where the long-term success of on-site mitigation is uncertain.

21. Notification. The applicant must provide written notification (i.e., a complete application) for a proposed activity to be authorized under the RPP prior to commencing a proposed activity. The District's receipt of the complete application is the date when the District receives all required notification information (see below) from the applicant. If the District does not provide a written response to the applicant within 45 calendar days following receipt of a complete application, the applicant may presume the proposed activity qualifies for the requested Regional Permit(s), provided the activity complies with the terms and conditions of the RPP. If the District informs the applicant within 45 calendar days that the notification is incomplete (i.e., not a complete application), the applicant must submit the requested information to be considered for authorization. A new 45-day review period will commence when the District receives the requested information. Applications that involve unauthorized activities that are completed or partially completed by the applicant are not subject to the 45-day review period.

For a Category I activity, notification must include:

a. A cover letter which provides a clear project purpose and need statement, a brief description of the proposed activity, the Regional Permit(s) to be used for the activity, the area (in acres) of waters of the U.S. to be impacted, and a statement that the terms and conditions of the RPP will be followed;

b. A completed joint application form (NCR Form 426, *Protecting Illinois Waters*) signed by the applicant or agent. If the agent signs, notification must include a signed, written statement from the applicant designating the agent as its representative;

c. A delineation of waters of the U.S., including wetlands, for the project site, prepared in accordance with the current Corps of Engineers methodology and generally conducted during the growing season.* The delineation must include information on the occurrence of any high-quality aquatic resources. For sites supporting wetlands, the delineation must include a Floristic Quality Assessment (Swink and Wilhelm. 1994 (latest edition). Plants of the Chicago Region);

d. A map showing the location of the project site;

e. Construction drawings (full- and reduced-sized) showing all aspects of the proposed activity and the location of waters of the U.S. to be impacted and not impacted. The drawings must include a detailed plan view and profile view. The drawings should also depict buffer areas, outlots, best management practices, deed restriction areas, and restoration areas, if required under the specific RP in Appendix A;

f. A preliminary soil erosion and sediment control plan;

g. Evidence that USFWS was contacted regarding the presence of any Federally listed (or proposed for listing) endangered or threatened species or critical habitat in the area that may be affected by the proposed activity;

h. Other items listed under the specific RP(s) in Appendix A.

* If a wetland delineation is conducted during the non-growing season, the District will determine on a case-by-case basis whether sufficient evidence is available to make an accurate determination. If the District finds that a delineation lacks sufficient evidence, the application will not be considered complete until such time the information is provided. This may involve re-delineating the project site during the growing season.

For a Category II activity, the notification must include all materials listed for notification for Category I above, plus:

- i. A detailed description of the proposed activity;
- j. A discussion of the measures taken to avoid and minimize impacts to aquatic resources on the project site;
- k. A compensatory mitigation plan for all impacts to waters of the U.S., if compensatory mitigation is required under the specific RP.

For Category II activities, the District will, upon receipt of a complete application, provide (by facsimile transmission, email or other expeditious means), a pre-construction notice (PCN) which describes the proposed activity to the USFWS, USEPA, Illinois Department of Natural Resources, IEPA, IHPA and U.S. Coast Guard (Section 10 activities only). These agencies will then have ten (10) calendar days from the date the PCN is transmitted to contact the District if they intend to provide substantive, site-specific comments. If so contacted by an agency, the District will wait an additional fifteen (15) calendar days for agency written comments before making a decision on the notification. The District will fully consider agency comments received within the specified time frame. If the District determines the activity complies with the terms and conditions of the RPP and impacts on aquatic resources are minimal, the District will notify the applicant in writing and include any special conditions deemed necessary. If the District determines that the impacts of the proposed activity are more than minimal, the District will notify the applicant that the project does not qualify for authorization under the RPP and instruct the applicant on the procedures to seek authorization under an individual permit.

22. Multiple use of Regional Permits. In any case where a Regional Permit is combined with any other Regional Permit to cover a single and complete project (except where prohibited under specific Regional Permits), the applicant must notify the District in accordance with Category II. If multiple Regional Permits are used, the total impact may not exceed the maximum allowed by the Regional Permit with the greatest impact threshold.

23. Other Restrictions. Authorization under the RPP does not obviate the need to obtain other Federal, State or local permits, approvals, or authorizations required by law nor does it grant any property rights or exclusive privileges, authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project.

Approved by:



Peter J. Rowan, P.E.
Lieutenant Colonel, U.S. Army
District Engineer



Date

APPENDIX A: REGIONAL PERMITS

1. RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL DEVELOPMENTS

RP1 authorizes the construction of residential, commercial and institutional developments and associated infrastructure, such as roads, above- and below-ground utilities, detention areas, and recreation areas, subject to the following:

- a. The impact to waters of the U.S. must not exceed 2.0 acres. For projects that impact over 0.25 acre of waters of the U.S., the permittee is required to provide compensatory mitigation.
- b. Projects that impact no more than 0.25 acre of waters of the U.S. and do not impact any high-quality aquatic resources will be processed under Category I.
- c. Projects that impact over 0.25 acre up to 2.0 acres of waters of the U.S. or impact high-quality aquatic resources will be processed under Category II.
- d. The permittee shall establish and maintain an upland buffer of native plants (or other appropriate vegetation approved by the District) adjacent to all created, restored or enhanced wetlands, all preserved wetlands 0.25 acre or larger in total surface area, all preserved wetlands considered high-quality aquatic resources, and all other created, restored, enhanced or preserved waters of the U.S., including rivers, streams, creeks, ponds and lakes, on the project site.
 - 1) For any wetland less than 1.0 acre in size, the buffer shall average 30 feet wide (20 foot minimum);
 - 2) For any wetland 1.0 acre or larger in size, the buffer shall average 50 feet wide (40 foot minimum);
 - 3) For any area determined to be a high-quality aquatic resource, the buffer shall average 100 feet wide (50 foot minimum); and
 - 4) For any other waters of the U.S. that does not qualify as a wetland or high-quality aquatic resource, the buffer shall be a minimum of 30 feet.

The above requirements do not apply to linear road crossings. Buffers should be established on 6:1 or gentler slopes. Waters of the U.S. cannot be filled in order to meet the buffer requirements, except in extraordinary circumstances. The District may allow Best Management Practices, stormwater detention, small boat launches and houses, piers/docks and unpaved nature trails to be located in buffers.

The District may, on a case-by-case basis, give compensatory wetland mitigation credit for buffers (except for area occupied by stormwater detention), following a request from the applicant to receive such a credit. The credit may be applied to 10% of the overall compensatory wetland mitigation required to offset project impacts.

- e. All remaining, created, restored or enhanced waters of the U.S. and adjacent buffers on the project site shall be permanently preserved and protected through deed restriction (or conservation easement). A draft deed restriction (or conservation easement) must be provided with notification.
- f. No lot lines shall occur in created, restored, enhanced or preserved waters of the U.S. and adjacent buffer areas on the project site. In instances where there is a demonstrated conflict between this lot line restriction and a local ordinance, other measures, such as the installation of split-rail fencing, posting of signs marking the limits of the protected areas and establishing a party responsible for the long-term management of the protected areas, may be acceptable in lieu of placing such areas in separate outlots.
- g. The project must employ Best Management Practices to protect water quality and minimize impacts of stormwater on aquatic resources. The following BMP hierarchy must be used in designing the project: (a) preservation of natural resource features on the project site (e.g., floodplains, wetlands, streams, and other drainageways, prairies, woodlands, and native soils); (b) preservation of natural infiltration and storage characteristics of the site; (c) minimization of impervious surfaces; (d) structural measures that provide water quality and quantity control; and (e) structural measures that provide only quantity control and conveyance. BMPs may be

located in upland buffers adjacent to wetlands and other waters of the U.S. A written narrative must be included with notification which describes how the BMP hierarchy above was used in determining the water quality protection practices selected for the project site.

Applicants who protect water quality and minimize run-off by designing and implementing a comprehensive and coordinated use of BMPs throughout the project site may receive partial compensatory wetland mitigation credit. The District may, at its discretion and on a case-by-case basis, reduce the required mitigation ratio to 1:1, following a request from the applicant for such a credit. In order to qualify for the credit, the applicant must prepare a water quality management plan for the entire project site that identifies priority watershed resources to be protected, water quality goals, the natural and proposed drainage system and details of the projected runoff quality and quantity. The plan must describe in detail how the BMP hierarchy was used in determining the water quality protection practices selected for the project site. Each BMP selected must be part of a coordinated system ("treatment train") which provides multiple layers of treatment. The plan must incorporate the following preventative construction techniques:

Preventative Construction Techniques

Preservation of natural resource features such as floodplains, streams, wetlands, prairies, woodlands and native soils.

Limiting the amount of impervious surface through practices such as reducing road widths and clustering developments designed around open space.

In addition, the plan must use the following structural BMPs on both individual lots and the overall site to the maximum extent practicable:

Lot Controls

Grassed swales
Underground sand filter
Infiltration trenches
Vegetated filter strips
Vegetated natural buffers
Level spreaders
Dry wells or roof downspout systems

Site Controls

Wetland detention
Wet bottom detention
Grassed swales
Infiltration basins
Vegetated swales
Vegetated natural buffers
Level spreaders

Furthermore, the plan must outline how the BMPs will be permanently maintained and the entity responsible for the maintenance. The water quality management plan must be submitted with notification.

- h. No stormwater management facility shall be constructed in any waterway shown as a solid blue line stream on a USGS quadrangle map.
- i. The project must be designed such that stormwater does not directly discharge into waters of the U.S. All water must be infiltrated or detained and treated prior to discharging into waters of the U.S. In addition, stormwater must be discharged using methods that promote infiltration and water quality treatment, such as level spreaders, infiltration trenches and vegetated swales.
- j. For a project site adjacent to a conservation area, the permittee must request in writing from the organization responsible for management of the conservation area recommended measures to protect the conservation area from potential adverse impacts resulting from development. A copy of the request and any response received from the organization must be submitted to the District with notification.
- k. The project must be a single and complete project. For example, if construction of a residential development involves phases, the sum of all impacted areas would be the basis for deciding whether or not the project will be covered by this Regional Permit.
- l. All road crossings must be constructed in accordance with the following:
 - 1) The width of the discharge is limited to the minimum necessary for the activity.
 - 2) All crossings must be culverted, bridged or otherwise designed to prevent the

restriction of expected high water flows, and must be designed so as not to impede low water flows or the movement of aquatic organisms.

- 3) The permittee shall establish and maintain an upland buffer of native plants (or other Corps-approved vegetation) within the right-of-way adjacent to all wetlands not impacted.

m. All utility lines must be constructed in accordance with the following:

- 1) The waters of the U.S. to be impacted must be limited to the minimum necessary to construct the utility line.
- 2) The construction area for linear utility line projects shall be limited to a width of 75 feet. Any mechanized clearing of vegetation in the utility corridor shall be scheduled no more than seven (7) calendar days preceding installation of the utility line in that segment of the corridor. In no case shall the vegetation of the entire corridor be cleared prior to actual installation of the utility line.
- 3) For below-ground utility lines, directional drilling or dry crossing techniques, such as fluming, shall be used if the waterbody to be crossed contains perennial flow.
- 4) Material resulting from trench excavation may be temporarily sidecast (up to 30 days) into waters of the U.S., provided that the material is not placed in such a manner that it is dispersed by currents or other forces.
- 5) Utility lines shall not adversely alter existing hydrology, including draining wetlands. Trenches must be lined with clay, or other impervious materials or structures (such as cut-off walls) must be employed. In addition, gravel cannot be used as backfill material in the top 10 feet of the trench.
- 6) In wetland areas, the top 12" of the trench must be backfilled with topsoil excavated from the trench in the same stratification in which it was removed.
- 7) Excess material must be removed to upland areas immediately upon completion of the utility line construction in any segment of the project containing waters of the U.S. In no case shall the excess material be left in place until the entire utility line is completed.
- 8) The construction area, including unprotected slopes and streambanks, must be stabilized (e.g., blanketed and seeded) immediately upon completion of the utility line construction in any segment of the project. In no case shall soil stabilization be delayed until the entire utility line is completed.
- 9) The permittee is required to restore the construction area to pre-construction conditions, including grading and revegetating (with native vegetation or other appropriate vegetation approved by the District) immediately upon completion of the project, except for permanent, above-ground fills. A restoration plan, which includes a 1-foot contour topographic map, must be submitted with notification.
- 10) If the project involves the use of directional drilling in navigable waters, notification must include a contingency plan.

n. This permit shall not be used in conjunction with any other regional permit, except RP7 and RP10.

2. RECREATION PROJECTS

RP2 authorizes the construction of recreation projects, including golf courses, sports fields, playgrounds, parks and multi-use trails, and associated infrastructure, such as roads, above- and below-ground utilities, and detention areas, subject to the following:

- a. The impact to waters of the U.S. from the project must not exceed 2.0 acres. For projects that impact more than 0.25 acre of waters of the U.S., the permittee is required to provide compensatory mitigation.
- b. Projects that impact no more than 0.25 acre of waters of the U.S. and do not impact any high-quality aquatic resources will be processed under Category I.
- c. Projects that impact over 0.25 acre up to 2.0 acres of waters of the U.S. or impact high-quality aquatic resources will be processed under Category II.
- d. The permittee shall establish and maintain an upland buffer of native plants (or other appropriate vegetation approved by the District) adjacent to all created,

restored or enhanced wetlands, all preserved wetlands 0.25 acre or larger in total surface area, all preserved wetlands considered high-quality aquatic resources, and all other created, restored, enhanced or preserved waters of the U.S., including rivers, streams, creeks, ponds and lakes, on the project site.

- 5) For any wetland less than 1.0 acre in size, the buffer shall average 30 feet wide (20 foot minimum);
- 6) For any wetland 1.0 acre or larger in size, the buffer shall average 50 feet wide (40 foot minimum);
- 7) For any area determined to be a high-quality aquatic resource, the buffer shall average 100 feet wide (50 foot minimum); and
- 8) For any other waters of the U.S. that does not qualify as a wetland or high-quality aquatic resource, the buffer shall be a minimum of 30 feet.

The above requirements do not apply to linear road crossings. Buffers should be established on 6:1 or gentler slopes. Waters of the U.S. cannot be filled in order to meet the buffer requirements, except in extraordinary circumstances. The District may allow Best Management Practices, stormwater detention, small boat launches and houses, piers/docks and unpaved nature trails to be located in buffers.

The District may, on a case-by-case basis, give compensatory wetland mitigation credit for buffers (except for area occupied by stormwater detention), following a request from the applicant to receive such a credit. The credit may be applied to 10% of the overall compensatory wetland mitigation required to offset project impacts.

e. The project must employ Best Management Practices to protect water quality and minimize impacts of stormwater on aquatic resources. The following BMP hierarchy must be used in designing the project: (a) preservation of natural resource features on the project site (e.g., floodplains, wetlands, streams, and other drainageways, prairies, woodlands, and native soils); (b) preservation of natural infiltration and storage characteristics of the site; (c) minimization of impervious surfaces; (d) structural measures that provide water quality and quantity control; and (e) structural measures that provide only quantity control and conveyance. BMPs may be located in upland buffers adjacent to wetlands and other waters of the U.S. A written narrative must be included with notification which describes how the BMP hierarchy above was used in determining the water quality protection practices selected for the project site.

Applicants who protect water quality and minimize run-off by designing and implementing a comprehensive and coordinated use of BMPs throughout the project site may receive partial compensatory wetland mitigation credit. The District may, at its discretion and on a case-by-case basis, reduce the required mitigation ratio to 1:1, following a request from the applicant for such a credit. In order to qualify for the credit, the applicant must prepare a water quality management plan for the entire project site that identifies priority watershed resources to be protected, water quality goals, the natural and proposed drainage system and details of the projected runoff quality and quantity. The plan must describe in detail how the BMP hierarchy was used in determining the water quality protection practices selected for the project site. Each BMP selected must be part of a coordinated system ("treatment train") which provides multiple layers of treatment. The plan must incorporate the following preventative construction techniques:

Preventative Construction Techniques

Preservation of natural resource features such as floodplains, streams, wetlands, prairies, woodlands and native soils.

Limiting the amount of impervious surface through practices such as reducing road widths and clustering developments designed around open space.

In addition, the plan must use the following structural BMPs on both individual lots and the overall site to the maximum extent practicable:

Lot Controls

Grassed swales
Underground sand filter
Infiltration trenches

Site Controls

Wetland detention
Wet bottom detention
Grassed swales

Vegetated filter strips	Infiltration basins
Vegetated natural buffers	Vegetated swales
Level spreaders	Vegetated natural buffers
Dry wells or roof downspout systems	Level spreaders

Furthermore, the plan must outline how the BMPs will be permanently maintained and the entity responsible for the maintenance. The water quality management plan must be submitted with notification.

f. No stormwater management facility shall be constructed in any waterway shown as a solid blue line stream on a USGS quadrangle map.

g. The project must be designed such that stormwater does not directly discharge into waters of the U.S. All water must be infiltrated or detained and treated prior to discharging into waters of the U.S. In addition, stormwater must be discharged using methods that promote infiltration and water quality treatment, such as level spreaders, infiltration trenches and vegetated swales.

h. For a project site adjacent to a conservation area, the permittee must request in writing from the organization responsible for management of the conservation area recommended measures to protect the conservation area from potential adverse impacts resulting from development. A copy of the request and any response received from the organization must be submitted to the District with notification.

i. All road crossings must be constructed in accordance with the following:

- 1) The width of the discharge is limited to the minimum necessary for the activity.
- 2) All crossings must be culverted, bridged or otherwise designed to prevent the restriction of expected high water flows, and must be designed so as not to impede low water flows or the movement of aquatic organisms.
- 3) The permittee shall establish and maintain an upland buffer of native plants (or other Corps-approved vegetation) within the right-of-way adjacent to all wetlands not impacted.

j. All utility lines must be constructed in accordance with the following:

- 1) The waters of the U.S. to be impacted must be limited to the minimum necessary to construct the utility line.
- 2) The construction area for linear utility line projects shall be limited to a width of 75 feet. Any mechanized clearing of vegetation in the utility corridor shall be scheduled no more than seven (7) calendar days preceding installation of the utility line in that segment of the corridor. In no case shall the vegetation of the entire corridor be cleared prior to actual installation of the utility line.
- 3) For below-ground utility lines, directional drilling or dry crossing techniques, such as fluming, shall be used if the waterbody to be crossed contains perennial flow.
- 4) Material resulting from trench excavation may be temporarily (up to 30 calendar days) sidecast into waters of the U.S., provided that the material is not placed in such a manner that it is dispersed by currents or other forces.
- 5) Utility lines shall not adversely alter existing hydrology, including draining wetlands. Trenches must be lined with clay, or other impervious materials or structures (such as cut-off walls) must be employed. In addition, gravel cannot be used as backfill material in the top 10 feet of the trench.
- 6) In wetland areas, the top 12" of the trench must be backfilled with topsoil excavated from the trench in the same stratification in which it was removed.
- 7) Excess material must be removed to upland areas immediately upon completion of the utility line construction in any segment of the project containing waters of the U.S. In no case shall the excess material be left in place until the entire utility line is completed.
- 8) The construction area, including unprotected slopes and streambanks, must be stabilized (e.g., blanketed and seeded) immediately upon completion of the utility line construction in any segment of the project. In no case shall soil stabilization be delayed until the entire utility line is completed.
- 9) The permittee is required to restore the construction area to pre-construction conditions, including grading to original contours and revegetating (with native vegetation or other appropriate vegetation approved by the District)

immediately upon completion of the project, except for permanent, above-ground fills. A restoration plan, which includes a 1-foot contour topographic map, must be submitted with notification.

10) If the project involves the use of directional drilling in navigable waters, notification must include a contingency plan.

k. This permit shall not be used in conjunction with any other regional permit, except RP7 and RP10.

3. TRANSPORTATION PROJECTS

RP3 authorizes the construction of transportation projects, including roads, bridges, runways and taxiways, railroads, and multi-use trails, subject to the following:

- a. The impact to waters of the U.S. must not exceed 0.25 acre or a distance of 200 linear feet for any single crossing. For transportation projects that involve multiple crossings of waters of the U.S., the cumulative impact cannot exceed 2.0 acres, and no single crossing may impact more than 0.25 acre or a distance of 200 linear feet.
- b. Projects that impact no more than 0.25 acre of waters of the U.S. and do not impact any high-quality aquatic resources will be processed under Category I.
- c. Projects that impact over 0.25 acre up to 2.0 acres of waters of the U.S. or impact high-quality aquatic resources will be processed under Category II.
- d. For projects that cause the loss of greater than 0.25 acre of waters of the U.S., the permittee is required to provide compensatory mitigation.
- e. The width of the discharge is limited to the minimum necessary for the activity.
- f. All crossings must be culverted, bridged or otherwise designed to prevent the restriction of expected high water flows, and must be designed so as not to impede low water flows or the movement of aquatic organisms.
- g. The permittee shall establish and maintain an upland buffer of native plants (or other appropriate vegetation approved by the District) within the right-of-way adjacent to all wetlands.
- h. The activity must be designed such that surface water does not directly discharge into waters of the U.S. All water must be infiltrated or detained and treated prior to discharging into waters of the U.S.
- i. This permit specifically excludes any discharges used to construct associated building pads or equipment storage areas.
- j. For a project site adjacent to a conservation area, the permittee must request in writing from the organization responsible for management of the conservation area recommended measures to protect the conservation area from potential adverse impacts resulting from development. A copy of the request and any response received from the organization must be submitted to the District with notification.
- k. Temporary construction activities, including access roads and cofferdams, are not authorized under this Regional Permit.

4. MINOR DISCHARGES AND MINOR DREDGING

RP4 authorizes:

(1) The discharge of up to 25 cubic yards of dredged or fill material, the discharge of materials such as concrete, sand, rock or stone into tightly sealed cells, where such cells will be used as a structural member for a pile-supported structure (such as a bridge, walkway or mooring cell), and the dredging of up to 25 cubic yards of material. The activity, including discharges and/or dredging, must not exceed 25 cubic yards or impact more than 0.25 acres of waters of the U.S.; and

(2) The discharge of up 0.25 acres of fill material for construction or expansion of elements of a single-family residence (including house, garage and driveway) provided the activity is a single and complete project, this RP is used only once per residence, and sufficient vegetated buffers are maintained adjacent to all open water, streams and wetlands. There is no volumetric limitation for activities processed under (2).

a. All activities will be processed under Category I.

b. This RP does not authorize stream diversions, construction of new channels connected to navigable waters, or discharges/dredging in high-quality aquatic resources.

c. This RP does not authorize pile-supported structures used for houses, decks, buildings, parking lots or equipment

d. Septic fields may not be constructed in waters of the United States.

e. This RP does not authorize residential, commercial and institutional developments, or temporary construction activities.

f. Individual water quality certification under Section 401 of the Clean Water Act is required in the following waters:

- 1) Chicago Sanitary and Ship Canal
- 2) Calumet-Sag Channel
- 3) Little Calumet River
- 4) Grand Calumet River
- 5) Calumet River
- 6) Chicago River (main stem)
- 7) South Branch of the Chicago River (including South Fork)
- 8) North Branch of the Chicago River (including East and West Forks and Skokie Lagoons)
- 9) Lake Calumet
- 10) Des Plaines River
- 11) Fox River (including the Fox Chain of Lakes)
- 12) Lake Michigan
- 13) Pettibone Creek
- 14) All Public and Food Processing Water Supplies with surface intake facilities (as specified in the IEPA's List of Public and Food Processing Water Supplies Utilizing Surface Water)

5. WETLAND AND STREAM RESTORATION AND ENHANCEMENT

RP5 authorizes the creation, restoration and enhancement of wetlands and riparian areas, and the restoration and enhancement of rivers, creeks and streams, and open water areas, on any public or private land. Wetland and stream restoration and enhancement activities include the removal of accumulated sediments; installation, removal and maintenance of small water control structures, dikes and berms; installation of current deflectors; enhancement, restoration, or creation of riffle and pool structures; placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or create stream meanders; backfilling of artificial channels and drainage ditches; removal of existing drainage structures; construction of open water areas; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation; mechanized land-clearing to remove undesirable vegetation; and other related activities. This RP may be used to relocate aquatic habitat types on the project site, provided there are net gains in aquatic resource functions and values. Authorization under RP5 is subject to the following:

a. All projects will be processed under Category II.

b. This permit cannot be used to authorize activities for the conversion of a stream to another aquatic use, such as the creation of an impoundment for waterfowl habitat.

- c. This permit cannot be used to channelize a stream.
- d. This permit cannot be used to authorize the conversion of natural wetlands to another aquatic use, such as creation of waterfowl impoundments where a forested wetland previously existed.

6. COMPLETED ENFORCEMENT ACTIONS

RP6 authorizes any structure, work or discharge of dredged and fill material, remaining in place, or undertaken for mitigation, restoration or environmental benefit in compliance with:

(1) The terms of a final written Corps non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, or the terms of an EPA 309(a) order or consent decrees resolving a violation of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899 that requires authorization from the Corps of Engineers; or

(2) The terms of a final Federal court decision, consent decree, or settlement agreement resulting from an enforcement action brought by the United States under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act.

This RP covers only those discharges not authorized under EPA's statutory authority under Section 309(a) of the Clean Water Act. Authorization under RP6 is subject to the following:

- a. Projects that impact 2.0 acres or less of waters of the U.S. will be processed under Category I.
- b. Projects that impact over 2.0 acres of waters of the U.S. will be processed under Category II.

7. TEMPORARY CONSTRUCTION ACTIVITIES

RP7 authorizes temporary structures and discharges necessary for construction activities, access fills and dewatering of construction sites. Authorization under RP7 is subject to the following:

- a. All projects will be processed under Category II.
- b. The temporary impact to waters of the U.S. must not exceed 0.25 acre.
- c. Fills must be of non-erodible materials and must be constructed to withstand expected high flows.
- d. This permit does not authorize the use of earthfill cofferdams, or any practices that would result in a release of sediment into waters of the U.S. Cofferdams must be constructed of non-erodible materials. Acceptable practices include pre-fabricated rigid cofferdams, sheet piling, inflatable bladders, sandbags and fabric-lined basins.
- e. Heavy equipment working in wetlands must be placed on mats or other measures, such as low-ground pressure equipment, must be used to minimize soil disturbance.
- f. Materials used for temporary construction activities must be removed immediately and entirely to upland areas following completion of the construction activity.
- g. The permittee is required to restore the construction area to pre-construction conditions, including grading to original contours and revegetating (with native vegetation) all disturbed areas, immediately upon completion of the project. A restoration plan, which includes a 1-foot contour topographic map, must be submitted with the notification.

8. UTILITY LINE PROJECTS

RP8 authorizes the construction of above-ground and below-ground utility lines.

This includes trenching and backfilling, poles, footings, pads and substations for aerial transmission lines, lines under (e.g., through directional drilling) or over navigable waters (Section 10 only), and outfalls and associated intakes which are authorized, conditionally authorized, specifically exempted, or are otherwise in compliance with the National Pollutant Discharge Elimination System program (Section 402 of the Clean Water Act). Authorization under RP8 is subject to the following:

a. For above-ground projects that result in permanent fills, the impact to waters of the U.S. must not exceed 0.50 acre. Projects that impact no more than 0.25 acre of waters of the U.S. and do not impact any high-quality aquatic resources will be processed under Category I. Projects that impact over 0.25 acre up to 0.50 acre of waters of the U.S. or impact high-quality aquatic resources will be processed under Category II. For projects that permanently impact over 0.25 acre of waters of the U.S., the permittee is required to provide compensatory mitigation.

b. For below-ground projects, all projects will be processed under Category II.

c. The waters of the U.S. to be impacted must be limited to the minimum necessary to construct the utility line.

d. The construction area for linear utility line projects shall be limited to a width of 75 feet. Any mechanized clearing of vegetation in the utility corridor shall be scheduled no more than seven (7) calendar days preceding installation of the utility line in that segment of the corridor. In no case shall the vegetation of the entire corridor be cleared prior to actual installation of the utility line.

e. For below-ground utility lines, directional drilling or dry crossing techniques, such as fluming, shall be used if the waterbody to be crossed contains perennial flow.

f. Material resulting from trench excavation may be temporarily (up to 30 days) sidecast into waters of the U.S., provided that the material is not placed in such a manner that is dispersed by currents or other forces.

g. Utility lines shall not adversely alter existing hydrology, including draining wetlands. Trenches must be lined with clay, or other impervious materials or structures (such as cut-off walls) must be employed. In addition, gravel cannot be used as backfill material in the top 10 feet of the trench.

h. In wetland areas, the top 12" of the trench must be backfilled with topsoil excavated from the trench in the same stratification in which it was removed.

i. Excess material must be removed to upland areas immediately upon completion of utility line construction in any segment of the project containing waters of the U.S. In no case shall the excess material be left in place until the entire utility line is completed.

j. The construction area, including unprotected slopes and streambanks, must be stabilized (e.g., blanketed and seeded) immediately upon completion of the utility line construction in any segment of the project. In no case shall soil stabilization be delayed until the entire utility line is completed.

k. The permittee is required to restore the construction area to pre-construction conditions, including grading to original contours and revegetating (with native vegetation or other appropriate vegetation approved by the District) immediately upon completion of the project, except for permanent, above-ground fills. A restoration plan, which includes a 1-foot contour topographic map, must be submitted with notification.

l. If the project involves the use of directional drilling in navigable waters, notification must include a contingency plan.

m. For a project site adjacent to a conservation area, the permittee must request in writing from the organization responsible for management of the conservation area recommended measures to protect the conservation area from potential adverse impacts resulting from development. A copy of the request and any response received from the organization must be submitted to the District with notification.

n. Temporary construction activities, including access roads and cofferdams, are not authorized under this Regional Permit.

o. Individual water quality certification under Section 401 of the Clean Water Act is required in the following waters:

- 1) Chicago Sanitary and Ship Canal
- 2) Calumet-Sag Channel
- 3) Little Calumet River
- 4) Grand Calumet River
- 5) Calumet River
- 6) Chicago River (main stem)
- 7) South Branch of the Chicago River (including South Fork)
- 8) North Branch of the Chicago River (including East and West Forks and Skokie Lagoons)
- 9) Lake Calumet
- 10) Des Plaines River
- 11) Fox River (including the Fox Chain of Lakes)
- 12) Lake Michigan
- 13) Pettibone Creek
- 14) All Public and Food Processing Water Supplies with surface intake facilities (as specified in the IEPA's List of Public and Food Processing Water Supplies Utilizing Surface Water)

9. MAINTENANCE

RP9 authorizes:

(1) Repair, rehabilitation or replacement of any previously authorized, currently serviceable, structure or fill, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or footprint including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to implement the repair, rehabilitation, or replacement are permitted, provided the environmental impacts resulting from such repair, rehabilitation, or replacement are minimal. This permit authorizes the repair, rehabilitation, or replacement of those structures destroyed by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced or under contract to commence within three years of the date of their destruction or damage. Maintenance dredging and beach restoration are not authorized by this permit; and

(2) Maintenance of existing flood control facilities, retention/detention basins, and channels that were constructed by the Corps and transferred to a local sponsor for operation and maintenance. Maintenance is limited to that approved in a maintenance baseline determination made by the District. This determination will be based on the approved plans, the facility actually constructed, maintenance history, present versus original flood control needs, and presence of sensitive/unique functions and values of aquatic resources that may be adversely affected. Applicants are encouraged to meet with the District to establish the maintenance baseline prior to notification. This RP does not authorize the removal of sediment and associated vegetation from natural water courses.

Authorization under RP9 is subject to the following:

- a. All projects meeting (1) above will be processed under Category I.
- b. All projects meeting (2) above will be processed under Category II.
- c. Temporary construction activities, including access roads and cofferdams, are not authorized under this Regional Permit.

10. BANK STABILIZATION

RP10 authorizes bank stabilization activities in all waters of the U.S., except Lake

Michigan, subject to the following:

- a. Projects that involve the use of vegetative and biotechnical practices will be processed under Category I and are not subject to length restrictions.
- b. Projects that involve the use of hard bank stabilization practices, such as riprap, gabions, steel sheetpiling or fabric-formed concrete, will be processed under Category II. These activities are limited to 500 feet in length and 2 cubic yards of material per running foot below the ordinary high water mark, and may not be used in a high-quality aquatic resource. Hard bank stabilization and vegetative/biotechnical stabilization practices may be combined, but in no case shall hard practices exceed 500 feet in length.
- c. Bank stabilization shall conform to the existing shoreline and may not be used to reclaim land lost to erosion.
- d. Riprap materials shall not be placed at a steeper slope than 2:1 (2 horizontal to 1 vertical) for dumped riprap and 1.5:1 for hand-placed riprap. Should broken concrete be used as riprap, all reinforcing rods shall be cut flush with the surface of the concrete.
- e. Temporary construction activities, including access roads and cofferdams, are not authorized under this Regional Permit.

11. MARINE STRUCTURES AND ACTIVITIES

RP11 authorizes the installation, repair and modification of piers, boat docks (non-commercial only), boat ramps, navigational and mooring aids and temporary recreational structures. This RP also authorizes the removal of vessels and the installation, repair and modification of shore protection along Lake Michigan. Certain limitations exist for the use of this RP within the Fox River-Chain O' Lakes waterway system, in accordance with the June 1994 Chicago District permitting policy listed in the Fox Environmental Impact Statement Record of Decision. Authorization under RP11 is subject to the following:

- a. All marine structures and activities, except the installation of boat ramps and shore protection along Lake Michigan, will be processed under Category I.
- b. The installation of boat ramps and shore protection along Lake Michigan will be processed under Category II.
- c. Boat docks must be constructed in accordance with the following conditions and limitations:
 - 1) The dock must not project more the 50 feet into a waterway, and in no instance greater than one quarter of the width of the waterway, and shall not extend beyond the navigation limits established by the Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR) and the District;
 - 2) The width of the dock must not be greater than 10 feet;
 - 3) For L-shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed 50 percent of the landowner's shoreline frontage, nor 50 feet;
 - 4) Docks must be aligned so as not to cross the projection of property lines into the waterway or come within 10 feet of the projection of the property line. A boat dock cannot be constructed within 50 feet of another dock except in the cases in which the applicant owns, in fee title, a lot, which, due to its width, makes it impossible to be 50 feet or more from a dock constructed by an adjacent riparian property owner and which is covered by a valid dock permit;
 - 5) Dock posts must be marked with reflective devices. If the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the U.S. Coast Guard shall be installed and maintained by and at the expense of the permittee;
 - 6) The boat dock must be securely anchored to prevent its detachment and becoming a floating hazard during times of high water or winds;
 - 7) Boat mooring buoys and dock flotation units shall be constructed of material that are clean and free of pollutants and will not become waterlogged or sink

when punctured. Flotation units and devices must be composed of low density, closed cell, rigid plastic foam. Foam bead flotation will not be allowed unless commercially encapsulated and designed specifically for flotation purposes. Reconditioned plastic drums and metal barrels are allowed if they are first cleaned and filled with flotation foam. Barrel, drums or containers that previously contained pesticide, herbicide or other hazardous substances are not allowed;

- 8) Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow;
- 9) Boat docks must be removed from the waterway during the non-boating season;
- 10) If, at any future date, the IDNR/OWR or District determines that the dock facility obstructs or impairs navigation, or in any way infringes on the rights or interests of the public or any individual party, the permittee agrees to make necessary modification to the dock, as determined by IDNR/OWR or the District.

d. Boat ramps must not exceed 60 feet in width and must be made of crushed stone, concrete, gravel or other suitable material. Boat ramps made of asphalt are not authorized under this Regional Permit.

e. Shore protection in Lake Michigan includes seawalls, revetments, and bulkheads (constructed of wood, concrete, riprap, gabions, steel or fabric-formed concrete) constructed at the existing water line, parallel to the shoreline orientation. Shore protection must not:

- 1) Exceed 300 feet in length and 10 feet in width (below the ordinary high water mark);
- 2) Occur within 200 feet of the mouth of any waterway that flows into or out of Lake Michigan;
- 3) Be used to reclaim land lost to erosion; and
- 4) Involve dredging or filling beyond that required to install the shore protection.

f. For repair and/or modification of a marine structure, the date the structure was originally constructed and a copy of the Department of the Army permit for the structure, if one was granted, must be provided. If the construction of the structure was not authorized by the Corps of Engineers, after-the-fact authorization must be sought.

g. Temporary construction activities, including access roads and cofferdams, are not authorized under this Regional Permit.

12. BRIDGE SCOUR PROTECTION

RP12 authorizes the construction and installation of protective armoring at existing bridge foundations, abutments and/or around bridge piers of Scour Critical Bridges [Item 113 codes 0 through 4, Scour Critical Bridges, of the Federal Highway Administration (FHWA) document "Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges (Coding Guide)] based on the following criteria: bridge owners (State highway agencies, local and Federal agencies) are guided in their evaluation of the bridges by the FHWA Hydraulics Engineering Circulars 18 and 20, titled "Evaluating Scour at Bridges" and "Stream Stability at Highway Structures." Item 113 of the Coding Guide is used by the bridge owner to categorize the scour vulnerability of these bridges. Authorization under RP12 is subject to the following:

a. All projects will be processed under Category I.

b. Temporary construction access may be obtained over the side of the bridge, by use of temporary roads or pads constructed of clean fill, by use of mats, or from barges or floating platforms. All material used for temporary access shall be removed from the site concurrent with completion of work in any segment of the project. All portions of the site must be restored to preconstruction conditions.

c. Cofferdams are limited to the following practices: pre-fabricated rigid cofferdams, sheet piling, inflatable bladders and fabric lined basins. This regional permit does not authorize the use of earthfill cofferdams, or any practices

that would result in a release of sediment into waters of the U.S.

d. Protective armoring may include riprap, broken concrete, formed concrete pieces, concrete filled fabric mats, gabions, or other engineered designs consistent with reasonable engineering standards. Should broken concrete be used, all reinforcing rods shall be cut flush with the surface of the concrete. The protective armoring may extend riverward of the adjacent shoreline or any adjacent existing seawalls, gabion structures, or riprapped banks, but may not extend above the existing streambed. Material excavated for the construction of the protective armoring shall be disposed of in accordance with federal, State and local laws and ordinances, and shall not be placed in a floodway or in any waters of the U.S., including wetlands.

e. Projects in special aquatic sites (e.g., wetlands, mud flats, vegetated shallows, and riffle and pool complexes, etc.) shall be conducted with no more than minimal adverse environmental effects.

f. This permit does not authorize the discharge of fill material into wetlands, except as may be necessary for temporary construction access. Temporary construction activities shall be conducted in accordance with RP 7.

g. If, in the determination of the District, the protective armoring may constitute an undue hazard, obstruction to navigation, or if it is deemed that the project may not be in the public interest, an individual permit may be required for the work.

13. CLEANUP OF TOXIC AND HAZARDOUS MATERIALS

RP13 authorizes specific activities required to effect the containment, stabilization and removal of toxic and hazardous materials and petroleum products that are performed, ordered or sponsored by a government agency with established legal or regulatory authority, or through court-ordered remedial action plans or related settlements. RP13 is subject to the following conditions:

a. All projects will be processed under Category II.

b. This permit does not authorize the establishment of new disposal sites or the expansion of existing disposal sites.

c. Activities undertaken entirely on a site by authority of CERCLA as approved or required by EPA do not require authorization from the U.S. Army Corps of Engineers.

d. Evidence that an activity is performed, ordered or sponsored by a government agency with established legal or regulatory authority, or through court-ordered remedial action plans or related settlements must be included with notification.

e. Compensatory mitigation is required for any cleanup that adversely impacts more than 0.25 acre of waters of the U.S.

f. Temporary construction activities, including access roads and cofferdams, are not authorized under this Regional Permit.

g. Individual water quality certification under Section 401 of the Clean Water Act is required.

APPENDIX B: REGIONAL PERMIT PROGRAM ACTIVITY CATEGORIES

	CATEGORY I	CATEGORY II
1. Residential, Commercial and Institutional Developments	Activity impacts 0.25 acre or less of waters of the U.S. and does not impact a high-quality aquatic resource	Activity impacts between 0.25 and 2.0 acres of waters of the U.S. and/or impacts a high-quality aquatic resource
2. Recreation Projects	Activity impacts 0.25 acre or less of waters of the U.S. and does not impact a high-quality aquatic resource	Activity impacts between 0.25 and 2.0 acres of waters of the U.S. and/or impacts a High-quality aquatic resource
3. Transportation Projects	Activity impacts 0.25 acre or less of waters of the U.S. and does not impact a high-quality aquatic resource	Activity impacts between 0.25 and 2.0 acres of waters of the U.S. and/or impacts a high-quality aquatic resource
4. Minor Discharges & Minor Dredging	All activities	N/A*
5. Wetland/Stream Restoration & Enhancement	N/A	All activities
6. Completed Enforcement Actions	Activity impacts 2.0 acres or less of waters of the U.S.	Activity impacts over 2.0 acres of waters of the U.S.
7. Temporary Construction Activities	N/A	All activities
8. Utility Line Projects	Above-ground activity impacts 0.25 acre or less of water of the U.S. and does not impact a high-quality aquatic resource	Above-ground activity impacts between 0.25 acre and 0.50 acre of waters of the U.S. and/or impacts a high-quality aquatic resource. All below-ground activities
9. Maintenance	Repair, rehabilitation or replacement of any previously authorized, currently serviceable, structure or fill	Maintenance of existing flood control facilities, retention/detention basins, and channels that were either previously authorized by the District or constructed by the Corps and transferred to a local sponsor for operation and maintenance
10. Bank Stabilization	Activity involves use of vegetative or biotechnical practices	Activity involves use of hard bank practices
11. Marine Structures & Activities	All activities except installation of boat ramps and Lake Michigan shoreline protection	Installation of boat ramps and Lake Michigan shoreline protection
12. Bridge Scour Protection	All activities	N/A
13. Cleanup of Toxic/Hazardous Materials	N/A	All Activities

* Not applicable

APPENDIX C: HIGH-QUALITY AQUATIC RESOURCES

The following descriptions of high-quality aquatic resources apply to the Chicago District only.

Advanced Identification (ADID) sites: Aquatic sites that have been identified by the District and U.S. Environmental Protection Agency, in advance of specific permit requests, as areas generally unsuitable for disposal of dredged or fill material. ADID sites include various waters of the U.S., including wetlands, identified in Lake and McHenry Counties.

Bog: A low nutrient peatland, usually in a glacial depression, that is acidic in the surface stratum and often dominated at least in part by the genus Sphagnum.

Ephemeral pool: A seasonally inundated depression within a forested wetland or upland community, usually located on a moraine, glacial outwash plain, or in an area shallow to bedrock; also known locally as a "vernal pool." These areas may not be permanently vegetated.

Fen: A peatland, herbaceous (including calcareous floating mats) or wooded, with calcareous groundwater flow.

Forested wetland: A wetland dominated by native woody vegetation with at least one of the following species or genera present: Carya spp., Cephalanthus occidentalis, Cornus alternifolia, Fraxinus nigra, Juglans cinerea, Nyssa sylvatica, Quercus spp., or Thuja occidentalis.

Sedge meadow: A wetland dominated by at least one of the following genera: Carex, Calamagrostis, Cladium, Deschampsia, Eleocharis, Rhynchospora, Scleria, or Eriophorum.

Seep: A wetland, herbaceous or wooded, with saturated soil or inundation resulting from the diffuse flow of groundwater to the surface stratum.

Streams rated A or B in the Illinois Biological Stream Characterization study: Reference Illinois Environmental Protection Agency's Biological Stream Characterization (BSC): Biological Assessment of Illinois Stream Quality (latest edition) for a current listing.

Streamside marsh: A wetland that is adjacent to, and contiguous with, a body of flowing water or supported by stream baseflow and dominated by herbaceous species.

Wet prairie: A wetland dominated by native graminoid species with a diverse indigenous forb component that is seasonally saturated and/or temporarily inundated.

Wetlands supporting Federal or Illinois endangered or threatened species: For current state-listed species, reference Illinois Endangered Species Protection Board's "Checklist of Endangered and Threatened Animals and Plants of Illinois" and/or contact the Illinois Department of Natural Resources. For Federally-listed species, reference the U.S. Fish and Wildlife Service's "Endangered and Threatened Wildlife and Plants" list (latest edition) and/or contact the U.S. Fish and Wildlife Service.

Wetlands with a Floristic Quality Index of 20 or greater or a mean C-value of 3.5 or greater: Reference Plants of the Chicago Region (F. Swink and G. Wilhelm, 4th edition, Indianapolis: Indiana Academy of Science, 1994).

Further information on the areas described above can be found in the U.S. Environmental Protection Agency's Advanced Identification studies for Lake and McHenry Counties, the Chicago Wilderness' Biodiversity Recovery Plan, the Forest Preserve District of Cook County's The Natural Communities of Cook County: An Ecological Classification System for Terrestrial Communities, Swink and Wilhelm's Plants of the Chicago Region, and the Illinois Environmental Protection Agency's Biological Stream Characterization (BSC): Biological Assessment of Illinois Stream Quality (latest edition).



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

217/782-0610

THOMAS V. SKINNER, DIRECTOR

October 27, 1999

Chicago District
Corps of Engineers
111 North Canal Street
Chicago, IL 60606

Re: Regional Permits and Conditions - Residential, Commercial, Institutional, Recreation, Transportation, Minor discharge, Minor dredging, Wetland restoration and enhancement, Stream restoration and enhancement, Completed enforcement actions, Temporary construction activities, Utility lines, Maintenance, Bank stabilization, Marine Structures and activities, Bridge scour protection, and Cleanup of toxic and hazardous material projects

Gentlemen:

The Agency has reviewed the proposed Regional Permits and Conditions for Residential, Commercial, Institutional, Transportation, Recreation, Minor discharge, Minor dredging, Wetland restoration and enhancement, Stream restoration and enhancement, Completed enforcement actions, Temporary construction activities, Utility lines, Maintenance, Bank stabilization, Marine Structures and activities, Bridge scour protection, and Cleanup of toxic and hazardous material projects submitted by the Chicago District for 1999. The following comments are provided for your use and information.

The Agency hereby issues Section 401 water quality certification for the proposed regional permit subject to the attached conditions. This certification is issued contingent on the addition of i) the Chicago River (Main Stem) and ii) Pettibone Creek (in Lake County) to Region Permits numbers 4 and 8.

The implementation of the soil erosion Interagency Coordination Agreements (ICA's) and the incorporation of Best Management Practices into the Regional Permit Program will result in the protection of surface water resources and supports the goals of the Illinois Water Quality Management Plan.

The determination to include the attached conditions was made with respect to the cause of water pollution as defined in the Illinois Environmental Protection Act. These comments are directed at the effect on water quality of the construction procedures involved in the project and are not an approval of any discharge resulting from the completed facility, nor an approval of the design of the facility. These comments do not supplant any permit responsibilities of the applicant toward the Agency.

If you have any questions concerning this letter, please contact me at the above referenced number and address.

Sincerely,

Bruce J. Yurdin
Manager, Watershed Management Section
Bureau of Water

cc: IEPA, Records Unit
IDNR, OWR, Schaumburg
USEPA, Region 5
CoE, Louisville District
CoE, Memphis District
CoE, Rock Island District
CoE, St. Louis District

Illinois Environmental Protection Agency
Section 401 Water Quality Certification Conditions
for Regional Permit on

**Residential, Commercial, Institutional, Recreation, Transportation, Minor discharge,
Minor dredging, Wetland restoration and enhancement, Stream restoration and
enhancement, Completed enforcement actions, Temporary construction activities,
Utility lines, Maintenance, Bank stabilization, Marine Structures and activities, Bridge
scour protection, and Cleanup of toxic and hazardous material projects**

- #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 Regulation;
 - b. water pollution defined and prohibited by the Illinois Environmental Protection Act; or
 - c. 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** 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 staked straw bales, 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 5 (five) 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; 1995).
- #6** The applicant is advised that the following permit(s) must be obtained from the Agency: the applicant must obtain permits to construct sanitary sewers, water mains and related facilities prior to construction.
- #7** The backfill used in the stream crossing trench shall be predominantly sand or larger size material, with <20% passing a #230 U. S. sieve.
- #8** The channel relocation shall be constructed under dry conditions and stabilized to prevent erosion prior to the diversion of flow. [Applicable only to projects which purpose to relocate stream channels.]
- #9** The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, straw bales, etc.) to prevent transport of sediment and materials to the adjoining wetlands and/ streams.

#10 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.

#11 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.

#12 Any applicant that is proposing activities in a mined area or previously mined area shall provide determination on sediment and materials used 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 construction pursuant to 35 Il. Adm. Code 404.101.