217/782-3362

FEB 16 2017
Chicago District
Corps of Engineers
231 S. LaSalle Street
Suite 1500
Chicago, IL 60604

Re: IEPA Log # C-0194-16
Chicago Regional Permits and Conditions for Proposed Regional Permits:

1. Residential, Commercial and Institutional Developments
2. Recreation Projects
3. Transportation Projects
4. Minor Discharges and Dredging
5. Wetland and Stream Restoration and Enhancement
6. Completed Enforcement Actions
7. Temporary Construction Activities
8. Utility Line Projects
9. Maintenance
10. Bank Stabilization
11. Marine Structures and Activities
12. Bridge Scour Protection
13. Cleanup of Toxic and Hazardous Materials

Dear Sir or Madam:

This Agency has reviewed the proposed Regional Permits and Conditions for the above referenced projects public noticed by the Chicago District on August 1, 2016. The following comments are provided for your use and information.

This Agency hereby issues certification under Section 401 of the Clean Water Act (PL 95-217) for the proposed regional permits subject to the attached conditions.

The Agency has modified the set of previous 401 certification conditions issued in 2012 to apply to the proposed Chicago District Regional Permit Program. These changes include modified conditions 3, 5, 7 and 14 and new conditions 15, 16 and 17.

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 Darren Gove at 217-782-3362.

Sincerely,

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

SAK:DRG:C-0194-16.docx
Attachment

cc: IEPA, Records Unit
    IDNR, OWR, Bartlett
    USEPA, Region 5
    CoE, Louisville District (Newburgh)
    CoE, Louisville District (Indianapolis)
    CoE, Memphis District
    CoE, Rock Island District
    CoE, St. Louis District
1. The applicant shall not cause:
   a. a violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulations;
   b. water pollution defined and prohibited by the Illinois Environmental Protection Act;
   c. interference with water use practices near public recreation areas or water supply intakes;
   d. a violation of applicable provisions of the Illinois Environmental Protection Act.

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

3. Except as allowed under condition 7, 9 and 10, 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 constructed during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

5. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).

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. Backfill used in stream crossing trenches shall be predominantly sand or larger size material, with less than 20% passing a #230 U.S. sieve.

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

9. Backfill used within trenches passing through surface waters of the State, except wetland areas, shall be clean coarse 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 #230 U.S. sieve; or
   b) excavation and backfilling are done under dry conditions.

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

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

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

13. Applicants that use site dewatering techniques in order to perform work in waterways for construction activities approved under Regional Permits 1 (Residential, Commercial and Institutional Developments), 2 (Recreation Projects), 3 (Transportation Projects), 7 (Temporary Construction Activities), 9 (Maintenance) or 12 (Bridge Scour Protection) shall maintain flow in the stream during such construction activity by utilizing dam and pumping, fluming, culverts or other such techniques.

14. In addition to any action required of the Regional Permit 13 (Cleanup of Toxic and Hazardous Materials Projects) with respect to the "Notification" General Condition 23, the applicant shall notify the Illinois EPA Bureau of Water of the specific activity. This notification shall include information concerning the orders and approvals that have been or will be obtained from the Illinois EPA Bureau of Land (BOL) for all cleanup activities under BOL jurisdiction, or for which authorization or approval is sought from BOL for no further remediation. This Regional Permit is not valid for activities that do not require or will not receive authorization or approval from the BOL.

15. The applicant shall implement Best Management Practices (BMPs) to protect water quality, preserve natural hydrology and minimize the overall impacts to aquatic resources during and after construction. If the project involves a water with an approved Total Maximum Daily Load (TMDL) allocation for any parameter, measures which ensure consistency with the assumption and requirements of the TMDL shall be included. TMDL program information and water listings are available at http://www.epa.illinois.gov/topics/water-quality/watershed-management/tmdls/index. If the project involves an impaired water listed on the Illinois Environmental Protection Agency's Section 303(d) list for suspended solids, turbidity, or siltation, measures designed for at least a 25-year, 24-hour rainfall event shall be incorporated. Impaired waters are identified at http://www.epa.illinois.gov/topics/water-quality/watershed-management/tmdls/303d-list/index.

16. Earthen granular fill used for construction of temporary structures in waters of the State shall have less than 20% passing a #230 U.S. sieve.

17. The use of directional drilling to install utility pipelines below surface waters of the State is hereby certified provided that:
   a) All pits and other construction necessary for the directional drilling process are located outside of surface waters of the State;
   b) All drilling fluids shall be adequately contained such that they cannot cause a discharge to surface waters of the State. Such fluids shall be managed such that they are not discharged to waters of the State and disposed of appropriately in accordance with the regulations at 35 Ill. Adm. Code Subtitle G.
   c) Erosion and sediment control is provided in accordance with Conditions 2, 4, and 5.