



US Army Corps of Engineers®
Chicago District

**CHICAGO DISTRICT
2017 REGIONAL PERMIT PROGRAM
REVISED JANUARY 10, 2020**

8. UTILITY LINE PROJECTS

RP8 authorizes the construction, maintenance and repair of utility line activities and associated facilities in waters of the United States.

This includes trenching and backfilling activities for utility lines and fill activities for construction of substations and related appurtenances (temporary and permanent access roads, construction pads, stormwater management facilities, fencing, parking lots, etc.), poles, pads, anchors, outfall structures, and foundations for overhead utility line towers, utility lines under (e.g., through directional drilling) or over navigable waters (regulated under Section 10 waters 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).

Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit.

Utility lines constructed in, over, or under Section 10 waters, and without a discharge of dredged or fill material, require a Section 10 permit if the proposed activity has the potential to affect the course, condition or capacity of navigation. The construction of utility lines through a Section 10 water with a discharge of dredged or fill material requires a Section 404 permit in addition to a Section 10 permit. For purposes of a Section 10 permit, a tunnel or other structure or work under or over a navigable water of the United States is considered to have an impact on the navigable capacity of the waterbody.

Authorization under RP8 is subject to the General Conditions of the Regional Permit Program beginning on page 6 of this document. In addition, the following requirements must be addressed in writing and submitted with the notification:

- a. The impact to waters of the U.S. must not exceed 1.0 acre. For projects that impact over 0.10 acres of waters of the U.S., the permittee is required to provide compensatory mitigation.
- b. Projects that impact no more than 0.5 acres of waters of the U.S. will be processed under Category I.
- c. Projects that impact over 0.5 acres and up to 1.0 acre of waters of the U.S. will be processed under Category II.

- d. Authorization under RP8 pursuant to Section 404 of the Clean Water Act is subject to individual water quality certification under Section 401 of the Clean Water Act when there is a discharge of dredged and/or fill material to the waters listed below. Return flows from dredging operations to the waters listed below are considered Section 404 discharges. However, as determined on a case-by-case basis by the District, individual water quality certification may not be required for the installation of outfall structures in the following waters if there will be no more than minimal disturbance to the sediment and substrate during construction activities.
- 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) Kankakee River
- e. For a project site adjacent to a conservation area, the permittee must request a letter from the organization responsible for management of the area. The response letter must identify recommended measures to protect the area from impacts that may occur as a result of the development. A copy of the request and any response received from the organization must be submitted to the District with the notification.
- f. Stormwater management facilities may not be constructed in a linear body of water such as a river, or perennial, intermittent or ephemeral stream or creek, unless there is substantial evidence that the project will provide a benefit to the aquatic system. Potential benefits could include water quality improvements at headwaters of the watershed, or promotion of wildlife habitat, feeding and breeding areas.
- g. The project must employ permanent, post-construction Best Management Practices (BMPs) to protect water quality, preserve natural hydrology and minimize the overall impacts of the project on aquatic resources. BMPs must be considered at the earliest planning stages of the project. Please note that temporary soil erosion and sediment control (SESC) measures are not considered permanent BMPs.

To the greatest extent practicable, the activity should be designed such that stormwater does not directly discharge into waters of the U.S. For each location where stormwater discharges towards a jurisdictional wetland or stream, provide a written narrative discussing opportunities to implement permanent BMPs. The type of BMPs proposed should be based on the scope of work, the change in impervious surface runoff discharging to the waters of the U.S., and the overall direct impacts to waters of the U.S. resulting from the proposed work.

- h. The permittee must establish and/or enhance an upland buffer of appropriate native plants adjacent to all created, restored, enhanced or preserved waters of the U.S., including but not limited to: wetlands, rivers, streams, creeks, ponds and lakes. However, the construction or installation of the support towers, poles, footing, anchors and appurtenant structures for overhead and/or underground utility lines are exempt from this upland buffer requirement.
- i. The discharge of dredged or fill material may not consist of unsuitable material. Material discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act). Unsuitable materials include but are not limited to: trash, debris, asphalt, and creosote treated wood (i.e. for support poles and towers).
- j. The permittee is required to restore the construction area to pre-construction conditions, including grading the disturbed areas to the original contours and revegetating with appropriate native vegetation immediately upon completion of the project. The restoration plan must be submitted with the notification. A 1-foot contour topographic map of the project area may be required on a case-by-case basis.
- k. The construction zone for linear utility line projects must be limited to a width of 50 feet. All designated work area(s), including construction staging areas, must be drawn onto the submitted construction plans and clearly labeled. Equipment storage or staging areas may not occur in wetlands or waters of the U.S.
- l. Mechanized clearing of vegetation in the utility corridor must be conducted no more than seven (7) calendar days preceding installation of the utility line in that segment of the corridor. Vegetation may not be cleared along the entire corridor prior to installation of the utility line.
- m. For utility line projects, directional drilling (regulated in Section 10 waters only) or dry crossing techniques, such as fluming, must be used for utility line projects if the waterbody to be crossed contains perennial flow. The construction drawings and project narrative must depict the location of all construction access areas, dewatering pits, jacking and receiving pit locations. Steps must be taken for the removal and disposal of bentonite slurry, a by-product of installation.
- n. Notification must include a contingency plan when the project involves directional boring or horizontal directional drilling (HDD) beneath waters of the U.S., including wetlands. The contingency plan must discuss actions to stabilize the work area (prior, during and post-construction), to employ alternative construction methods, and the process to obtain additional permits necessary to complete the project. The contractor must closely monitor the project for the unintentional discharges of drilling fluids. Monitoring activities during drilling operations must include visual inspection along the drill path, fluid return pit(s), and wetland/waterbody surfaces for evidence of a release, as well as documentation of all drilling fluid products. Any discharge of drilling material into waters of the U.S. must be reported to the Corps within 24 hours. You must implement the approved contingency plan immediately upon discovery of an unauthorized discharge. Restoration and/or mitigation may be required as result of any unintended discharge.
- o. This RP authorizes, to the extent that DA authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling muds to waters of the United States through sub-soil fissures or fractures (i.e., frac-outs) that might occur during

horizontal directional drilling activities to install or replace utility lines. These remediation activities must be done as soon as practicable to restore the affected waterbody. District engineers may add special conditions to this RP to require a remediation plan for addressing inadvertent returns of drilling muds to waters of the United States during horizontal directional drilling activities for the installation or replacement of utility lines.

- p. Material resulting from trench excavation may be temporarily (up to 30 days) sidecast into wetlands provided that the material is contained using appropriate soil erosion and sediment control measures. Excavated materials may not be temporarily sidecast in waterways. Revegetation of all disturbed areas is required.
- q. Utility lines must not adversely alter the existing hydrology of waters of the U.S., including wetlands. In wetland areas, utility line trenches must be lined with clay or other impervious materials or structures (such as cut-off walls) to ensure that the utility trench does not alter the hydrology nor drain waters of the U.S. In order to prevent a French drain effect, gravel bedding cannot be used as backfill material in the trench. The method chosen to prevent the draining of wetlands must be drawn onto the construction plans and clearly labeled.
- r. In wetland areas, the trench must be backfilled with topsoil excavated from the trench in the same stratification in which it was removed. For example, the upper horizon of the wetland soil must be placed back at the ground surface to allow for successful revegetation of wetland plants.
- s. All disturbed areas of the project (i.e. utility corridor, construction access and storage areas, disturbed slopes and streambanks, etc.) must be stabilized (e.g., blanketed and seeded) immediately upon completion of construction activities in any one segment of the project. In no case may soil stabilization be delayed until the project is completed.
- t. All temporary construction activities must adhere to the requirements of items c through g of Regional Permit 7 (Temporary Construction Activities) and must be addressed in writing and submitted with the notification.