



US Army Corps
of Engineers
St. Louis District

PUBLIC NOTICE

NATIONWIDE PERMITS

Date: March 23, 2017

PUBLIC NOTICE ANNOUNCING REGIONAL CONDITIONS AND WATER QUALITY CERTIFICATION STATUS FOR NATIONWIDE PERMITS

On January 6, 2017, the U.S. Army Corps of Engineers (Corps) published a notice in the *Federal Register* (82 FR 1860) announcing the reissuance of all 50 existing nationwide permits (NWP), general conditions, and definitions with some modifications. The Corps also issued two new NWPs, one new general condition, and five new definitions. The 2017 NWPs went into effect on March 19, 2017, and will expire on March 18, 2022.

On March 16, 2017, the Mississippi Valley Division Engineer approved Regional Conditions for the Nationwide Permits (NWP) in Illinois and Missouri. These conditions apply to all activities authorized by NWPs. Regional conditions provide additional protection for the aquatic environment by ensuring that the NWPs authorize only those activities with minimal adverse effects on the aquatic environment. The St. Louis District has posted the regional conditions for the NWPs under the Nationwide Permit section on its Internet home page at: <http://www.mvs.usace.army.mil/Missions/Regulatory/Permits/>

The Illinois Environmental Protection Agency and the Missouri Department of Natural Resources have issued Section 401 WQC for a majority of the Section 404 NWP activities in Illinois and Missouri. The 401 WQCs have been posted to our website at: <http://www.mvs.usace.army.mil/Missions/Regulatory/Permits/>. The 401 WQCs were accepted and approved by the Mississippi Valley Division Commander on March 16, 2017.

The 2017 Final Regional Conditions and Section 401WQC conditions became effective on March 19, 2017.

Questions concerning implementation of the new and modified NWPs and conditions or the Corps regional conditions within the St. Louis District should be sent to St. Louis District, Corps of Engineers, CEMVS-OD-F, 1222 Spruce Street, St. Louis, Missouri 63103-2833. Questions associated with the State of Illinois and Missouri can be directed to David Meyer (314-331-8810).



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

217/782-3362

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

Re: Final Notice of Issuance of Nationwide Permits, January 6, 2017
Section 401 Certifications, Denials, General and Regional Conditions

Dear Ms. Jones:

On January 6, 2017 the Corps of Engineers issued the final notice concerning the disposition of the expiring Nationwide Permits (NWP) under Section 10 of the 1899 Rivers and Harbors Act and Section 404 of the Clean Water Act.

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

NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Device and Activities
NWP 5 – Scientific Measurement Devices
NWP 7 – Outfall Structures and Associated Intake Structures
NWP 20 – Response Operations for Oil or Hazardous Substances
NWP 22 – Removal of Vessels
NWP 30 – Moist Soil Management for Wildlife
NWP 45 – Repair of Uplands Damaged by Discrete Events

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

NWP 3 – Maintenance. Refer to Regional Conditions contained in Attachment 1
NWP 6 – Survey Activities. Refer to Regional Conditions contained in Attachment 2
NWP 12 – Utility Line Activities. Refer to Regional Conditions contained in Attachment 3
NWP 13 – Bank Stabilization. Refer to Regional Conditions contained in Attachment 4
NWP 14 – Linear Transportation Projects. Refer to Regional Conditions contained in Attachment 5
NWP 15 – U.S. Coast Guard Approved Bridges. Refer to Regional Conditions contained in Attachment 6
NWP 16 – Return Water from Upland Contained Disposal Areas. Refer to Regional Conditions in Attachment 7
NWP 17 – Hydropower Projects. Refer to Regional Conditions in Attachment 8
NWP 18 – Minor Discharges. Refer to Regional Conditions in Attachment 9
NWP 19 – Minor Dredging. Refer to Regional Conditions in Attachment 10
NWP 25 – Structural Discharges. Refer to Regional Conditions in Attachment 11
NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities. Refer to Regional Conditions in Attachment 12
NWP 29 – Residential Developments. Refer to Regional Conditions in Attachment 13
NWP 32 – Completed Enforcement Actions. Refer to Regional Conditions contained in Attachment 14

4302 N. Main St., Rockford, IL 61103 (815) 987-7760
9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000
595 S. State, Elgin, IL 60123 (847) 608-3131
2125 S. First St., Champaign, IL 61820 (217) 278-5800

2009 Mall St., Collinsville, IL 62234 (618) 346-5120
412 SW Washington St., Suite D, Peoria, IL 61602 (309) 671-3022
2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-7200
100 W. Randolph, Suite 10-300, Chicago, IL 60601

NWP 33 – Temporary Construction, Access and Dewatering. Refer to Regional Conditions contained in Attachment 15

NWP 36 – Boat Ramps. Refer to Regional Conditions contained in Attachment 16

NWP 38 – Cleanup of Hazardous and Toxic Waste. Refer to Regional Conditions contained in Attachment 17

NWP 39 – Commercial and Institutional Developments. Refer to Regional Conditions contained in Attachment 18

NWP 40 – Agricultural Activities. Refer to Regional Conditions contained in Attachment 19

NWP 41 – Reshaping Existing Drainage Ditches. Refer to Regional Conditions contained in Attachment 20

NWP 42 – Recreational Facilities. Refer to Regional Conditions contained in Attachment 21

NWP 43 – Stormwater Management Facilities. Refer to Regional Conditions contained in Attachment 22

NWP 44 – Mining Activities. Refer to Regional Conditions contained in Attachment 23

NWP 46 – Discharges into Ditches. Refer to Regional Conditions contained in Attachment 24

NWP 51 – Land-Based Renewable Energy Generation Facilities. Refer to Regional Conditions contained in Attachment 25

NWP 52 – Water-Based Renewable Energy Generation Pilot Projects. Refer to Regional Conditions contained in Attachment 26

NWP 53 – Removal of Low-Head Dams. Refer to Regional Conditions contained in Attachment 27

NWP 54 – Living Shorelines. Refer to Regional Conditions contained in Attachment 28

Section 401 Certification is denied for the following NWPs:

NWP 21 – Surface Coal Mining Activities

NWP 23 – Approved Categorical Exclusions

NWP 31 – Maintenance of Existing Flood Control Facilities

NWP 34 – Cranberry Production Activities

NWP 37 – Emergency Watershed Protection and Rehabilitation

NWP 48 – Commercial Shellfish Aquaculture Activities

NWP 49 – Coal Remining Activities

NWP 50 – Underground Coal Mining Activities

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

General Condition 2: Projects requiring authorization under Section 404 of the Clean Water Act must implement Best Management Practices (BMPs) to protect water quality, preserve natural hydrology and minimize the overall impacts to aquatic resources during and after construction. Projects that include a discharge of pollutants to waters that have impaired water quality according to the Illinois Environmental Protection Agency's Section 303(d) list or for which there is an approved Total Maximum Daily Load (TMDL) allocation for any parameter, additional planning will be necessary to ensure that no further degradation of water quality will occur. The TMDL program information and the Agency's 303(d) list of impaired waters are available at <http://www.epa.illinois.gov/topics/water-quality/watershed-management/tmdls/index>. For waters that include an approved TMDL the applicant shall incorporate into their plans and BMPs any measures that ensure consistency with the assumptions and requirements of the TMDL within any timeframes established in the TMDL. The applicant must carefully document the justifications for all plans and BMPs, and install, implement and maintain BMPs that are consistent with all relevant pollutant load allocations and conditions in the TMDL implementation plan. If a TMDL has not yet been approved to address water quality impairments that are documented in the Agency's 303(d)

List, the applicant shall carefully document the plans and measures that will be implemented to ensure that the proposed activity will not cause additional loading of those pollutants which are the cause of water quality impairment. If the project involves an impaired water listed on the 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.

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

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

Sincerely,

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

SAK:DRG:C-0192-16.docx

Attachments (28 Regional Condition Attachments for Illinois EPA's 401 Water Quality Certification of the 2017 Nationwide Permits)

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

ATTACHMENT 1

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 3 Maintenance

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, as determined by the Illinois EPA.
3. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. The applicant for Nationwide Permit 3 shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
5. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant for Nationwide Permit 3 shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant for Nationwide Permit 3 shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
6. The applicant for Nationwide Permit 3 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
7. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
8. The applicant for Nationwide Permit 3 that uses temporary work pads, cofferdams, access roads and other temporary fills in order to perform work in creeks, streams, or rivers shall maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

ATTACHMENT 2

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 6 Survey Activities

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 6 shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
3. Material resulting from trench excavation within surface waters of the State may be temporarily sidecast adjacent to the trench excavation provided that:
 - A. Sidecast material is not placed within a creek, stream, river or other flowing water body such that material dispersion could occur;
 - B. Sidecast material is not placed within ponds or other water bodies other than wetlands; and
 - C. Sidecast material is not placed within a wetland for a period longer than twenty (20) calendar days. Such sidecast material shall either be removed from the site, or used as backfill (refer to Condition 4 and 5).
4. Backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation. Excavated material may be used only if:
 - A. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or
 - B. Excavation and backfilling are done under dry conditions.
5. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.
6. Temporary work pads shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
7. The applicant for Nationwide Permit 6 that uses temporary work pads in order to perform work in creeks, streams, or rivers shall maintain flow in the these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

ATTACHMENT 3

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 12 Utility Line Activities

1. Case-specific water quality certification from the Illinois EPA will be required for:
 - A. activities in the following waters:
 - i. Lake Calumet
 - ii. Fox River (including the Fox Chain of Lakes)
 - iii. Lake Michigan
 - iv. Chicago Sanitary and Ship Canal
 - v. Calumet-Sag Channel
 - vi. Little Calumet River
 - vii. Grand Calumet River
 - viii. Calumet River
 - ix. Pettibone Creek (in Lake County)
 - x. South Branch of the Chicago River (including the South Fork)
 - xi. North Branch of the Chicago River (including the East and West Forks and the Skokie Lagoons)
 - xii. Chicago River (Main Stem)
 - xiii. Des Plaines River
 - xiv. Kankakee
 - xv. All Public and Food Processing Water Supplies with surface intake facilities. The Illinois EPA's Division of Public Water Supply at 217/782-1020 may be contacted for information on these water supplies.
 - B. activities in the following waters if material is sidecast into waters of the State or wetlands:
 - i. Saline River (in Hardin County)
 - ii. Richland Creek (in St. Clair and Monroe Counties)
 - iii. Rock River (in Winnebago County)
 - iv. Illinois River upstream of mile 229.6 (Illinois Route 178 bridge)
 - v. Illinois River between mile 140.0 and 182.0
 - vi. DuPage River (including the East and West Branches)
 - vii. Salt Creek (Des Plaines River Watershed)
 - viii. Waukegan River (including the South Branch)
2. Section 401 water quality certification is hereby issued for all other waters, with the following conditions:
 - A. The applicant for Nationwide Permit 12 shall not cause:
 - i. violation of applicable provisions of the Illinois Environmental Protection Act;
 - ii. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - iii. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - iv. interference with water use practices near public recreation areas or water supply intakes.

- B. The applicant for Nationwide Permit 12 shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
- C. Material resulting from trench excavation within surface waters of the State may be temporarily sidecast adjacent to the trench excavation provided that:
 - i. Sidecast material is not placed within a creek, stream, river or other flowing water body such that material dispersion could occur;
 - ii. Side cast material is not placed within ponds or other water bodies other than wetlands; and
 - iii. Sidecast material is not placed within a wetland for a period longer than twenty (20) calendar days. Such sidecast material shall either be removed from the site (refer to Condition 2.F), or used as backfill (refer to Condition 2.D and 2.E).
- D. Backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material may be used only if:
 - i. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or
 - ii. Excavation and backfilling are done under dry conditions.
- E. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.
- F. All material excavated which is not being used as backfill as stipulated in Condition 2.D and 2.E shall be stored or disposed in self-contained areas with no discharge to waters of the State. Material shall be disposed of appropriately under the regulations at 35 Il. Adm. Code Subtitle G.
- G. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant for Nationwide Permit 12 shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant for Nationwide Permit 12 shall be responsible for obtaining an NPDES Storm Water Permit required by the federal Clean Water Act prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
- H. The applicant for Nationwide Permit 12 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).

- I. The use of directional drilling to install utility pipelines below surface waters of the State is hereby certified provided that:
 - i. All pits and other construction necessary for the directional drilling process are located outside of surface waters of the State;
 - ii. All drilling fluids shall be adequately contained such that they cannot cause a discharge to surface waters of the State. Such fluids shall be treated as stipulated in Condition 2.F; and
 - iii. Erosion and sediment control is provided in accordance with Conditions 2.B, 2.G, and 2.H.

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

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

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

ATTACHMENT 4

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 13 Bank Stabilization

1. The bank stabilization activities shall not exceed 1000 linear feet.
2. Asphalt, bituminous material and concrete with protruding material such as reinforcing bars or mesh shall not be:
 - A. used for backfill;
 - B. placed on shorelines/streambanks; or
 - C. placed in waters of the State.
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, as determined by the Illinois EPA.
4. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
5. The applicant shall consider installing bioengineering practices in lieu of structural practices of bank stabilization to minimize impacts to the lake, pond, river or stream and enhance aquatic habitat. The applicant shall document the selection process for the bank stabilization technique(s) and the basis for the selection of the bank stabilization practices. Bioengineering techniques may include, but are not limited to:
 - A. adequately sized riprap or A-Jack structures keyed into the toe of the slope with native plantings on the banks above;
 - B. vegetated geogrids;
 - C. coconut fiber (coir) logs;
 - D. live, woody vegetative cuttings, fascines or stumps;
 - E. brush layering; and
 - F. soil lifts.

ATTACHMENT 5

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 14 Linear Transportation Projects

1. The affected area of the stream channel shall not exceed 300 linear feet, as measured along the stream corridor.
2. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, as determined by the Illinois EPA.
3. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
5. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
6. The applicant for Nationwide Permit 14 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
7. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
8. The applicant for Nationwide Permit 14 that uses temporary work pads, cofferdams, access roads and other temporary fills in order to perform work in creeks, streams, or rivers shall maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

ATTACHMENT 6

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 15 U.S. Coast Guard Approved Bridges

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 15 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

ATTACHMENT 7

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 16 Return Water from Upland Contained Disposal Areas

1. Applicants shall obtain a Subtitle C State Construction and Operating Permit for construction and operation of any dredge material disposal facility or upland contained disposal facility.
2. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
3. The applicant for Nationwide Permit 16 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
4. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

ATTACHMENT 8

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 17 Hydropower Projects

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 17 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. An individual Section 401 water quality certification will be required for any project that is not previously approved by a Section 401 water quality certification issued by the Illinois EPA for a Federal Energy Regulatory Commission license or permit.

ATTACHMENT 9

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 18 Minor Discharges

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
3. The applicant for Nationwide Permit 18 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).

ATTACHMENT 10

ILLINOIS EPA WATER QUALITY CERTIFICATION **REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 19** **Minor Dredging**

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 19 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. Dredging shall be done by mechanical means and material shall not be discharged to Waters of the State.

ATTACHMENT 11

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 25 Structural Discharges

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 25 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

ATTACHMENT 12

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities

1. All activities conducted under NWP 27 shall be in accordance with the provisions of 35 Ill. Adm. Code 405.108. Work in reclaimed surface coal mine areas are required to obtain prior authorization from the Illinois EPA for any activities that result in the use of acid-producing mine refuse.
2. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
3. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

ATTACHMENT 13

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 29 Residential Developments

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 29 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.
6. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 29.

ATTACHMENT 14

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 32 Completed Enforcement Actions

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
3. Except as allowed under condition 9, any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by the Illinois EPA. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant for Nationwide Permit 32 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 Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.
7. Backfill used in the stream-crossing trench shall be predominantly sand or larger size material, with <20% passing a #230 U.S. sieve.
8. Any channel relocation shall be constructed under dry conditions and stabilized to prevent erosion prior to the diversion of flow.

9. Backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material may be used only if:
 - A. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or
 - B. Excavation and backfilling are done under dry conditions.
10. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.
11. Any applicant proposing activities in a mined area or previously mined area shall provide to the IEPA a written determination regarding whether the sediment and materials that will be 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 construct pursuant to 35 Il. Adm. Code 404.101.
12. Asphalt, bituminous material and concrete with protruding material such as reinforcing bar or mesh shall not be 1) used for backfill, 2) placed on shorelines/stream banks, or 3) placed in waters of the State.

ATTACHMENT 15

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 33 Temporary Construction, Access and Dewatering

1. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, as determined by the Illinois EPA.
2. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
3. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant for Nationwide Permit 33 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
6. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
7. The applicant for Nationwide Permit 33 who uses temporary work pads, cofferdams, access roads and other temporary fills in order to perform work in creeks, streams, or rivers shall maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques.
8. During dewatering of the coffered work area, all sediment-laden water shall have adequate sediment removed such that water quality standards, including preventing unnatural turbidity, are met in the receiving stream.

ATTACHMENT 16

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 36 Boat Ramps

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 36 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

ATTACHMENT 17

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 38 Cleanup of Hazardous and Toxic Waste

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. In addition to any actions required of the NWP applicant with respect to the “Notification” General Condition 32, the applicant shall notify the Illinois EPA, Bureau of Water, of the specific activity. This notification shall include information concerning the orders and approvals that have been or will be obtained from the Illinois EPA Bureau of Land (BOL), for all cleanup activities under BOL jurisdiction or for which authorization or approval is sought from BOL for no further remedial action.
3. An individual Section 401 water quality certification will be required for activities that do not require or will not receive authorization or approval from the BOL.

ATTACHMENT 18

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 39 Commercial and Institutional Developments

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 39 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, water treatment plants, wastewater treatment plants and related facilities prior to construction.
6. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 39.
7. For construction of oil and gas wells, the impacted waters of the State shall be restored to pre-construction conditions within six months after construction is started. For purposes of this condition, restoration includes stabilization and seeding or planting of vegetation on the disturbed areas that were vegetated prior to construction.

ATTACHMENT 19

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 40 Agricultural Activities

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 40 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

ATTACHMENT 20

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 41 Reshaping Existing Drainage Ditches

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 41 shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by the Illinois EPA. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant for Nationwide Permit 41 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: permits to construct sanitary sewers, water mains and related facilities prior to construction.
7. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, etc.) to prevent transport of sediment and materials to the adjoining wetlands and/or streams.

ATTACHMENT 21

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 42 Recreational Facilities

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 42 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 42.

ATTACHMENT 22

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 43 Stormwater Management Facilities

1. The Agency hereby issues Section 401 water quality certification of Nationwide Permit 43 exclusively for the construction and maintenance of pollutant reduction green infrastructure features designed to reduce inputs of sediments, nutrients, and other pollutants into waters to meet reduction targets established under Total Daily Maximum Loads set under the Clean Water Act. All other activities authorized under this Nationwide Permit are denied Section 401 water quality certification. For purposes of this water quality certification green infrastructure means wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse. Green infrastructure approaches currently in use include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, porous and permeable pavements, porous piping systems, dry wells, vegetated median strips, reforestation/revegetation, rain barrels and cisterns and protection and enhancement of riparian buffers and floodplains. Material excavated, dredged or produced from the maintenance of green infrastructure features shall not be discharged to waters of the State.
2. The applicant for Nationwide Permit 43 shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
3. The applicant for Nationwide Permit 43 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
4. 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.
5. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

ATTACHMENT 23

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 44 Mining Activities

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 44 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. The facility shall be covered by either a Subtitle D NPDES mining permit or a Subtitle D State Construction and Operating Permit for mining activities.
5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 44.

ATTACHMENT 24

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 46 Discharges into Ditches

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by the Illinois EPA. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant for Nationwide Permit 46 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: permits to construct sanitary sewers, water mains and related facilities prior to construction.
7. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, etc.) to prevent transport of sediment and materials to the adjoining wetlands and/or streams.
8. The applicant shall not sever the connection between upstream and downstream surface waters of the State by the discharge of dredged or fill material into ditches.

ATTACHMENT 25

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 51 Land-Based Renewable Energy Generation Facilities

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 51 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 51.

ATTACHMENT 26

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 52 Water-Based Renewable Energy Generation Pilot Projects

1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant for Nationwide Permit 52 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 52.
6. An individual Section 401 water quality certification will be required for any hydrokinetic project that is not previously approved by a Section 401 water quality certification issued by the Illinois EPA for a Federal Energy Regulatory Commission license or permit.

ATTACHMENT 27

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 53 Removal of Low-Head Dams

1. The applicant shall implement the following Best Management Practices and Material Testing:
 - A. Sediments and river bottom material are excavated and removed to upland areas to minimize sediment transport downstream, minimize downcutting and protect water quality; or
 - B. measures shall be implemented to minimize sediment transport downstream; or
 - C. the sediments and river bottom materials that will be transported downstream are determined to have less than 20 percent passing a #230 U.S. Sieve based on representative sampling and analysis of the sediments and river bottom materials; or
 - D. a combination of the above practices to protect water quality; and
 - E. sediments and river bottom materials shall not be polluttional if released to downstream waters.
2. Best Management Practices shall be implemented to minimize sediment transport downstream, minimize downcutting of sediment and river bottom materials and protect water quality.
3. The project shall be required to obtain individual 401 water quality certification if a public or food processing surface water intake is located within the upstream pool of the dam to be removed.
4. The applicant shall notify downstream surface water supplies of the proposed dam removal. The applicant shall implement practices to prevent interference with Public and Food Processing Water Supply intakes. The Illinois EPA's Division of Public Water Supply may be contacted at 217/782-1020 for information on the Public and Food Processing Water Supplies.
5. The applicant for Nationwide Permit 53 shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
6. The applicant for Nationwide Permit 53 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
7. 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.
8. All areas affected by construction shall be stabilized or mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion

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

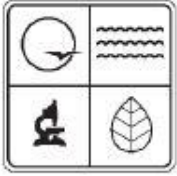
ATTACHMENT 28

ILLINOIS EPA WATER QUALITY CERTIFICATION REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 54 Living Shorelines

1. An individual Section 401 water quality certification shall be required for any project that exceeds 1000 feet as measured along the bank and or when the District Engineer waives the limitation of 30 feet as measured from the mean high water line.
2. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
3. The applicant for Nationwide Permit B shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
4. 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.
5. All areas affected by construction shall be stabilized or mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

Illinois Regional Conditions for Nationwide Permits

1. Stormwater management facilities shall not be located within a stream, except for NWP 21, 44, 49, or 50.
2. For newly constructed channels through areas that are unvegetated, native grass filter strips, or a riparian buffer with native trees or shrubs, a minimum of 25 feet wide from the top of bank must be planted along both sides of the new channel. A survival rate of 80 percent of desirable native species with aerial coverage of at least 50 percent shall be achieved within 3 years of establishment of the buffer strip.
3. Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if not armored.
4. For a single family residence authorized under Nationwide Permit No. 29, the permanent loss of waters of the United States (including jurisdictional wetlands) must not exceed 1/4 acre.
5. For NWP 46, the discharge of dredged or fill material into ditches and canals that would sever the jurisdiction of an upstream water of the United States from a downstream water of the United States is not allowed.
6. For NWP 52, no project will be authorized within Lake Michigan. An individual permit will be required.
7. Any bank stabilization activity involving a method that protrudes from the bank contours, such as jetties, stream barbs, and/or weirs, will require a pre-construction notification in accordance with General Condition 32.
8. Mitigation shall be constructed prior to, or concurrent with, the discharge of dredged or fill material into waters of the United States unless an alternate timeline is specifically approved in the authorization.
9. Operation of heavy equipment within the stream channel should be avoided. If in-stream work is unavoidable, it shall be performed in such a manner as to minimize the duration of the disturbance, turbidity increases, substrate disturbance, bank disturbance, and disturbance to riparian vegetation. This condition does not further restrict otherwise authorized drainage ditch maintenance activities.



Missouri Department of Natural Resources

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION 2017 GENERAL AND SPECIFIC CONDITIONS

Water Protection Program

03/2017

Division of Environmental Quality Acting Director: Steve Feeler

PUB02235

Consistent with Section 401 of the Clean Water Act, these precertified conditions are designed to ensure activities carried out under Nationwide Permits (NWP) authorized by the U.S. Army Corps of Engineers (USACE) do not violate Missouri Water Quality Standards at 10 CSR 20-7.031, resulting in permanent damage to habitat, increased turbidity, reduced bank and channel stability or impacts to the biological and chemical integrity of the waters. Where applicable, these conditions are in addition to, not a replacement for, any federal requirements or conditions.

The conditions outlined in this document apply to those authorized projects where the applicant has chosen to accept these conditions instead of pursuing an individual Clean Water Act Section 401 Water Quality Certification (WQC) for the following NWPs:

- Only General Conditions apply to projects authorized by NWPs 5, 7, 15, 18, 23, 25, 27, 29, 30, 31, 36, 39, 40, 43, 45, and 46.
- Both General and Specific Conditions apply to projects authorized by NWPs 3, 4, 6, 7, 12, 13, 14, 16, 19, 20, 22, 33, 41, 42, 53 and 54.

Alternatively, an applicant may apply for individual WQC if they do not wish to accept the conditions outlined in this document.

Projects authorized by NWPs 17, 21, 32, 34, 37, 38, 44, 48, 49, 50, 51 and 52 require individual WQC by the Department of Natural Resources.

NWPs 1, 2, 8, 9, 10, 11, 28 and 35 authorize projects under Section 10 of the Rivers and Harbors Act of 1899 only. An activity needing only a Section 10 permit may require a WQC if that activity can reasonably be expected to result in any discharge either during construction or operation of the facility. Thus, if the agency determines the activity is likely to result in a discharge during construction or operation, the Department of Natural Resources has the discretion to require a WQC for a Section 10 activity. The USACE will advise a Section 10 permit applicant that they may need a WQC if there is a reasonable expectation that a discharge will occur either during the construction or operation of the project.

Pursuant to Chapter 644.037, RSMo, the Department of Natural Resources shall certify without conditions NWPs as they apply to impacts on wetlands in Missouri.

Pursuant to Chapter 644.038, RSMo, the Department of Natural Resources certifies all NWPs for impacts in all waters of the state without the above-stated or any other conditions for the construction of highways and bridges approved by the Missouri Highway and Transportation Commission. The Memorandum of Understanding of 2016 and any subsequent modifications between the two agencies outline the requirements by which the Missouri Department of Transportation will design and construct projects in order to protect the water quality of waters of the state.

GENERAL CONDITIONS

1. NWPs shall not allow the filling of jurisdictional springs such as those associated with a water body's point of origin or located in a streambed.
2. Acquisition of NWPs and the attendant WQCs shall not be construed or interpreted to imply the requirements for other permits are replaced or superseded, including Clean Water Act Section 402 National Pollutant Discharge Elimination System Permits for land disturbance or return water from material deposition. Permits or any other requirements shall remain in effect. Applicants with questions are encouraged to contact the Department of Natural Resources' regional office in the project area. A regional office map with contact information can be located at www.dnr.mo.gov/regions/regions.htm.

3. Care shall be taken to keep machinery out of the water way as much as possible. If work in the water way is unavoidable, it shall be performed in a way that minimizes the duration and amount of any disturbance to banks, substrate and vegetation to prevent increases in turbidity. Fuel, oil and other petroleum products, equipment, construction materials and any solid waste shall not be stored below the ordinary high water mark at any time or in the adjacent flood-prone areas beyond normal working hours. All precautions shall be taken to avoid the release of wastes or fuel to streams and other adjacent waters as a result of this operation.
 4. Petroleum products spilled into any water or on the banks where the material may enter waters of the state shall be immediately cleaned up and disposed of properly. Any such spills of petroleum shall be reported as soon as possible, but no later than 24 hours after discovery to the Department of Natural Resources' Environmental Emergency Response number at 573-634-2436 or website at <http://dnr.mo.gov/env/esp/esp-eer.htm>.
 5. Only clean, nonpolluting fill shall be used. The following materials are not suitable where contact with water is expected such as for bank stabilization, and shall not be used due to their potential to cause violations of the general and numeric criteria of the Water Quality Standards:
 - a. Earthen fill, gravel, broken concrete where the material does not meet the specifications stated in the "Missouri Nationwide Permit Regional Conditions" (http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2017/2017NWP_MORegCon.pdf?ver=2017-03-17-114205-543) and fragmented asphalt, since these materials are usually not substantial enough to withstand erosive flows.
 - b. Concrete with exposed rebar.
 - c. Tires, vehicles or vehicle bodies, construction or demolition debris are solid waste and are excluded from placement in the waters of the state.
 - d. Liquid concrete, including grouted riprap, if not placed as part of an engineered structure.
 - e. Any material containing chemicals that would result in violation of water quality standards.
 6. Clearing of vegetation and trees shall be the minimum necessary to accomplish the activity except for the removal of invasive or noxious species and placement of ecologically beneficial practices. A vegetated riparian buffer strip shall be maintained during all stages of the project, including post-construction, from the high bank on either side of the jurisdictional channel to protect water quality and to provide for long-term stability of the stream channel, unless physical barriers prevent such a corridor. For purposes of these NWP's, lack of ownership or control of any portion of the riparian buffer strip may be considered a legitimate and discretionary cause to waive this requirement on that portion.
 7. An individual WQC is required for any NWP issued on a water that is:
 - a. Listed for a sediment-related impairment, aquatic habitat alteration or unknown impairment as listed in the most current Water Quality Report (Section 305(b) Report) at <http://dnr.mo.gov/env/wpp/waterquality/303d/303d.htm>; or
 - b. Located in or occur within two miles upstream of a designated outstanding state or national resource water as found in 10 CSR 20-7.031, Tables D and E at <http://s1.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-7a.pdf>.
- The Department of Natural Resources' geospatial data is available upon request, and all published data is available on the Missouri Spatial Data Information Services website at msdis.missouri.edu/. Additional information to identify the project location, including stream reaches with listed impairments or special water designations, may be obtained from the Department of Natural Resources' Water Protection Program at 573-522-4502.
8. Discharge to designated metropolitan no-discharge streams is prohibited, except as specifically permitted under the Water Quality Standards, 10 CSR 20-7.031, and non-contaminated stormwater flows. No water contaminant except uncontaminated cooling water, permitted stormwater discharges in compliance with permit conditions, and excess wet-weather bypass discharges not interfering with beneficial uses should be discharged to the watersheds of streams listed in 10 CSR 20-7.031, Table F at <http://s1.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-7a.pdf>.
 9. A stream's pattern, profile and dimension, including but not limited to sinuosity, slope and channel width, shall be maintained as much as practicable. Streambed gradient shall not be adversely impacted during project construction. No project shall accelerate bed or bank erosion.
 10. NWP's authorized by the USACE for which the district engineer waives the impact limit related to linear feet (LF) or width shall require notification to the Department of Natural Resources. The Department of Natural Resources shall

respond within 15 calendar days whether or not individual WQC would be required. This is applicable to NWP's 13, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52 and 54.

11. Proposed projects authorized by the USACE and containing a waiver of any "Missouri Nationwide Permit Regional Condition," except Regional Conditions 2, 3 and 7, shall require an individual WQC by the state.
12. Representatives from the Department of Natural Resources shall be allowed upon request on the project property, which includes the site(s) where the authorized activity takes place and any associated compensatory mitigation site(s), to inspect the authorized activity and mitigation efforts as deemed necessary by the Department of Natural Resources to ensure compliance with WQC conditions and water quality standards. The applicant or their consultant shall submit any requested information deemed necessary by the Department of Natural Resources to ensure compliance with WQC conditions.
13. After avoidance and minimization for the project, all unavoidable, adverse impacts shall be mitigated appropriately based on type and extent of impact.
 - a. Mitigation for loss of aquatic resources shall be in conformance with the currently approved "Missouri Stream Mitigation Method" and/or other mitigation guidance approved for use in Missouri. Mitigation guidance documents can be located online at www.nwk.usace.army.mil/Missions/RegulatoryBranch/StateofMissouri.
 - b. Mitigation shall be within the state of Missouri.
 - c. The applicant shall comply with the higher value of compensatory mitigation required by either the Department of Natural Resources or the USACE, but not both unless explicitly noted.
 - d. Stream impacts shall require compensatory mitigation with only in-stream or riparian corridor credits, unless the Department of Natural Resources agrees to an alternative.
14. Antidegradation requirements dictate all appropriate and reasonable Best Management Practices related to erosion and sediment control, project stabilization and prevention of water quality degradation are applied and maintained; for example, preserving vegetation, streambank stability and basic drainage. Best Management Practices shall be properly installed prior to conducting authorized activities and maintained, repaired and/or replaced as needed during all phases of the project to limit the amount of discharge of water contaminants to waters of the state. The project shall not involve more than normal stormwater or incidental loading of sediment caused by project activities so as to comply with Missouri's general water quality criteria [10 CSR 20-7.031(4); Page 15 at <http://www.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-7a.pdf>].
15. Channelization of streams is not allowed under this precertification:
 - a. Channelization includes but is not limited to reducing the length of the channel, widening the channel for increased water storage or flow, and/or construction of hard structures which concentrate flow.
 - b. Bank stabilization activities along one bank of a stream are permitted, including but not limited to, bank sloping and riprapping.
 - c. The redirection of flow by excavation of the opposite bank or a streambed is considered a channel modification and is prohibited.
16. No new or expanded wet stormwater retention basins or similar impoundment structures may be constructed unless they are located off-channel. In-channel dry stormwater detention basins are allowable if the stream channel is either temporarily or not adversely affected by the basin.
17. Any waste concrete or concrete rinsate shall be disposed of in a manner that does not result in any discharge to the jurisdictional waterways.

SPECIFIC CONDITIONS

18. Nationwide Permit 3 *Maintenance*
 - a. Silt, sediment and debris removal shall be limited to a maximum of 100 LF upstream and 100 LF downstream of structures.
 - b. During dewatering, water shall not be returned directly to the water way but shall be pumped upland and filtered through an appropriate treatment device as prescribed in any existing separate permit authorizing the discharge of return water. If, however, instream flow is 1 cubic foot per second (cfs) or greater and the return rate is set at 1 cfs or less, return may be made directly to the stream.
19. Nationwide Permit 4 *Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities*

Any inorganic or extraneous debris such as may be found on Christmas trees shall be removed to qualify as clean, nonpolluting fill.

20. Nationwide Permit 6 Survey Activities

Water, fines and excavated materials displaced by activities such as borings, shall not be returned directly to the water way, but shall be pumped upland and filtered through an appropriate treatment device as prescribed in any existing separate permit authorizing the discharge of return water.

21. Nationwide Permit 7 Outfall Structures and Associated Intake Structures

WQC does not replace or negate the need to obtain any required state permits under the Missouri Clean Water Law (Chapter 644, RSMo) for construction of wastewater treatment facility components including outfall structures; permits to release wastewater effluents; or for the construction of components related to public water supplies including intake structures as may be required by the Missouri Safe Drinking Water Law (Chapter 640, RSMo).

22. Nationwide Permit 12 Utility Line Activities

- a. For utility crossings that must disturb a water body, work shall be conducted in such a manner as to seal off the work area from flow and minimize sediment transport.
- b. Material resulting from activity may not be temporarily side-cast into waters of the state for more than one month.
- c. Directional boring to avoid impacts to waters of the state is recommended.
- d. Drilling mud and/or other materials shall not be discharged into waters of the state. Best Management Practices shall be implemented to prevent possible discharges from reaching waters of the state. In the event materials are inadvertently discharged to waters of the state, notification to the Department of Natural Resources is required within 24 hours by calling 573-522-4502. Restoration of the impacted water(s) may be required.
- e. Utility line crossings shall be placed as close to perpendicular as possible, and be limited to a maximum crossing length of no more than one and one-half times the width of the stream.
- f. New utilities lines, when considering the project as a whole, which (1) Cross more than one jurisdictional water resulting in greater than 500 LF and/or 0.50 acre of impact to jurisdictional waters as a project total, and (2) Travel through more than two county jurisdictions or more than one state jurisdiction shall be viewed as a whole project in the WQC process and require individual WQC of all crossings, except crossings utilizing directional boring.

23. Nationwide Permit 13 Bank Stabilization

Innovative stabilization approaches require consultation with the Department of Natural Resources prior to approval and may require an individual WQC. The permittee shall invite the USACE and the Department of Natural Resources as well as the other state and federal resource agencies to examine innovative approaches.

24. Nationwide Permit 14 Linear Transportation Projects

- a. The permittee must propose and employ measures to mitigate the removal of impounded sediment (e.g., sand, gravel) in the unstable area upstream of a proposed project to prevent it from being transported downstream and/or construct a notched weir to slow the release of impounded sediment from upstream of the proposed project. Accumulated gravel may be allowed to naturally deposit into downstream plunge pool voids. Consultation with a hydrologist or other scientist is recommended if the amount of accumulated unconsolidated gravel exceeds the volume of plunge pool voids.
- b. Where this NWP is used to authorize bridge and culvert structures, stream channel work is limited to a maximum of 100 feet upstream and a maximum of 100 feet downstream of the bridge or culvert. For purposes of this condition, a channel modification is any activity that alters the width, depth, length and/or sinuosity of a water way.

25. Nationwide Permit 16 Return Water from Upland Contained Disposal Areas

These activities could have specific tasks or processes involved which may require the acquisition of separate general or site specific permits. All applicants shall contact the Department of Natural Resources' Water Protection Program at 573-522-4502 to determine any specific requirements which may or may not require an individual WQC.

26. Nationwide Permit 19 Minor Dredging

These activities could have specific tasks or processes involved which may require the acquisition of separate general or site specific permits. All applicants shall contact the Department of Natural Resources' Water Protection Program at 573-522-4502 to determine any specific requirements which may or may not require an individual WQC.

27. Nationwide Permit 20 Response Operations for Oil and Hazardous Substances

- a. These activities could have specific tasks or processes involved which may require the acquisition of separate general or site specific permits. All applicants shall contact the Department of Natural Resources' Water Protection Program at 573-522-4502 to determine any specific requirements which may or may not require an individual WQC.
- b. Oil and hazardous substance releases are to be reported to the Department of Natural Resources' Environmental Emergency Response number at 573-634-2436. Continue to report updates with regard to the containment and cleanup of releases.

28. Nationwide Permit 22 Removal of Vessels

Use of this NWP in Missouri is limited to removal actions only and shall not be used for any disposal of vessel.

29. Nationwide Permit 33 Temporary Construction, Access and Dewatering

- a. The use of this NWP shall be limited to impacts of six months or less in duration.
- b. Any removal of accumulated sediment (e.g., sand, gravel) upstream of a proposed project shall be limited to the quantity necessary to relieve any obstruction or to protect downstream habitat. The permittee must propose and employ measures to mitigate the removal of impounded sediment in the unstable area upstream of a proposed project to prevent it from being transported downstream and/or construct a notched weir to slow the release of impounded sediment from upstream of the proposed project.

30. Nationwide Permit 41 Reshaping Existing Drainage Ditches

- a. Material from the reshaping activities shall not be side-cast into any jurisdictional waters.
- b. Removal of vegetation shall be the minimum necessary to conduct approved activity except for the removal of invasive or noxious species. The Department of Natural Resources encourages deep-rooted vegetation to be maintained on at least one side of the water way to protect water quality; for example, leaving trees on the west side to prevent temperature exceedances in the water way.

31. Nationwide Permit 42 Recreational Facilities

The vegetated riparian buffer strip to be maintained from the high bank on either side of the jurisdictional channel may be used in part for the construction of public recreational trails, including those constructed to standards set by the Americans with Disabilities Act (ADA).

32. Nationwide Permit 53 Removal of Low-Head Dams

- a. The permittee must propose and employ measures to mitigate the removal of impounded sediment (e.g., sand, gravel) in the unstable area upstream of a proposed project to prevent it from being transported downstream and/or construct a notched weir to slow the release of impounded sediment from upstream of the proposed project. Accumulated gravel may be allowed to naturally deposit into downstream plunge pool voids. Consultation with a hydrologist or other scientist is recommended if the amount of accumulated unconsolidated gravel exceeds the volume of plunge pool voids.
- b. Stream channel work is limited to a maximum of 100 feet upstream and a maximum of 100 feet downstream of the dam.
- c. Restoration of the stream channel to its former, natural state is authorized. Individual WQC is required for non-natural channel modifications. For purposes of this condition, a channel modification is any activity that alters the width, depth, length and/or sinuosity of a water way.

33. Nationwide Permit 54 Living Shorelines

Innovative stabilization approaches require consultation with the Department of Natural Resources prior to approval and may require an individual WQC. Invite the USACE and the Department of Natural Resources as well as the other state and federal resource agencies to examine innovative approaches.

Applications for WQC should be sent to the Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176, or electronically to wpsc401cert@dnr.mo.gov. A complete application consists of the application submitted to the USACE as well as additional information necessary for a complete review of the project. This may include but is not limited to topographical maps, locational maps, engineering plans, project diagrams and where applicable mitigation plans [Section 644.026.26, RSMo and 10 CSR 20-6.060(5)].

An issued WQC becomes part of and expires with the Section 404 and/or Section 10 permit unless explicitly stated in the WQC. Consultation with the Department of Natural Resources is required should the permit require modification. Not all permit modifications require the WQC to be modified or reissued. For example when a permit expiration date is extended or the permit is reissued and there are no changes to the original project or water quality standards, the WQC may remain valid for that project.

The Department of Natural Resources encourages, but does not require the permittee to consider environmentally-friendly design techniques to include stormwater management strategies that maintain or restore the original site hydrology through infiltration, evaporation or reuse of stormwater. Designs might include creating vegetated swales or rain gardens, or using porous pavement. More information can be found at these websites: www.epa.gov/owow/NPS/lid/ and www.lid-stormwater.net/lid_techniques.htm.

The Department of Natural Resources encourages the use of native vegetation to protect impacted areas from future water quality concerns. Native vegetation has evolved with Missouri's geology, climate and wildlife to occur within a region as a result of natural processes rather than human intervention. For areas where direct impacts to streams are to be avoided, the Department of Natural Resources recommends a minimum riparian buffer strip width of 50 feet as measured from top of bank.

The following publication provides guidance on how to protect water quality through Best Management Practices on project sites. For more information, please read: "Protecting Water Quality: A field guide to erosion, sediment and stormwater best management practices for development sites in Missouri and Kansas" dated January 2011 and located online at <http://dnr.mo.gov/env/wpp/wpcp-guide.htm>.

To help determine if a proposed activity could encounter species or sites of conservation concern within or near a project, including those that have not been recorded, the applicant is encouraged to visit:

- Missouri Department of Conservation's "Natural Heritage Review" website at <https://naturalheritagereview.mdc.mo.gov/>, and
- U.S. Fish and Wildlife Service's "Information, Planning and Conservation" website at <http://ecos.fws.gov/ipac/>.

If the proposed project encounters and will potentially affect a species of concern, please report it to the Missouri Department of Conservation and the U.S. Fish and Wildlife Service.

For more information
Missouri Department of Natural Resources
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102-0176
wpsc401cert@dnr.mo.gov
800-361-4827 or 573-522-4502
<http://www.dnr.mo.gov/env/wpp>

MISSOURI NATIONWIDE PERMIT REGIONAL CONDITIONS

For All Nationwide Permits

1. Stream Crossings. In addition to requirements of General Condition 2 and General Condition 9 of the Nationwide Permits, the following guidelines for stream crossings apply for regulated activities in waters of the United States. The guidelines are available at:

<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2017/MORC1Streams.pdf>.

- Corps Districts may waive Regional Condition 1 when project site geomorphology (i.e. bedrock, gradient) or existing alterations (i.e. adjacent impoundment, as part of a dry detention basin) creates conflict with the guidelines. The applicant must provide preconstruction notification to the District Engineer for any waiver request.

2. Seasonal Restrictions for Activities Proposed in Spawning Areas. In addition to the requirements of General Condition 3 of the Nationwide Permits, the following specific seasonal restrictions apply for regulated activities in waters of the United States. Between the closed dates listed in the Missouri Combined Stream Spawning List, the permittee must not excavate from or discharge into the listed waters. The list of waters with seasonal restrictions is available on request from the Corps or at:

http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2017/MORC2Spawning_List.pdf.

- Corps Districts may waive Regional Condition 2 when the applicant demonstrates imminent threats to public safety and health, or to property. The Corps will consult with the U.S. Fish and Wildlife Service and Missouri Department of Conservation before granting the waiver and may add additional special conditions to protect aquatic life during the operation. The applicant must provide preconstruction notification to the District Engineer for any waiver request.

3. Invasive and Exotic Species. Plant species listed at:

<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2017/MOInvasivePlants.pdf>

shall not be used for revegetation unless this requirement is waived by the district engineer based on a case specific analysis of the revegetation plan. Best management practices should be used to reduce the risk of transferring invasive plant and animal species to or from the project site. Best management practices can be found at: <http://www.invasivespeciesinfo.gov/toolkit/prevention.shtml>. Known zebra mussel waters within Missouri can be found at:

https://huntfish.mdc.mo.gov/sites/default/files/downloads/zebraapril2013_0.pdf.

4. Suitable Material. In addition to the specific examples in General Condition 6 of the Nationwide Permits, the following materials are not suitable for fill activities in waters of the United States: vehicle bodies, construction or demolition debris, asphalt in any form, garbage, tires, treated lumber products that do not comply with the Registration Documents issued by the U.S. Environmental Protection Agency (USEPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and that are not in accordance with standards issued by American Wood Protection Association of the International Code Council, liquid concrete not poured into forms, grouted riprap, bagged cement and sewage or organic waste.

Broken concrete used as bank stabilization must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150 pound pieces to withstand expected high flows. Applicants must break all large slabs to conform to the well graded requirement.

Generally, the maximum weight of any piece should not be more than 500 pounds. Gravel and dirt should not exceed 15% of the total fill volume when using broken concrete as fill. All protruding reinforcement rods, trash, asphalt, and other extraneous materials must be removed from the broken concrete prior to placement in waters of the United States.

5. Priority Watersheds. The applicant must provide preconstruction notification to the District Engineer for any regulated activity in a priority watershed. The list of priority watersheds requiring notification is available on request from the Corps or at:
<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2017/PriorityWatersheds.pdf>

6. Special Aquatic Resources. The applicant must provide preconstruction notification to the District Engineer for any regulated activity which may impact a jurisdictional fen, seep or bog of any size.

7. Sensitive Aquatic Species. The applicant must provide preconstruction notification to the District Engineer for any regulated activity in waters listed at:
<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2017/MORC7AquaticSpecies.pdf>
The submitted preconstruction notification will be coordinated in accordance with General Condition 32(d) with the U.S. Fish and Wildlife Service as determined appropriate by the Corps.

For Specific Nationwide Permits:

8. NWP 12 – Utility Line Activities. The applicant must provide preconstruction notification to the District Engineer prior to commencing the activity if the discharge is in a special aquatic site or when new utility line construction activities have multiple crossings of the same stream and/or parallel a stream. The preconstruction notification must include a revegetation plan for impacted wetlands and riparian areas in accordance with Regional Condition 3. Where preconstruction notification is required for utility line activities within streams, the submittal must include site-specific plans for the stabilization of disturbed channel bed and bank areas.

9. NWP 23 – Approved Categorical Exclusions. The applicant must provide preconstruction notification to the District Engineer for all regulated Nationwide Permit 23 activities in waters of the United States. In addition to information required by General Condition 32, the applicant must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

10. NWP 27 – Stream and Wetland Restoration Activities. The applicant must provide preconstruction notification to the District Engineer prior to commencing the activity if the discharge is associated with impacts to forested wetlands.

11. NWP 44 – Mining Activities. Nationwide Permit 44 cannot be used to authorize in-stream mining projects, including in-stream sand and gravel mining operations.

12. Requirements for Waiver of 300 Linear Foot Limit Associated with NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51 and 52 and all Waiver Limits Associated with NWP 13. Waiver considerations for NWP 13 include activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharge of dredged or fill material into special aquatic sites. The applicant must

request the waiver in writing and provide documentation and environmentally based reasons to support the waiver request in accordance with the requirements of General Condition 32(d) for making waiver determinations.

13. Lake of the Ozarks: The applicant must provide a preconstruction notification to the District Engineer for any regulated activity associated with Nationwide Permits 3, 7, 12, 14, 15, 18, 22, 27, 33 and 45 within Lake of the Ozarks. A copy of this notification must also concurrently be sent to Ameren Missouri. Nationwide Permits 2, 13, 16, 19, 25, 29, 31, 35, 36, 39, 41 and 44 are revoked in the Lake of the Ozarks. NWPs 1, 9, 10, 11 and 28 are only valid when both Ameren Missouri and the Missouri State Water Patrol have approved the activity. The Corps and Ameren Missouri, regardless of the request to use any Nationwide Permit, may verify the activity under the provisions of Regional General Permit 38M

<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/permits/2016-07-05GP-38M.pdf>. Additional information on Ameren Missouri and Lake of the Ozarks permit requirements can be found at the following webpage: <https://www.ameren.com/missouri/lake-of-the-ozarks>.

Note: Preconstruction Notification to the District Engineer must be in accordance with General Condition 32 of the Nationwide Permits.