

PERMIT REQUIREMENTS FOR THE STATE OF ILLINOIS

JOINT APPLICATION PROCESS

Construction projects in Illinois waterways, floodplains and wetlands often require both State and Federal authorization. This application packet is designed to simplify the approval process for the applicant seeking project authorizations from the U.S. Army Corps of Engineers (USCOE), The Illinois Department of Natural Resources/Office of Water Resources (IDNR/OWR) and the Illinois Environmental Protection Agency (IEPA). Please refer to the map on page 11 for agency addresses and telephone numbers. Each of these agency's authorities and requirements are briefly explained in the following paragraphs. Application forms are available from any of the listed agencies.

Anyone proposing to construct, operate or maintain any dam, dock, pier, wharf, sluice, levee, dike, building, utility and road crossings, piling, wall, fence or other structure in; or dredge, fill or otherwise alter the bed or banks of any stream, lake, wetland, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals. The appropriate copy of the **joint application form, drawings, and copy of any additional support information** should be sent to each of the regulatory agencies. Approvals may be required by any or all of the agencies. Applications filed simultaneously with the USCOE, IDNR/OWR, and IEPA will be processed concurrently in an independent manner, and should result in expedited receipt of all agency determinations. If a permit is not required by one or more of the agencies, they will inform the applicant and the other agencies.

Coordination with the regulatory and other review agencies is recommended as early as possible during the project planning stage. This allows revisions or other measures necessary to meet agency requirements to be made before project plans are finalized.

AGENCY AUTHORITIES AND REQUIREMENTS

1. The basis for the **U.S. Army Corps of Engineers** regulatory function over public waterways was formed in 1899 when Congress passed the Rivers and Harbors Act of 3 March 1899. Until 1968, the Rivers and Harbors Act of 1899 was administered to protect only navigation and navigable capacity of this nation's waters. In 1968, in response to a growing national concern for environmental values, the policy for review of permit applications with respect to Sections 9 and 10 of the Rivers and Harbors Act was revised to include additional factors (fish and wildlife conservation, pollution, aesthetics, ecology, and general Welfare) besides navigation. This new type of review was identified as a "public interest review."

The Corps of Engineers regulatory function was expanded when Congress passed the Federal Water Pollution Control Act Amendments of 1972 and the Clean Water Act Amendments in 1977. The purpose of the Clean Water Pollution Act was to restore and maintain the chemical, physical, and biological integrity of this nation's waters. The "waters of the United States" regulated by the Corps of Engineers under Section 404 of the Clean Water Act includes wetlands.

The Corps of Engineers is responsible for determining the jurisdictional limits of wetlands and other Waters of the United States. Applicants may, however, elect to have a qualified representative conduct the appropriate preliminary wetland delineation for submittal with the permit application. All such determinations are subject to verification and confirmation by the Corps of Engineers. Although applicants are not required to provide a wetland delineation, these can assist in reducing delays associated with normal permit processing. Contact the appropriate Corps District Office for additional information.

**WITH YOUR HELP ILLINOIS WATERS CAN BE PROTECTED FOR
FUTURE GENERATIONS**

2. **The Illinois Department of Natural Resources/Office of Water Resources** regulatory authority is the Rivers, Lakes and Streams Act (615 ILCS, 1994). Under this authority, permits are required for dams, for any construction within a public body of water; and for construction within floodways. Generally, floodway projects also require local authorization. In addition, floodway map revision approvals may be required by IDNR/OWR and by the Federal Emergency Management Agency (FEMA) for major projects. Information and specific project requirements may be obtained as follows:

For Lake Michigan – All projects in or along Lake Michigan are subject to the Regulation of Public Waters rules (17 Illinois Administrative Code, Part 3704). Joint permits are required for any work in Lake Michigan from IDNR/OWR and IEPA. Contact the Illinois Department of Natural Resources/Office of Water Resources, Lake Michigan Management Section, 160 N. LaSalle Street, Suite S-700, Chicago, Illinois 60601, (312) 793-3123, or on the web <http://www.idnr.state.il.us/owr>.

For Cook, Lake, McHenry, DuPage, Kane and Will Counties – All projects within designated floodways are subject to the Floodway Construction in Northeastern Illinois Rules (17 Illinois Administrative Code Part 3708). Dams are subject to the Rules for Construction and Maintenance of Dams (17 Illinois Administrative Code, Part 3702). All projects in public waters are subject to the Regulation of Public Waters Rules (17 Illinois Administrative Code, Part 3704). All other Floodway construction projects are subject to the Construction in Floodways of Rivers, Lakes and Streams rules (17 Illinois Administrative Code, Part 3700). Contact the Illinois Department of Natural Resources/Office of Water Resources, Northeastern Illinois Regulatory Programs Section, 2050 West Stearns Road, Bartlett, Illinois 60103, (847) 608-3100 ext 2025 or on the web <http://www.idnr.state.il.us/owr>.

For the remainder of the State – Dams are subject to the Rules for Construction and Maintenance of Dams (17 Illinois Administrative Code, Part 3702). All projects in public waters are subject to the Regulation of Public Waters rules (17 Illinois Administrative Code, Part 3704). All other Floodway construction projects are subject to the Construction in Floodways of Rivers, Lakes and Streams rules (17 Illinois Administrative Code, Part 3700). Contact the Illinois Department of Natural Resources/Office of Water Resources, Downstate Regulatory Programs Section, One Natural Resources Way, Springfield, Illinois 62702-1271, (217) 782-3863, or on the web <http://www.idnr.state.il.us/owr>.

The **Illinois Department of Natural Resources** is also responsible under Illinois Statutes for conserving and preserving the State's natural resources.

Under the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661-664) the Department is given permit review responsibilities relative to Corps of Engineers permit applications.

Under the Illinois Endangered Species Protection Act and the Illinois Natural Areas Preservation Act, the Department is responsible for reviewing actions that are authorized, funded or performed by units of state and local government, if the action will change environmental conditions. Questions pertaining to natural resource reviews should be addressed to the Illinois Department of Natural Resources, Division of Ecosystems & Environment, Impact Assessment, One Natural Resources Way, Springfield, Illinois 62702-1271, (217) 785-5500. To submit a request for consultation on-line, go to <http://www.dnrecocat.state.il.us/ecopublic/>.

3. **The Illinois Environmental Protection Agency** provides water quality certification pursuant to Section 401 of the Clean Water Act. This certification is mandatory for all projects requiring a Section 404 Permit from the Corps of Engineers. In addition to determining that the proposed work will not violate the applicable water quality standards, the IEPA also makes a determination of additional permit and regulatory requirements pursuant to the Illinois Pollution Control Board rules and regulations. Additional permits may be required for activities such as the construction of sanitary sewers, water mains, sewage and water treatment plants, landfill and mining activities, special waste hauling and disposal (of dredged material). Separate applications are necessary for these other permits.

Individual 401 Water Quality Certification

If it is determined that your project is not covered by an Illinois EPA certified Section 404 nationwide or regional permit issued by the Corps of Engineers and an individual 401 water quality certification is required for your project, you must submit the information specified below and in blocks 9 through 12 in the instructions for dredge and/or fill material to be discharged. In accordance with 35 Ill. Adm. Code Part 302.105, applicants for an individual 401 water quality certification shall provide the Illinois EPA with an anti-degradation report discussing the items listed below, including supporting documentation. In regards to the anti-degradation requirements, it is recommended that you contact the Illinois EPA Water Quality Standards Unit at 217-558-2012 or on the web at epa.401.docs@illinois.gov prior to submittal of your application.

- An assessment of the alternatives to the proposed project that will result in a reduced pollutant load to the water body, no load increase or minimal environmental degradation. Alternatives that result in no discharge to the water body and changes in the location of the activity must be addressed in the submittal. Further, the assessment of alternatives must consider all technically and economically reasonable measures to avoid or minimize the pollutant loading;
- If a pollutant load increase or environmental degradation cannot be avoided (e.g. wetlands are filled), a complete mitigation plan must be provided or reasons provided why mitigation is not proposed;
- Identification and characterization (e.g., the current physical, biological and chemical conditions) of the water body affected by the proposed project and the water body's existing uses, including a wetland delineation report and drainage area (in acres) of the impacted water bodies at the downstream limits of the project area;
- Consideration of the fate and effects of parameters that are proposed to increase the pollutant loading;
- The quantity of the pollutant load increase to the water body. Increases in pollutant loading must be protective of all existing uses of the impacted water body;
- The potential impacts of the proposed project on the water body. The proposed activity must be conducted in a manner that water quality standards are not violated;
- The purpose and anticipated benefits of the proposed project. Benefits for the applicant as well as benefits to the community at large must be discussed.

If an individual 401 Water Quality Certification is required, it is recommended that you contact the Illinois EPA, Bureau of Water, Division of Water Pollution Control, Facility Evaluation Unit, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276, (217) 782-3362, or on the web at epa.401.docs@illinois.gov regarding application and anti-degradation assessment requirements.

4. If the project involves the construction of a power plant, utility pipelines, electric transmission or distribution lines, Illinois Commerce Commission approval may be required.

5. Also, depending on the location and type of work to be performed, there may be additional local government approvals required.

INSTRUCTIONS

General

Provide a complete and accurate application (form, drawings, and support information) concerning your project. If the application is incomplete or unacceptable, it will be returned. This usually results in delaying the evaluation of your application.

Four copies of the application form and drawing sheets are required. Submit one copy of the completed application form and drawings to each agency specified on the bottom of each form. The mailing address and telephone number of each agency is provided beginning on Page 8. The copy labeled "Applicant's Copy" is for the applicant's records. Send one copy to the appropriate Corps of Engineers office, one copy to the Illinois EPA and one copy to the appropriate Illinois DNR office. In addition, if available, sending an electronic copy of your application, plans, drawings, etc. to each agency would be appreciated. The application form may be photocopied.

IF YOU NEED ASSISTANCE IN FILLING OUT THE APPLICATION FORM, PLEASE CALL ANY AGENCY OFFICE LISTED.

Additional information may be required by any or all of the agencies before further processing of your application may proceed. The applicant will, however, be notified of such needs by the agencies.

Specific instructions on completing the form and the information to be provided on the drawings are provided below.

DISCLOSURE STATEMENT

Information in the application is a matter of public record. Disclosure of the information is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

18 United States Code, Section 1001, provides that who ever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

**APPLICANTS MUST OBTAIN ALL APPROVALS BEFORE WORK CAN BE STARTED.
PROCEEDING WITHOUT THE REQUIRED PERMITS IS AGAINST STATE AND FEDERAL LAWS
AND MAY RESULT IN LEGAL PROCEEDINGS AND FINES.**

SPECIAL INSTRUCTIONS FOR COMPLETING THE JOINT APPLICATION FORM

Blocks 1 and 2 For Agency Use. To be completed by Corps of Engineers and/or Illinois Department of Natural Resources and/or Illinois Environmental Protection Agency.

Block 3(a and b) Applicant(s). The applicant(s) shall be the person(s), firm(s), corporation(s), etc who have or will have the responsibility for the property on which the project will be located by reason of ownership, easement, or other agreement. If the property is not presently owned by the applicant, attach an explanation of any easements or rights-of-way which have been or will be obtained or how such land will be acquired. If a project is being proposed by a lessee, the lessee and lessor should be joint applicants. In some instances, agency staff may request additional information on all parties having a legal or equitable interest in the involved land.

Applicant's Name. Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Address of Applicant. Please provide the full mailing address of the party or parties responsible for the application.

Email Address of Applicant. Please provide the email address of the party or parties responsible for the application.

Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours. Include a fax number if available.

List all applicants. Space has been provided for the listing of two applicants. Attach an additional sheet (marked Block 3) if more space is needed.

Block 4 – Authorized Agent. If the applicant designates an authorized agent for the purpose of obtaining the permits, list the name, address, email address, phone and fax numbers of the authorized agent in Block 4. During the permit process, all correspondence, such as requests for additional information, will be sent to the authorized agent.

Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone and fax numbers where he / she can be reached during normal business hours.

Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Block 5. Names and Mailing Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the water body or aquatic site or whose property is in visual reach where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 5.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.

Block 6. Proposed Project Name or Title. Please provide name identifying the proposed project, e.g., Landmark Plaza, Rolling Hills Subdivision, or Edsall Commercial Center.

Block 7. Project Location.

Latitude and Longitude. Enter the latitude and longitude of where the proposed project is located.

UTMs Northing and Easting. Enter the Northing and Easting coordinates of where the proposed project is located. Include coordinate system information.

Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Other Location Descriptions. Please provide the Section, Township, and Range of the site, and / or local Municipality that the site is located in or near, as well as the County, State and Zip code.

Name of Waterway. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is an unnamed stream, identify the waterway the tributary stream enters. If a large river or stream, include the river mile of the proposed project site if known.

Directions to the Site. On a separate sheet, please provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream is within the vicinity of the project, include the river mile of the proposed project site, if known.

Block 8. Project Description. Describe the overall activity or project. Give appropriate dimensions of structures such as wing walls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms. The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 7.

Block 9. Project Purpose and Need. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work. If additional space is needed, attach an extra sheet of paper marked Block 8.

COMPLETE THE FOLLOWING FOUR BLOCKS IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED. If the project requires an individual 401 water quality certification from Illinois EPA, provide Illinois EPA with the anti-degradation assessment report, material analysis data, mitigation plan and other information identified in item 3 under Agency Authorities and Requirements of these instructions.

Block 10. Reasons for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other water body, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 11. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards and Acres. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description agrees with your illustrations. Discharge material includes: soil, rock, sand, clay, concrete, etc.

Block 12. Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a water body. If more space is needed, attach an extra sheet of paper marked Block 11.

Block 13. Description of Avoidance, Minimization, and Compensation. Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Also provide a brief description of how impacts to waters of the United States will be compensated for, if mitigation is required. If additional space is needed, attach an extra sheet of paper marked Block 12.

Note: You will need to submit additional information for evaluation of the permit application, including a wetland delineation report; avoidance, minimization and alternatives analysis report; and mitigation plan. This information must be submitted to Illinois EPA, prior to completion of review and public notice of an anti-degradation assessment for the individual 401 water quality certification. This information will also be required by the Corps of Engineers prior to issuance of the Section 404 permit.

Block 14. Date activity is proposed to commence and completed. Please provide the date (if known) that you intend to start work, as well as the date work should be completed.

Block 15. Is Any Portion of the Work Already Complete? Provide all background information on those portions of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, and acres or square feet filled if discharge occurred in a wetland or other water body. If the work was done under an existing Corps permit, identify the authorization, if possible.

Block 16. Information about Approvals or Denials by Other Agencies. You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 17. Consent to enter property listed in Block 7.

Block 18. Application Verification. The signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

The application must be signed by each applicant. However, the application may be signed by a duly authorized agent (Name in Block 4) if this form is accompanied by a statement by the applicant(s) designating the agent.

NOTE:

- a. If the applicant is a corporation, the president or other authorized officer shall sign the application form.
- b. If the applicant is a county, city or other political subdivision, the application form shall be assigned by an appropriate authorized officer.
- c. If the applicant is a partnership, each partner shall sign the application form.
- d. If the applicant is a trust, the trust officer shall sign the name of the trustee by him (or her) as trust officer. A disclosure affidavit must be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interest therein.

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity/Location Map, a Plan View and a Typical Cross-Section Map. Please submit one original, or good quality copy, of all drawings on 8½ x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section).

While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

Certified engineering plans may be submitted in lieu of the drawing sheets if the magnitude of the project warrants.

- (1) A vicinity/location map which shows:
 - a. project site;
 - b. name of waterway;
 - c. name of and distance to local town, community or other identifying location such as roads; and
 - d. north arrow.
- (2) A plan (overhead) view of the project showing:
 - a. existing wetland boundary and shoreline of all waterways, including the normal water surface elevation (if mean sea level datum is not used, adjustment should be indicated);
 - b. adjacent property lines and ownership as listed in the application form;

- c. principal dimensions of the structure or work and extent of encroachment into the waterway (as measured from a fixed structure or object);
- d. floodway/floodplain lines if established and if known;
- e. north arrow; and
- f. graphic or numerical scale.

- (3) A cross-sectional view of the project showing:
- a. wetland boundary and/or shoreline, elevations, extent of encroachment, principal dimensions of the work as shown in plan view; and
 - b. graphic or numerical scales (horizontal and vertical).

AGENCY MAILING ADDRESSES

Send appropriate copies of the completed application to each agency listed below. (Agencies are specified at the bottom of each sheet in the packet.)

For U.S. Army Corps of Engineers (refer to the IL Regulatory Jurisdictional Boundary Map for your District office):

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

U.S. Army Corps of Engineers, Chicago District
ATTN: Regulatory Branch
231 S. LaSalle Street, Suite 1500
Chicago, IL 60604

US Army Corps of Engineers, St. Louis District
ATTN: Regulatory Branch
1222 Spruce St.
St. Louis, MO 63103-2833

U.S. Army Corps of Engineers, Louisville District
ATTN: Regulatory Branch
P.O. BOX 59
Louisville, KY 40201-0059

U.S. Army Corps of Engineers, Memphis District
ATTN: Regulatory Branch
167 North Main, B-202
Memphis, TN 38103-1894

Your application to the Illinois Environmental Protection Agency should request Section 401 water quality certification.

Illinois Environmental Protection Agency
Bureau of Water
Division of Water Pollution Control
Facility Evaluation Unit
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

For the Illinois Department of Natural Resources

For the majority of the state:

Illinois Department of Natural Resources
Office of Water Resources
Downstate Regulatory Programs Section
One Natural Resources Way
Springfield, IL 62702-1271

For Cook, Lake, McHenry, DuPage, Kane and Will Counties (including all of Chicago District):

Illinois Department of Natural Resources
Office of Water Resources
Northeastern Illinois Regulatory Programs Section
2050 West Stearns Road
Bartlett, IL 60103

For Lake Michigan:

Illinois Department of Natural Resources
Office of Water Resources
Lake Michigan Management Section
160 N. LaSalle Street
Suite S-700
Chicago, IL 60601

In addition, you should complete and submit the attached certification sheet to the Illinois State agencies (the Illinois Department of Natural Resources and the Illinois Environmental Protection Agency) along with your application. The Corps of Engineers does not require this certification.

IMPORTANT:

Mitigation for wetland or stream impacts resulting from your proposed actions may be a permit requirement. Prior to completing your application, it is recommended that you read through the Wetland Mitigation information available on the Web at: <http://www2.mvr.usace.army.mil/Regulatory/>. (Click on Wetland Mitigation to open the link to the documents.) This may help you avoid or minimize wetland and stream impacts, thus reducing or eliminating the requirement for mitigation.

Illinois State Permit Applicants

Illinois State Law requires individuals to certify that they are not delinquent in the payment of child support before State agencies can accept applications for State permits, certifications, etc. You must complete the following statement and include it with copies of the joint permit applications you send to the Illinois Department of Natural Resources and the Illinois Environmental Protection Agency. The Corps of Engineers does not require a copy of this statement.

WARNING: Failure to fully complete one of the following certifications will result in rejection of this application. Making a false statement may subject you to contempt of court.

I hereby certify, under penalty of perjury, that I am not more than 30 days' delinquent in complying with a child support order [5 ILCS 100/10-65(c)].

Applicant's Signature

Applicant's Social Security Number

OR

I hereby certify, under penalty of perjury, that the permit applicant is a governmental or business entity and, therefore, not subject to child support payment requirements.

Applicant's Name

Applicant's Representative Signature and Title