

4.14 Permits / Certifications

Regulatory permits would be required for any build alternative. Regulatory agencies, such as the USACE, are not being requested to consider issuing permits at this time; however, a general coordination approach is taking place. Detailed studies would be required as part of formal permit applications and consultations, which will be completed in Tier Two. Such studies would include formal wetland delineations, biological surveys, or searches for threatened and endangered species for the selected alternative. Issuance of regulatory permits would require detailed engineering plans for the preferred alternative.

This study does not include developing detailed engineering plans for any alternatives. Submittal of permit applications to pertinent regulatory agencies would not take place until after selection of a preferred alternative and development of final engineering plans in Tier Two. Avoidance and minimization strategies required to obtain permits would be developed at that time.

Permits could include at least the following:

- Section 404 of the CWA from the USACE
- Section 401 of the CWA Water Quality Certification from the IEPA
- NPDES permit from the IEPA
- IDNR-OWR permits for impacts to regulatory floodways and stream crossings
- Coordination with the North Cook County and/or Kane/DuPage County SWCD for soil erosion and sediment control review

The build alternative will have impacts on surface waters and wetlands. The discharge of dredge or fill materials into jurisdictional waters of the U.S., including wetlands, is subject to the requirements of Section 404 of the CWA. The permitting process for the preferred alternative would vary, depending upon implementation as a single project or a phased project. If the preferred alternative is implemented as a single project, an individual permit most likely would be required from the USACE-Chicago District for all jurisdictional wetland impacts associated with the project. If the preferred alternative is phased or implemented over time as several projects, the likely regulatory scenario would be Section 404 Permits for each stand-alone improvement. For some projects, however, wetland impacts may be minimal, and qualify for the Regional Permit Program.

The Section 404 permit is contingent upon receipt of 401 Water Quality Certification from the IEPA. IEPA provides water quality certification pursuant to Section 401 of the CWA. The preferred alternative would be subject to the requirements of Section 401 Water Quality Certification. IEPA has granted Section 401 Water Quality Certification for projects that qualify for the USACE Regional Permit Program.

A cooperative agreement between the USACE and the local SWCDs requires a detailed review of erosion and sediment control in conjunction with Section 404 permitting. In North Cook County, review would be conducted by the North Cook County SWCD, whereas in DuPage County, the review would be conducted by the Kane/DuPage County SWCD. During Section 404 permitting, a soil erosion and sediment control plan for the build alternative would be prepared and submitted to the appropriate SWCD office for confirmation that the plan meets

technical standards. The soil erosion and sediment control plan would require installation, maintenance, repair, and inspection of soil erosion and sediment control BMPs throughout the construction process.

The preferred alternative will be subject to the requirements of an NPDES permit for stormwater discharges from the construction site in Tier Two. NPDES coverage is required when a construction project disturbs one acre or more of total land area, or is part of a larger common plan of development that ultimately disturbs one or more acres of total land area. Permit coverage will be obtained either under the IEPA general permit for stormwater discharges from construction site activities, or under an individual NPDES permit. Permit requirements would include preparation of an SWPPP. The SWPPP would identify potential sources of pollution and would describe or identify practices to be used to reduce the discharge of pollutants associated with construction site activity. The permit would require the installation, maintenance, repair, and inspection of BMPs and reporting.

The IDNR-OWR issues floodway construction permits for work within regulatory floodways and for the crossing of streams with more than 640 acres of drainage area. Each preferred alternative would require issuance of this permit. The involvement of stream floodways and floodplains for each alternative are described under subsection 4.2, Water Resources and Quality, and subsection 4.4, Floodplains.