



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

Tuesday, April 26, 2022

Winnetka Park District
John Peterson
540 Hibbard Road
Winnetka, IL 60093

Subject: Notice of Application for Clean Water Act (CWA) Section 401 Certification
Concerning the "Breakwater-Protected Beach System" in Cook County
Illinois EPA Log number: C-0038-22 / Federal Agency Permit No.:

Dear Applicant:

On Thursday, February 24, 2022 the Illinois EPA (Agency) received your documentation concerning the subject project. Based on an administrative review of this documentation, we are providing the following comments.

The Agency has determined that the submitted documentation is considered a valid application for certification for dredge and fill activities pursuant to 35 Ill. Admin. Code Part 395. A valid application means; the Agency has been informed that a case-specific 401 certification has been determined to be necessary by the applicable federal permitting agency and that sufficient project information has been submitted to initiate a technical review of the activity. The Agency has also tentatively determined, based on certain relevant factors, that a 60-calendar-day period, ending on Monday, April 25, 2022, is an appropriate reasonable period of time pursuant to CWA Section 401(a)(1). This date may be subject to revision or extension as determined appropriate by the U.S. Army Corps of Engineers. The Agency has assigned a Bureau of Water project manager, identified below, to begin processing your 401 certification request.

Additionally, based on a limited technical review of the documentation, the application has been determined to be incomplete in accordance with 35 Ill. Admin. Code (IAC) Section 395.401. To the extent determined necessary by the Agency, the following information must be provided:

1. Stream assessment and/or wetland delineation in accordance with 302.105(f)(1)(A). A physical, biological, and chemical characterization of the impacted waterbody is required to provide an assessment of the waterbody's uses that would be impacted or removed by the proposed activity.
 - a) For streams, a full characterization will not be required if the stream has already been assessed in accordance with Illinois EPA stream assessment protocols and is present on the Illinois EPA's 305(b) Integrated Water Quality Report or substantial evidence is available that demonstrates that the stream channel impacted by the activity is not capable of sustained aquatic life because of insufficient hydrology. Such demonstration must consist of the following:
 - (i) a delineation of the watershed area in square miles that is tributary to the subject stream at the point of furthest downstream impacts to the stream channel. StreamStats [<https://streamstats.usgs.gov/ss/>] may be used for this requirement. (ii) survey of the stream corridor to document the absence of persistent sources of hydrology such as springs, groundwater fed pools, field tiles, etc. which allow for sustained aquatic life. Note, at a minimum the application shall provide a physical characterization of the streambanks, substrate and watershed tributary to the downstream reach of the impact area.
 - b) For wetlands, a delineation conducted by a wetland biologist that includes a floristic quality index of vegetation is required.

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2. A detailed description and quantification of all proposed unavoidable impacts to the waterbody including lost aquatic habitat, lost function, and pollutant parameters for which there may be a new or increased pollutant loading (e.g. TSS, ammonia (as N)) in accordance with 35 IAC 302.105(f)(1)(B). Describe all potential effects on the water quality of downstream waters as a result of the project including short term and long term . Additionally provide a discussion of how each of these impacts will or may affect the waterbody in the long term.
3. A discussion of how the proposed plan incorporates all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading in accordance with 35 IAC 302.105(c)(2)(B)(iii).
4. Provide all correspondence submitted and received as part of a threatened and endangered species consultation with the Illinois Department of Natural Resources in accordance with 35 IAC 302.105(f)(1)(F). Consultation may be initiated using the EcoCAT web tool found at [<https://dnr2.illinois.gov/EcoPublic/>]. When using this tool, please indicate the Illinois Environmental Protection Agency as the government unit (state agency).
5. Provide sufficient information to understand the scope of impacts to the environment in accordance with 35 IAC 302.105(f)(1)(E). Describe the purpose of the project and provide full descriptions of all work and activities that will impact the stream to include flow diversion, temporary work structures, planned vegetation removal, quantities and descriptions for all fill materials to include scour protection and cut and fill quantities for stream channel alterations. Provide plans, maps, diagrams or engineering drawings of appropriate details to show these activities.
6. Discharge material testing requirements Pursuant to 35 IAC 395 Material analysis. If material other than washed quarry stone or sand or broken concrete free of protruding rebar and other contaminants will be discharged or placed within waterbodies, such material shall be sampled and tested in accordance with 35 IAC 395.205 (Material Testing). Analytical testing shall be conducted in accordance with approved testing methods in 40 CFR 136 using detection concentrations sufficiently low enough to meet Illinois water quality standards of 35 IAC 302.

Please be advised, the appropriate certification fee required pursuant to Section 12.6 of the Illinois Environmental Protection Act (415 ILCS) must be paid. The Agency cannot grant certification until the required fee has been paid. Failure to remit the appropriate fee payment within the time period specified below may result in denial of the requested Section 401 water quality certification. Please note that FEES ARE NOT REFUNDABLE. The Amount of the fee for certification is \$350 or 1% of the gross value of the proposed project, whichever is greater, but not to exceed \$10,000. A 401 fee worksheet containing additional information is attached to this notification and must be completed and submitted along with the appropriate fee check.

The above information and fee payment is necessary for the Agency to finalize its review and make a final determination regarding compliance with applicable water quality requirements. The Agency must comply with the applicable reasonable time period discussed above. Therefore, the Agency requests that the applicant provide the necessary information within 15-calendar days of this letter's date. Failure to provide the necessary information may result in denial of the requested Section 401 water quality certification.

If additional time is needed to provide the requested information and required fee payment, you may contact the assigned project manager identified below to coordinate additional time. Alternatively, the project proponent may

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elect to withdraw the certification request in writing and then reapply at a later date when the necessary information is available.

When submitting additional information, please ensure that the Agency log number (C-0038-22) is referenced in each submittal. Upon timely receipt of the necessary information the Agency will conclude its technical review and either a public notice or final determination regarding water quality certification will be issued by the Agency.

Please be advised that this project may require a Construction Site Activities Storm Water NPDES Permit issued 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. Such activity requires a separate submittal of a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section or by visiting the following website: <https://www2.illinois.gov/epa/topics/forms/water-permits/storm-water/Pages/construction.aspx/>.

If you have any questions about this notification or about the Illinois 401 review process, please contact Shu-Mei Tsai at 217/782-3362 or Shu-Mei.Tsai@Illinois.gov.

Sincerely,

A handwritten signature in blue ink that reads "Hope M Nation".

Office Coordinator
Bureau of Water
Illinois Environmental Protection Agency

Attachments(s)

CC: FederalAgency
Consultant
BOW_File