

**LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
GENERAL PERMIT NUMBER 3
AUTHORIZING MINOR MAINTENANCE DREDGING ACTIVITIES**

I. INTRODUCTION

This document is created under the authorities granted to the Lake County Stormwater Management Commission (LCSMC) with respect to the Lake County Watershed Development Ordinance (WDO) and delegated to LCSMC by the Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR). This document is intended to apply to development specified herein under the jurisdictions of the LCSMC and Isolated Wetland Certified Communities (IWCC) that have adopted this General Permit.

This permit embodies the specified standards and general conditions of IDNR/OWR applicable Statewide and Regional Permits. Additional criteria, general conditions, and covered activities unique to minor maintenance dredging have been added to meet the performance standards and intended development purview of the WDO. Upon the effective date of this permit, it will not be necessary to submit permit applications to the LCSMC for individual development, except as specified herein, which meet the specified standards and general conditions in this permit.

II. APPLICABILITY

- A. Coverage: This permit applies only with regard to minor maintenance dredging activities that are under the jurisdictions of the LCSMC or IWCC, including, but not limited to, flood-prone areas, Regulatory Floodplains and Floodways as defined by the IDNR/OWR pursuant to 17 Illinois Administrative Code, Part 3708. This permit is applicable within Waters of the United States (WOTUS) when a written authorization has been issued by the U.S. Army Corps of Engineers (USACE). This permit is also applicable within Isolated Waters of Lake County (IWLC) when less than 0.1-acre of non-high quality IWLC will be impacted or less than 1,000 square feet of IWLC designated as high quality aquatic resources (HQAR, as defined in WDO Appendix L) will be impacted.

This permit is not valid within Public Bodies of Water as defined by IDNR/OWR and listed in the WDO Appendix F. This permit is not valid within communities that do not have current Isolated Waters of Lake County (IWLC) Certification or in IWCC that have not adopted this General Permit. To determine the current IWCC status, see the LCSMC web site: <https://www.lakecountyl.gov/DocumentCenter/View/4239/Certified-and-Non-Certified-Communities-Oct-19-2020-PDF>, as updated.

- B. Combined/Concurrent Development Actions: Development covered under this permit shall not be combined with other development that by itself or cumulated with other activities would create a need for an individual permit.
- C. Enforcement: The LCSMC or IWCC will retain enforcement authority over development covered under this permit. Development found to be in violation of this permit will be required to obtain an individual after-the-fact permit from the LCSMC or IWCC. Additional enforcement actions may also be taken.

III. NOTIFICATION AND INFORMATION REQUIREMENTS

Notification to the LCSMC or IWCC is required a minimum of 30 calendar days before initiating the development covered under this permit, except for emergency maintenance. The 30-day minimum notification shall include the following information:

- A. Completed Notification Form signed by the Applicant and a Lake County Certified Wetland Specialist, as applicable (see attached form).
- B. Permit review fee and restoration and erosion control surety, as applicable.
- C. Site location map of where the minor maintenance dredging is to occur.

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- D. *Plan* showing:
- (1) Approximate area to be dredged and area proposed to be used for temporary and permanent dredged material spreading, storing or stockpiling.
 - (2) Pre- and post-construction ground elevations or grading information.
 - (3) Approximate IWLC, WOTUS and floodplain boundaries.
 - (4) Designation of any HQAR in or near the project area.
- E. Restoration plan and erosion control measures for all areas temporarily impacted by minor maintenance dredging operations, including streambank/shoreline access point(s) and haul roads, as applicable.
- F. Written jurisdictional determination (JD) for the area to be dredged and for any wetland/water features located within or adjacent to the proposed disposal or stockpile area(s). A JD can only be performed by the USACE or USACE-approved agency (e.g., LCSMC).
- If the written JD determines the area to be dredged or any wetland/water features located within or adjacent to the proposed disposal or stockpile area(s) are WOTUS or IWLC (and the IWLC do not meet the exclusion criteria in WDO Appendix A, as determined by the Enforcement Officer), a wetland delineation of such areas by a Lake County Certified Wetland Specialist shall be required, in accordance with the applicable provisions of the WDO.
- G. If any of the following criteria are met, coordination with the USACE is required to determine if a Letter of No Objection (LONO) or permit is necessary. A copy of the USACE's Joint Permit Application and instructions may be found here: <http://www.lrc.usace.army.mil/Portals/36/docs/regulatory/forms/appform.pdf>
- (1) Area to be dredged is a WOTUS;
 - (2) The dredged material disposal or stockpile area is in or adjacent to a WOTUS; or
 - (3) Water from the dredged or stockpiled material will be returned to a WOTUS.
 - i. If the project will include return waters to a WOTUS, an IEPA 401 water quality certification or an IEPA Subtitle C Permit may be required.
- H. If any of the following criteria are met, coordination with the LCSMC or IWCC, as applicable, is required to determine if a Letter of No Impact (LONI) or IWLC impact approval is necessary.
- (1) Area to be dredged is an IWLC and impacts will be 0.1-acre or more to non-high quality IWLC or 1,000 square feet or more to HQAR-IWLC;
 - (2) The dredged material disposal or stockpile area is in an IWLC and impacts will be 0.1-acre or more to non-high quality IWLC or 1,000 square feet or more to HQAR-IWLC; or
 - (3) Water from the dredged or stockpiled material will be returned to an IWLC.

If the LCSMC or IWCC determines that the proposed development does not qualify for authorization under this General Permit, the LCSMC or IWCC shall provide a written response to the applicant within 30 calendar days. If no response is received from the LCSMC or IWCC within 30 calendar days, the applicant may assume the proposed development is authorized under this General Permit and no further authorization will be required from the LCSMC or IWCC.

IV. SPECIFIED DEVELOPMENT

To be authorized by this permit, minor maintenance dredging shall meet the following criteria:

- A. In the case of dredging in a shoreline or stream channel, the affected length of the shoreline or stream shall not, either singularly or cumulatively, exceed 1,000 feet. The cross-sectional area of the dredged shoreline or channel shall conform to that of the adjacent natural shoreline or channel upstream and downstream of the site.

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- B. Dredged material, excavated material or obstructions removed shall be either:
 - (1) Disposed of, land applied or stockpiled in any area that does not contain greater than 0.75 acre-foot of depressional storage, flood-prone area, Regulatory Floodplain, Regulatory Floodway, IWLC or WOTUS;
 - (2) Placed in a site approved by the USACE, IDNR/OWR, LCSMC or IWCC in accordance with the conditions of the approval;
 - (3) Used for beach nourishment, provided the material meets all applicable water quality standards; or
 - (4) Utilized for erosion restoration or top dressing per WDO §704.04, 704.05, or 704.06.
- C. Dredging or placement of dredged material shall not result in increased flood or drainage hazards or shall not adversely alter existing hydrology of IWLC.
- D. Disturbance of shoreline and bank vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation and conform with standards per WDO §506.2. Refer to Section V. of this permit for soil erosion and sediment control standards.
- E. Stockpiled materials resulting from the dredging operations shall be protected from soil erosion according to the performance standards of Section V. of this permit.

V. SOIL EROSION AND SEDIMENT CONTROL STANDARDS

To be authorized by this permit, the erosion and sediment control standards for all specified development shall meet the following criteria:

- A. Sediment control measures shall be constructed prior to the commencement of hydrologic disturbance of upland areas.
- B. For those developments that require a Designated Erosion Control Inspector (DECI), inspections and documentation shall be performed, at a minimum:
 - (1) Upon completion of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading.
 - (2) After every seven (7) calendar days or storm event with greater than 0.5 inch of rainfall or liquid equivalent precipitation.
- C. Soil disturbance shall be conducted in such a manner as to minimize erosion. If stripping, clearing, grading, or landscaping are to be done in phases, the Permittee shall plan for appropriate soil erosion and sediment control measures.
- D. A stabilized mat of crushed stone meeting IDOT Gradation CA-1 underlain with filter fabric and in accordance with the Illinois Urban Manual, or other appropriate measure (s) as approved by the Enforcement Officer, shall be installed at any point where traffic will be entering or leaving a development site. Sediment or soil reaching an improved public right-of-way, street, alley or parking area shall be removed by scraping or street cleaning as accumulations warrant and transported to a controlled sediment disposal area.
- E. Temporary diversions shall be constructed as necessary to direct all runoff from hydrologically disturbed areas to an appropriate sediment trap or basin.
- F. All cofferdams shall be constructed to allow the passage of high flows, maintain downstream flows, and withstand anticipated erosive forces.
- G. Disturbed areas shall be stabilized with temporary or permanent measures within seven (7) calendar days following the end of active hydrologic disturbance or redisturbance.
- H. All stockpiles shall have appropriate measures to prevent erosion. Stockpiles shall not be placed in flood-prone areas or wetlands and designated buffers.

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- I. All stormwater management systems that are or will be functioning during construction shall be protected by an appropriate sediment control measure.
- J. If dewatering services are used, adjoining properties and discharge locations shall be protected from erosion and sedimentation. Discharges shall be routed through an approved anionic polymer dewatering system or a similar measure as approved by the Enforcement Officer. Dewatering systems should be inspected daily during operational periods. The Enforcement Officer, or approved representative, must be present at the commencement of dewatering activities.
- K. If installed soil erosion and sediment control measures do not minimize sediment leaving the development site, additional measures such as anionic polymers or filtration systems may be required by the Enforcement Officer.
- L. All temporary and permanent erosion control measures must be maintained and repaired as needed. The property owner shall be ultimately responsible for maintenance and repair.
- M. Revegetation of disturbed buffer areas, temporarily impacted wetlands, or wetlands to remain on-site shall be done with appropriate seed and plant mixes per planting zone as specified in the Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois.
- N. The erosion control measures indicated on the plans are the minimum requirements. Additional measures may be required, as directed by the Engineer, Enforcement Officer, or other governing agency.

VI. GENERAL CONDITIONS

- A. This permit is granted in accordance with the Rivers, Lakes and Streams Act 615 ILCS 5 and the Lake County Watershed Development Ordinance.
- B. The LCSMC or IWCC retains the right to require an individual permit for the development if the scope of work exceeds the intended limits of this permit.
- C. This permit does not release any Permittee from liability for damage to persons or property resulting from any activity covered by this permit, and does not authorize any injury to private property or invasion of private rights.
- D. This permit does not relieve the Permittee of the responsibility to obtain other federal, state or local authorizations required for the development activity. If the Permittee is required by law to obtain approval from any federal, state or local agency to do the work, authorization granted by this permit is not effective until the other approvals are obtained and copies provided to the LCSMC or IWCC, upon request.
- E. In issuing this permit, the LCSMC or IWCC does not approve the adequacy of the design or development authorized by this permit.
- F. This permit shall remain in effect until such time as it is modified, suspended or revoked by the LCSMC or IWCC.

VII. EFFECTIVE DATE

This permit is effective on the date signed below.



Brian Frank, Chief Engineer
Lake County Stormwater Management Commission

Date: September 2, 2021

LAKE COUNTY STORMWATER MANAGEMENT COMMISSION
500 Winchester Road, Suite 201 Telephone: 847/377-7700
Libertyville, IL 60048 Facsimile: 847/984-5747

GENERAL PERMIT #3 – NOTIFICATION FORM

(To be completed and delivered to LCSMC or IWCC a minimum of 30 calendar days prior to the development activity.)

Project Name _____ Dredging Contractor _____

Project Location (PIN, Address, Intersection, etc.) _____

Applicant Name & Address _____

Applicant Phone #, Fax #, E-mail _____

SUBMITTAL INFORMATION PER SECTION III

(Check items enclosed – Failure to provide applicable information invalidates this permit authorization)

At a minimum, please provide the following required items:

- Review fee, restoration and erosion control surety, as applicable
- Site location map
- Site plan with limits of dredging and disposal
- Restoration & soil erosion/sediment control plan
- Written Jurisdictional Determination (JD)

As applicable per Section III, please provide the following:

- Wetland delineation
- Copy of the Letter of No Objection (LONO) or USACE written authorization
- Copy of the Letter of No Impact (LONI) or LCSMC/IWCC written authorization

PROJECT INFORMATION

Description of Activity _____

Dredging Method _____

Estimated Amount of Material to be Removed (cy) _____

Estimated Length of Shoreline/Stream Channel to be Affected (ft) _____

Dredging Start Date _____ Dredging End Date _____

Date that final revegetation/restoration will be completed _____

SEND THIS NOTIFICATION FORM AND REQUIRED INFORMATION TO:

LCSMC or IWCC

ATTENTION: Enforcement Officer

Signatures

_____ Print Name _____ Date _____

Applicant (Required)

_____ Print Name _____ Date _____

Lake County Certified Wetland Specialist (if applicable)