**Section 3704.70 Land Conversions and Fill Material Placement**

a) Land Conversions

The conversion of public waters to private land by filling is prohibited.

b) Fill Material Placement

Fill material may be placed in public waters only for the following purposes:

1) Bank, shore or bluff protection;

2) Beach nourishment;

3) Establishing a uniform shoreline;

4) Spur dikes, wing dams, and similar structures;

5) Dams which would be in compliance with the Department's rules for Construction and Maintenance of Dams, 17 Ill. Adm. Code 3702;

6) Projects of an emergency nature which the Department determines to be in the public interest and which otherwise would be in compliance with this Part such as fills needed to prevent the failure of a structure;

7) Projects authorized by the General Assembly, to the extent necessary to achieve the purpose of the fill (such authorizations are only provided to public agencies to serve public purposes);

8) Filling of a slip pursuant to the provisions of 615 ILCS 5/18 (such permits are only granted after public hearing and with the approval of the Governor); and

9) Open water disposal of material dredged from a navigation channel. Open water does not include: any shallows or shorewaters predominantly occupied by submerged or floating aquatic vegetation regardless of bed material transport; any backwaters, sloughs, back channels, oxbows, or bays; areas within the depositional influence of dikes, sills, breakwaters, or other structures where subsequent sediment transport is largely arrested; or areas where sediment tends to accumulate or from which sediment may migrate into a backwater.