

IEPA Log No.: **C-0289-09**  
CoE appl. #: **2009-00251**

Public Notice Beginning Date: **September 24, 2012**  
Public Notice Ending Date: **October 15, 2012**

Section 401 of the Federal Water Pollution Control Act  
Amendments of 1972

## **Section 401 Water Quality Certification to Discharge into Waters of the State**

### **Public Notice/Fact Sheet Issued By:**

Illinois Environmental Protection Agency  
Bureau of Water  
Facility Evaluation Unit  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-3362

**Name and Address of Discharger:** Elgin, Joliet and Eastern Railway, 17641 S. Ashland Ave.,  
Homewood, IL 60430

**Discharge Location:** Section 8, T40N, R9E of the 3<sup>rd</sup> P.M. in DuPage County near West Chicago

**Name of Receiving Water:** Unnamed Wetland

**Project Description:** Construction of new railroad connection tracks (Munger Connection)

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge into the waters of the state associated with a Section 404 permit application received by the U.S. Army Corps of Engineers. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The certification and notice number(s) must appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

The application, Public Notice/Fact Sheet, comments received, and other documents are available for inspection and may be copied at the IEPA at the address shown above between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the certification application, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please call Thaddeus Faught at 217/782-3362.

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Fact Sheet for Antidegradation Assessment  
 Elgin, Joliet and Eastern Railway – Unnamed Wetland – DuPage County  
 IEPA Log #C-0289-09  
 COE Log #LRC-2009-00251  
 Contact: Bob Mosher at 217/558-2012  
 September 24, 2012

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Elgin, Joliet and Eastern Railway (“Applicant”) has applied for Section 401 water quality certification to construct a new wye rail connection between their east/west mainline track and Canadian National’s north/south mainline track. The project is known as the Munger Wye Track Construction Project and would occur along the existing railway east of Powis Road in West Chicago. The work is specifically located in Sections 8, Township 40 North, Range 11 East. The proposed construction will necessitate the permanent impact of one 1.26 acre wetland.

**Identification and Characterization of the Affected Water Body.**

The wetland impacted by the project is a General Use Water with a zero 7Q10 flow. The wetland has not been evaluated by the Illinois EPA Surface Water Monitoring Unit. The wetland is not an enhanced water body pursuant to the dissolved oxygen water quality standard. Using the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, the wetland is not listed as a biologically significant nor has it received an integrity rating.

Affected Wetland Description

<b>ID#</b>	<b>Wetland Description</b>	<b>Quality-Mean C &amp; FQI#</b>	<b>Impact Acres</b>	<b>Dominant Vegetation</b>	<b>Off-Site Mitigation Ratio</b>	<b>Required Mitigation Acres</b>
#1	Marsh with shrub and wet meadow	High-3.1/23.9	1.26	Cattails, common reed, and reed canarygrass	3:1	3.78 acres

The Applicant has stated the following concerning the wetlands located at the project site:

“Wetlands at the project impact site are immediately and intimately linked with Brewster Creek and its associated aquatic resources...Those systems are currently split by the existing railroad tracks that run both north-south (the EJ&E) and east-west (the old CC&P/CN main line) as well as the north-south trending ComEd ROW.”

**Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.**

The pollutant load increases that would occur from this project include some possible increases in suspended solids during the construction of the project. Erosion control measures will be utilized to minimize any increase in suspended solids. The project will eliminate the current habitat from the impacted sites. Concerning Mitigation for the impacts of this proposed project the Applicant has stated the following;

“At a 3:1 mitigation ratio, the proposed compensatory mitigation site needs to provide a minimum of 3.78 acres of mitigation...EJ&E/CN worked cooperatively with the Forest Preserve District of DuPage County (FPDDC) to identify an alternate off-site location for compensatory wetland mitigation.”

The mitigation site that was selected is within the Dunham Forest Preserve. The proposed compensatory wetland mitigation site occurs within land that has been under row crop production within the past five years. The site currently has FQI score of 8.7 and a mean C-value of 2.1, indicating it currently offers low floristic diversity and quality.

The table below summarizes the anticipated acreages relative to the proposed mitigation site and percent of total credits allowed by mitigation type.

Type of Mitigation Credits	Proposed Mitigation Acres	Credit Rate per Acre	Final Mitigation Acreage Credit
Re-establishment	4.46 acres	100%	4.46
Enhancement	0.71 acres	50%	0.355
Upland Buffer	6.43 acres	0%	0.00
<b>Total</b>	<b>11.6 acres</b>		4.815 acres credit provided <u>-3.780 needed</u> +1.035 extra acres*

\*The FPDDC is considering the possibility of using any excess wetland creation credits for other project impacts, subject to coordination and approval by DuPage County and the COE.

Mitigation activities will be initiated in advance of or occur concurrently with construction of the proposed rail connection and associated wetland impact. In addition to the proposed wetland mitigation site project, to off-set the impact of this project, the Applicant will plant deep-rooted native vegetation on the slopes of the newly installed track line.

**Fate and Effect of Parameters Proposed for Increased Loading.**

The increase in suspended solids will be local and temporary. Erosion control measures will be utilized to minimize any increase in suspended solids and prevent further impact to the stream.

**Purpose and Social & Economic Benefits of the Proposed Activity.**

The Applicant stated the following concerning the need for this project:

“The proposed Munger Connection will provide a connection in the southwest quadrant of the intersection formed by two existing sets of railroad tracks. The connection will allow northbound freight trains using EJ&E tracks to transfer to the westbound CC&P (CN) tracks and the eastbound trains on the CN tracks to head south along the EJ&E line. Currently, trains must perform a reverse movement that can block one or more roadways... The EIS concluded that the Munger Connection is ‘critical to the success of the overall rail bypass plan’. The connection is needed to achieve the overall goal to move rail freight through the Chicago region faster and more efficiently and with minimal disruption to vehicles using roadways in the vicinity.”

**Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.**

The construction of the proposed project will follow conditions set forth by the Agency and USACE. Erosion control measures will need to be implemented to prevent additional impacts to the remaining wetlands. The applicant is unaware of any design methods that would allow the required track connection to be made without causing wetland impacts, or of any methods that would allow wetland impacts to be further reduced. The Applicant has stated that the No-Build option would not alleviate the difficulty of the trains traveling thru the Chicago area.

“Because of rail traffic congestion, a Canadian National (CN) freight train can currently take more than 24 hours to pass through a 30-mile segment. The recently purchased EJ&E Railway follows a wide arc around the Chicago Metropolitan area providing an expeditious bypass for CN freight traffic while reducing traffic pressure on the most congested portions of Chicago’s railway system. The proposed project is a key element of an overall plan to move rail freight through the Chicago region faster and more efficiently.”

**Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities**

In a letter from Rick Pietruszka dated April 3, 2012, IDNR stated that an initial report submitted through the EcoCAT website indicated the potential presence of protected resources in the vicinity of the project location. The letter states in part the following:

“Provided all work and related project activity proceeds with Forest Preserve District of DuPage County concurrence, adverse impacts to listed state resources in the vicinity do not appear likely.”

The letter further states that the IDNR has evaluated this information and concluded that adverse impacts to the protected resources are unlikely; therefore, consultation is terminated.

IDNR identified that the Blanding’s Turtle, a state threatened or endangered aquatic species, resides in the project area. The Applicant has worked with the Forest Preserve District of DuPage County (“FPD”) to develop a plan to protect the turtle during and after construction is completed. The plan included the following items:

“FPD will coordinate trapping efforts within impacted wetland prior to construction. Target groups include, but may not be limited to turtles, frogs, and salamanders. Captured individuals will be relocated to suitable, similar wetlands within Pratt’s Wayne Woods Forest Preserve. Should Blanding’s turtles be captured, turtles will be fitted with transmitters if not already before being relocated to nearby wetlands.”

The Applicant has also agreed to install turtle crossings within the rails to facilitate future movement of turtles over the railway.

The Applicant received a comment from the U.S. Fish and Wildlife Service stating that the project site has sufficient habitat for the Eastern Prairie White Fringed Orchid and that they should search the project site for the orchid. The Applicant conducted searches for the orchid on June 29<sup>th</sup>, July 1<sup>st</sup>, and July 9<sup>th</sup>, 2009 and no orchids were found.

**Agency Conclusion.**

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time this antidegradation review summary was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving waters will be maintained; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity. This project will also benefit the community at large by minimizing crossing gate delays and will allow rail freight to move through the Chicago region faster and more efficiently. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.