

IEPA Log No.: **C-0450-11**
CoE appl. #: **LRC-2011-00531**

Public Notice Beginning Date: **July 11, 2012**
Public Notice Ending Date: **August 10, 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
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Northeast Illinois Regional Commuter Railroad Corporation d.b.a.
Metra – 547 W. Jackson Blvd., Chicago, IL 60661-5717

Discharge Location: Near Elgin in NE 1/4 of Section 14 of Township 41N, Range 8E of the 3rd P.M. in Kane County.

Name of Receiving Water: Fox River

Project Description: Proposed repairs to 650 feet of Metra rail line embankment

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 Darren Gove at 217/782-3362.

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Fact Sheet for Antidegradation Assessment
For Northeast Illinois Regional Commuter Railroad Corporation d.b.a. Metra
IEPA Log No. C-0450-11
COE Log No. LRC-2011-00531
Contact: Bob Mosher; 217/785-3950
Public Notice Start Date: July 11, 2012

Metra Milwaukee District West Line (“Applicant or Metra”) has applied for Section 401 water quality certification for embankment repair work near the Fox River (‘River’) in Section 14, Township 41 North, and Range 8 East, in the City of Elgin. The project consists of the reconstruction 650 feet of the Metra railroad embankment along the River. Erosion of the embankment along the River has compromised the safety of the Metra rail line. The construction project consists of removing unstable material and replacing this unstable material with bedding rock, turf reinforcement mat, and riprap which will then be topped off with 4” of topsoil for seeding. The amount of material that will be placed within the area of the embankment repair will be equal to the amount of material excavated. The project has been designed so that the cut and fill areas below the 100 year flood elevation are balanced; therefore, no increase or decrease in existing floodplain area will occur as a result of this repair project. Excavation is needed along the toe of the embankment slope to anchor the rip rap. This will be accomplished by the construction of a temporary cofferdam in the River which will allow the work area to be dewatered. The cofferdam will consist of inflatable bladders. An area 650 feet long and 10 feet wide in the River needs to be dewatered. The cofferdam will be removed upon completion of the repair work on the embankment which is expected to take about two months to complete.

Identification and Characterization of the Affected Water Body.

The Fox River is a General Use Water with a 7Q10 flow of approximately 147cfs at this location. The Fox River, Waterbody Segment IL-DT-18 is listed in the Illinois Integrated Water Quality Report and Section 303(d) List-2010 as impaired for aquatic life and fish consumption. The potential causes of impairment to aquatic life use include pollutants such as Sedimentation/Siltation, Hexachlorobenzene, DO, and TSS and also non-pollutants such as flow regime alterations and alterations in stream-side or littoral vegetation. The potential cause for fish consumption use is PCB’s and Mercury. Using the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, the river is not listed as a biologically significant stream nor has it received an integrity rating. The river at this location is also not an enhanced dissolved oxygen stream. The Fox River has a drainage area of approximately 1,507 square miles at the project site.

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. There will be no permanent impact to the Fox River.

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, including use of a turbidity curtain. Aquatic life uses of this portion of the river that will be disturbed during construction may be negatively impacted, but in time, they will recover and

support the same community structure as is now found in the existing channel. This project will result in the removal of 28 trees. Since the Applicant cannot plant trees into the newly repaired rip-rapped embankment, the Applicant will work with the City of Elgin to identify appropriate sites to plant trees along the river shoreline to replace the ones that have to be removed for this project.

Purpose and Social & Economic Benefits of the Proposed Activity.

Applicant has stated the following:

“The purpose of the project is to restore the embankment and create safe infrastructure for commuter rail traffic in Kane County. This will be accomplished by removal of existing unsuitable materials which are currently eroding. The project is designed to prevent future erosion problems and is engineered in a manner so material placed within the area of embankment repair equals the amount of material excavated, resulting in a net gain of 0 cubic yards for material added to waters under COE jurisdiction.”

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 stream.

Concerning options to this proposed project the Applicant has stated the following:

“Metra considered a total of 5 alternatives when deciding upon the appropriate course of action to address the sloughing embankment along the western bank of the Fox River in Elgin, Illinois between the Kimball Street and Highland Avenue bridges. The potential loss of life and property is not an option, resulting in further analysis of other alternatives, eliminating the no build option.

Relocating the tracks west of the current alignment or arranging to operate on the Union Pacific Railroad are not feasible options due to the cost prohibitive nature of acquiring land and buildings and ensuring commuter rail service can operate without schedule interruptions during construction and post construction. Additional safety concerns arise as a result of locating Metra’s tracks closer to major road and another set of tracks for both vehicular and pedestrian traffic attempting to cross using at-grade crossings. Construction of grade separated crossings would be cost prohibitive and potentially lead to significant environmental impacts to the Fox River.

Use of steel sheet piling to protect the existing embankment was eliminated from further consideration due to the potential for adverse environmental impacts in the form of adding fill material to the Fox River to engineer a slope structurally suitable for a railroad embankment.

The preferred option involves use of turf reinforcement mat, granular fill material, and rip rap, resulting in minimal environmental impacts. Additionally, the preferred alternative

maintains Metra's current service schedule, ensures safety standards are maintained at existing at-grade crossings, is economically feasible, and will not result in property acquisition. . . . Based on the limited environmental impacts, reduced service disruptions to commuter rail service, and economic feasibility, this is considered the preferred alternative."

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

In a report generated through IDNR's EcoCAT system dated July 6, 2011, the Illinois Natural Heritage Database contains no record of State-listed Threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land & Water Reserves in the vicinity of the project location; therefore consultation was terminated.

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; and that this activity will benefit the community at large by providing an uninterrupted, and safe rail system. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.