

IEPA Log No.: **C-0400-12**
CoE appl. #: **LRC-2012-479**

Public Notice Beginning Date: **February 22, 2013**
Public Notice Ending Date: **March 15, 2013**

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: Hines, Inc. – One South Dearborn, Suite 2000, Chicago, IL 60603

Discharge Location: Near Chicago in Section 9 of Township 39N, Range 14E of the 3rd P.M. in Cook County.

Name of Receiving Water: South and North Branch Chicago River

Project Description: Proposed steel pile wall for public river walk and plaza and replacement of existing deteriorating wood pile wall

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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The applicant has applied for 401 water quality certification for the reconstruction of approximately 226 linear feet of river wall located along the west shoreline of the South and North Branch Chicago River at the junction of the Chicago River in Section 9, Township 39 North, Range 14 East, Cook County, Illinois. The proposed project consists of approximately 226 linear feet of new steel sheet pile wall constructed in the same location as the existing deteriorated wood pile wall. The sheet pile wall construction will include the placement of fill material within approximately 490 square feet of the river. Approximately 51 cubic yards of material will be required for filling the area behind the new river wall. The new wall will stretch between the existing Lake Street bridge abutment and the connecting point of a new river wall proposed by the City of Chicago under a separate application. The proposed project will also include a publicly accessible river walkway and a 1.5 acre plaza. The plaza will adjoin with a future office high rise and will be constructed overtop the existing rail tracks. In addition, a stormwater outfall structure will be constructed in the new wall. The stormwater outfall structure will be constructed flush with the proposed river wall and will not protrude into the river.

Identification and Characterization of the Affected Water Body.

The North Branch Chicago River has a 7Q10 flow of approximately 279 cfs at this location and is a Secondary Contact water. The North Branch Chicago River, Waterbody Segment IL_HCC-08, is listed in the draft Illinois Integrated Water Quality Report and Section 303(d) List – 2012 as impaired for: fish consumption use with causes given as polychlorinated biphenyls and mercury; and indigenous aquatic life use with causes given as iron, oil and grease, dissolved oxygen, other flow regime alterations (non-pollutant), and phosphorus (total). It is not a Biologically Significant stream and has a “D” integrity rating according to the 2008 IDNR publication *Integrating Multiple Taxa in a Biological Stream Rating System*. It is not enhanced in regards to the dissolved oxygen standard.

The South Branch Chicago River has a 7Q10 flow of approximately 279 cfs at this location and is a Secondary Contact water. The South Branch Chicago River, Waterbody Segment IL_HC-01, is listed in the draft Illinois Integrated Water Quality Report and Section 303(d) List – 2012 as impaired for fish consumption with a cause given as polychlorinated biphenyls. It is not a Biologically Significant stream and has a “D” integrity rating according to the 2008 IDNR publication *Integrating Multiple Taxa in a Biological Stream Rating System*. It is not enhanced in regards to the dissolved oxygen standard.

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 need to be utilized to minimize any increase in suspended solids.

Fate and Effect of Parameters Proposed for Increased Loading.

The construction activities will cause a temporary increase in suspended solids. Habitat will be disturbed in the vicinity of the construction area. Benthic habitat will be reduced along existing

seawall. In time the habitat will recover and will support approximately the same community structure as is now found adjacent to the existing wood pile wall.

Purpose and Anticipated Benefits of the Proposed Activity.

This project will construct a new river wall in place of an existing river wall that has failed. The new river wall will protect and facilitate new development on adjacent property and provide public access to a river walk and plaza associated with a future office high-rise. Construction of this project will facilitate additional employment and economic opportunities for the community.

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

The construction of the proposed project will follow guidelines set forth by the Agency and USACE. Erosion control measures need to be implemented to prevent additional impacts. The least intrusive alternative would be to not allow the project resulting in continued deterioration of the existing river wall and potential erosion of the adjacent property, potentially jeopardizing the adjacent construction. This is not an acceptable alternative given that this is a useful project and will provide the community with a more stabilized shoreline that will facilitate public access to a river walk and plaza and future developments that include an office high-rise that will provide employment and economic opportunities.

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

In a letter from Tracy Evans dated February 8, 2013, 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. Upon further review, IDNR concluded that adverse impacts to the protected resources are unlikely. Consultation is 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 the assessment 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 stream 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 a stabilized shoreline that will facilitate public access to a river walk and plaza and future developments that include an office high-rise that will provide employment and economic opportunities. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.