

IEPA Log No.: **C-0282-12**  
CoE appl. #: **2012-417**

Public Notice Beginning Date: **1/25/2013**  
Public Notice Ending Date: **2/15/2013**

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:** Union Pacific Railroad – 1400 Douglass Street, Omaha, NE 68179

**Discharge Location:** Several sites near Carlinville in Sections 17, 19, 20, 30 of Township 9S, Range 3W of the 3<sup>rd</sup> P.M. in Macoupin and Sangamon County.

**Name of Receiving Water:** 26 Stream Crossings consisting of unnamed tributaries.

**Project Description:** High speed rail construction.

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 «PM\_Name» at 217/782-3362.

YA:UPR PN and FS.docx

The Union Pacific Railroad ("Applicant") has applied for Section 401 water quality certification for work associated with the construction of high speed rail track, mile posts 205.5 to 230, i.e., the Tier 2 segment. A total of 26 stream crossings, all but two of these over unnamed tributaries, and all consisting of headwater streams, will be constructed or widened. Each crossing will consist of 200 linear feet of impact to the stream. A total of 50 wetland parcels will be impacted either temporarily or permanently. These wetlands consist of 2.51 acres of emergent wetlands, 5.08 acres of forested wetlands and 3.92 acres of isolated wetlands. Descriptions of the stream crossings and wetlands may be found in the Antidegradation Assessment Document last updated on December 4, 2012 and received by the Agency on December 6, 2012.

Normal low flows will be maintained during construction by placing a culvert in the streams or by other applicable and appropriate water re-routing methods. The stream channels will be cleaned and reshaped upon completion of the project. As mitigation for stream impacts, the Applicant will purchase 0.70 acres of restored stream corridor from the Crooked Creek Stream Mitigation Bank at a 2:1 ratio.

Wetlands will be mitigated at the IDOT LaGrange Mitigation Bank if possible. Wetland mitigation ratios will be 1.5:1 for emergent wetlands and 2.5:1 for forested wetlands if IDOT agrees to allow this bank to be used. If not, the Crooked Creek Wetland Mitigation Bank or the Southern Illinois Wetland Mitigation Bank will be used, both of which are located in different watersheds from the project. For this plan, a 2:1 mitigation ratio will be used for emergent wetlands and a 3:1 ratio will be used for forested wetlands. Isolated wetlands will be mitigated at a 1:1 ratio regardless of which bank is utilized.

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

All streams impacted are General Use waters with zero 7Q10 flows. None of these streams has been evaluated by Illinois EPA given their small watersheds. Likewise, the wetlands have not been evaluated by the Illinois EPA Surface Water Monitoring Unit. The streams and the wetland areas are not enhanced water bodies 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 streams are not listed as biologically significant streams nor have they received an integrity rating.

#### **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. Aquatic life uses in the portions of the streams that will be disturbed during construction may be negatively impacted, but in time, they will recover and support approximately the same community structure as is now found in the existing channel. The project will eliminate the current habitat from the wetlands.

### **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. Construction for the proposed project will occur during a period of low flow to further minimize any impact.

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

The Applicant has stated the following concerning the purpose for this project in the Antidegradation Assessment Document:

The proposed improvements within the Tier 2 segment of the high speed rail (HSR) will provide the necessary infrastructure for high-speed passenger train service between terminus in Chicago and St. Louis. The Tier 2 segment is within the HSR Project corridor which was funded under the American Recovery and Reinvestment Act of 2009. Work within the HSR corridor was approved as part of the National Environmental Policy Act (NEPA) 2003 Final Environmental Impact Statement (FEIS; see <http://www.dot.state.il.us/hsrail/pdf/cover.pdf>) and 2004 Record of Decision (ROD; see [http://www.fra.dot.gov/downloads/rrdev/chilstlouis\\_rod.pdf](http://www.fra.dot.gov/downloads/rrdev/chilstlouis_rod.pdf)) for the Chicago to St. Louis High-Speed Rail Project (FHWA-IL-EIS-99-01).

### **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 streams.

The applicant provided the following summary of alternatives in the Antidegradation Assessment Document:

The proposed project was designed to avoid and minimize adverse impacts in conformance to the scoping and sequencing processes of NEPA. Supplemental NEPA documentation for the

Tier 2 segment is currently being prepared by IDOT, which includes a reevaluation of the 2004 ROD.

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

The Illinois Department of Natural Resources is engaged in a comprehensive review of threatened and endangered species potential impacts as a consequence of this project. Personal communication with Steve Hammer of IDNR revealed that there are no aquatic or wetland species known to inhabit the waters of the state that are the subject of this antidegradation review. Therefore, IDNR has no concerns about threatened endangered species in the streams and wetlands being impacted.

**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 alternate rapid form of transportation between Chicago and St. Louis. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.