

IEPA Log No.: **C-0681-14**

CoE appl. #: **2014-00840**

Public Notice Beginning Date: **March 25, 2015**

Public Notice Ending Date: **April 24, 2015**

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
Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Mr. and Mrs. Jerrold Senser, 55 S. Deere Park Drive, Highland Park, IL 60035

Discharge Location: Section 31, T43N, R13E of the 3rd P.M. in Lake County within Highland Park

Name of Receiving Water: Lake Michigan

Project Description: Shoreline Protection.

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
Mr. and Mrs. Jerrold Senser – Lake Michigan – Lake County
COE Log# LRC-2014-00840 (Chicago District)
IEPA Log #C-0681-14
Contact: Eric Runkel (217) 558-2012
March 25, 2015

The property owner at 55 S Deere Park Drive, Highland Park, Illinois (“applicant”) has applied for Section 401 water quality certification regarding a shoreline protection system for the property at the same address on Lake Michigan. The Applicant proposes to construct a shore protection system consisting of a quarrystone breakwater. The north proposed breakwater island will be located on the existing steel groin at the lakeward toe is proposed to be 49 feet long and 33 feet wide at the base. The proposed breakwater island is being constructed jointly with the applicants’ neighbor to the north. For the purposes of this review only the 32 feet long segment in front of the applicant’s property will be considered. It is estimated that approximately 0.06 acres of waters will be filled.

Identification and Characterization of the Affected Water Body.

The receiving waters are located entirely within Lake Michigan basin. Waterbody Segment IL_QLM-01 is listed in the Illinois Integrated Water Quality Report and Section 303(d) List 2014 as impaired for Fish Consumption Use; Mercury and polychlorinated byphenyls are given as the causes of this impairment, and for Aesthetic Value Use; Phosphorus (Total) is given as the cause of this impairment. The list shows the lake fully supporting Aquatic Life, Public and Food Processing Water Supplies, Primary Contact Recreation and Secondary Contact. The lake shoreline covers 196 square miles.

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

A total of 0.06 acres of Lake Michigan bottom will be eliminated by the placement of the breakwater island approximately 112 feet lakeward. The pollutant load increases that would occur from this project include possible increases in suspended solids locally along the shoreline from the placement of the new quarrystone breakwater island material consisting of approximately 300 tons of clean quarried quartzite and 450 tons of clean sand will be placed on the existing beach. The applicant also proposes to not place the dredged material back into the lake. Existing benthos directly beneath where the breakwater island is proposed to be placed would temporarily be covered. Fish eggs and larvae may be smothered by the proposed construction activity.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids will be local and temporary. The construction of the breakwater will allow natural lacustrine processes to occur while preventing further erosion of beach by dissipating wave energy before they reach this beach area. The breakwater will also encourage benthic invertebrate assemblage through enhancement of littoral hydraulics, with the potential to increase species richness. The construction activities of the breakwater will occur during non-reproductive or rearing seasons of aquatic life.

The Corps of Engineers has stated:

“No mitigation is proposed for this project as total impact to waters of the U.S. totals 0.06 acres. Fill material exceeding the 0.10 acre threshold requires mitigation.”

The construction of the proposed project will follow conditions set forth by the Agency and ACOE.

Purpose and Social & Economic Benefits of the Proposed Activity.

The local community will benefit from this project as aesthetic value increase from the restoration of the shoreline. The beach will provide a safe place for boaters and swimmers in distress.

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

A no-action alternative was assessed and concluded that no-action would allow continued waves to scour the lakebed at the seawall; the lakebed will continue to erode, possibly leading to the seawall being undermined. This alternative was not carried through. A revetment only was assessed. This option does provide protection for the existing seawall, however it could, over time, become destabilized and the structure could fail. Encapsulating the north existing steel groin in quarrystone and extending the south breakwater further north beyond the preferred option was considered. The north groin is on another property and permission could not be obtained to construct this option. It was removed from further consideration.

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

The applicant submitted an EcoCAT request for a threatened and endangered species assessment to IDNR. IDNR replied on February 20, 2015 that the project was not likely to adversely impact protected resources and that the 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 allow better use of the newly enhanced shoreline. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.