IEPA Log No.: **C-0583-14**
CoE appl. #: **2014-00391**

Public Notice Beginning Date: **August 7, 2015**
Public Notice Ending Date: **August 28, 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: Union Pacific Railroad Company, 1400 Douglas Street, Stop 0910 Omaha, NE 68179

Discharge Location: Sections 15, 21, 22, 28 and 33, T35N, R10E and Sections 4, 8, 9, 17 and 20, T34N, R10E of the 3rd P.M. in Will County near Joliet and Elwood

Name of Receiving Water: Unnamed wetlands and various streams. See attached fact sheet for details.

Project Description: High-Speed Rail double main track between Joliet and Elwood.

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
Union Pacific Railroad Company – Unnamed Wetlands and Various Streams – Will County
IEPA Log #C-0583-14
COE Log# 2014-00391
Contact: Eric Runkel (217) 558-2012
August 7, 2015

The Union Pacific Railroad Company (UPRR) ("Applicant") is applying for a 401 water quality certification for impacts associated with a new high speed rail (HSR) line in Will County. The applicant is proposing railroad track work and associated activities for an approximately 18 mile corridor between Mileposts (MP) 37.60 and 54.90.

The application includes construction of a new mainline track adjacent to the existing mainline track for a length of approximately 6.4 miles, between Mileposts (MP) 38.30 and 44.72. A portion of the project area includes shifting of the existing mainline track to accommodate 20-ft. track centers. The proposed track will be constructed on the east side of the existing mainline track between MP 39.37 and 44.72 and west of the existing mainline track between MP 39.37 and 38.30. The double mainline track would be constructed on 20-ft. track centers. The applicant proposes to construct a 10-ft. wide access road to provide railroad personnel access for maintenance and safety inspections. The access road would generally be constructed on the west side of the double mainline tracks, although there are several locations where the access road would be located on the east side of the tracks. Drainage ditches will be constructed to convey runoff adjacent to the track embankment and to direct stormwater towards proposed drainage structures beneath the track embankment. Work over the Kankakee River is being addressed in a separate application.

The project also includes upgrades to the existing Plaines Coal Industrial Lead at MP 38.50 to MP 41.10. The Plaines Coal Industrial Lead portion of the project includes reconstructing portions of the Midwest Generation and Plaines Industrial Lead tracks, specifically construction of new engine set-out tracks, new turnouts that tie into existing tracks, and new access roads. There are no anticipated impacts to waterways or wetlands.

The original proposed project included the replacement or modification of 4 bridges, 23 culverts, and 3 road crossings between MP 37.60 and 54.90. Causeways will be constructed at bridges 44.45 and 49.50 to provide access for equipment during construction activities. Causeways will be constructed of non-erodible materials and will maintain the low flow and will also be constructed to pass anticipated high flows.

The application has since been revised and the applicant is now proposing work on 3 bridges, 22 culverts, and 1 road crossing. The new proposal removes from this application work for private road crossings at MP 48.62 and MP 49.91. The culvert at MP 49.20 was removed from this application. The bridge at MP 49.52 over Prairie Creek was also removed from this application.

Identification and Characterization of the Affected Water Body.

One tributary impact (MP 38.80) is Sugar Run (Segment Code IL_GF-01) which is a General Use water with zero 7Q10 flow. The segment is listed in the Illinois Integrated Water Quality Report and

Section 303(d) List 2014 as impaired for Aquatic Life Use; Arsenic, Manganese, Dissolved Oxygen, pH and Sedimentation/Siltation are given as the causes of this impairment. Fish Consumption, Primary Contact Recreation, Secondary Contact and Aesthetic Quality have not been evaluated. Using the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, the segment is not listed as biologically significant stream nor has it received an integrity rating. The segment is not enhanced water body pursuant to the dissolved oxygen water quality standard.

A second tributary impact (MP 41.90) is Cedar Creek (IL_GD), which is a General Use water with zero 7Q10 flow. The segment is not listed in the Illinois Integrated Water Quality Report or 303(d) List 2014. Aquatic Life, Fish Consumption, Primary Contact Recreation, Secondary Contact and Aesthetic Quality Use were not assessed. Using the 2008 Illinois Department of Natural Resources Publication Integrating Multiple Taxa in Biological Stream Rating System, the segment is not listed as biologically significant stream nor has it received an integrity rating. The segment in not an enhanced water body pursuant to the dissolved oxygen water quality standard.

A third tributary impact (MP 44.40) is Jackson Creek (IL_G-02), which is a General Use water with zero 7Q10 flow. The segment is listed in the Illinois Integrated Water Quality Report and Section 303(d) List 2014 fully supportive for Aquatic Life Use. Fish Consumption, Primary Contact Recreation, Secondary Contact and Aesthetic Quality have not been evaluated. Using the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, the segment is not listed as biologically significant stream nor has it received an integrity rating. The segment is an enhanced water body pursuant to the dissolved oxygen water quality standard.

The proposed road crossing work is at MP 51.46 and involves moving an existing culvert approximately 15 feet to the west of the culverts original positon under the River Road crossing. This will not change the conveyance of the waterway associated with this culvert or effect water quality.

Three bridges are proposed to be replaced or modified. A bridge at MP 51.57 (an unnamed tributary [no Segment Code] of the Kankakee River [IL_F-16]) is proposed to remove an existing 13-foot bridge and replace with one 60-inch solid steel pipe (SSP) and one 60-inch corrugated steel pipe (CSP). A bridge at MP 44.45 (Jackson Creek [IL_G-02]) is proposed to replace an existing 97-foot long two span bridge with a 160-foot long four span bridge. A bridge at MP 42.55 (Cedar Creek [IL_GD]) is proposed by installing a 72-inch SSP and a 72-inch CSP beneath an existing 11-foot long single span bridge, filling around the culverts and subsequently removing the existing bridge.

All remaining unnamed streams (no Segment Codes) will be traversed by replacement or modified culverts at MP 54.20, 46.95, 46.09, 45.70, 44.90, 44.10, 43.90, 43.58, 43.20, 42.95, 41.97, 41.90, 41.80, 41.20, 40.51(40.49), 39.35 and 38.80. All streams impacted are General Use waters with zero 7Q10 flows. Culvert MP 42.20 is considered an equalizer pipe, does not convey a waterway, and will be filled in-place. New culverts will be constructed at MP 39.66, 39.60, 39.57 and 39.51 (Zurich Road) and will flow into an unnamed tributary of Sugar Run. Biological characterization of the stream has not been required because the project will not permanently alter the existing stream habitat conditions.

In northern Illinois, streams with less than one square mile of watershed are characterized as 7Q1.1 zero flow streams and are therefore expected to have at least seven continuous days of zero flow nine out of ten years. Since the watersheds for the unnamed tributaries did not exceed this threshold, the Agency did not require the applicant to complete additional characterization (biological, chemical or physical) of the water body.

Permanent impacts to jurisdictional wetlands will be 3.178 acres, and temporary impacts to jurisdictional wetlands will be 0.836 acres. Impacts to other Waters of the United States (WOUS) include 824 feet of permanent channel impact and 396 feet of temporary impacts during construction. Temporary fill will be removed following construction and WOUS will be returned to pre-project conditions.

The applicant has also stated:

> "The project as described in the updated project materials provided to IEPA on July 23rd and July 31st does not involve fill or a discharge of fill on the property of Midewin National Tallgrass Prairie."

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 permanently impacted wetlands and bridge work at MP 42.55 and 51.57.

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.

Bridge work at MP 42.55 and 51.57 should not significantly alter conveyance of the existing waterways. They are designed to reduce the potential negative impacts from flooding and overtopping of tracks. The proposed bridge at MP 44.45 will have an opening area of 2,592 square feet, a 7 percent increase compared to the existing bridge opening. The upstream and downstream effects of this proposed design is not anticipated to have a negative impact on the existing waterway. BMPs will be utilized to minimize impacts, both temporary and permanent. These BMPs include, but are not limited to: silt fences, wattles, erosion control blankets, rock check dams, native seeding, and limited construction entrances.

New culvert construction will modify or replace existing culverts at or near the current culvert locations, widening the current stream conveyance to include the proposed siding track area. All culvert widening will be conducted from the existing track or right-of-way (ROW), limiting the impacts. MP 39.68 (Zurich Road) includes the only new culvert construction where no culverts

existed and will not alter flow downstream into an existing waterway. No significant channel relocation is anticipated to occur with the proposed project.

For mitigation, the ACOE stated:

> "If a permit is issued for the proposed project, the Corps will determine what is appropriate and practicable compensatory mitigation in accordance with 33 CFR Part 332. The amount of compensatory mitigation to be determined shall be commensurate with the anticipated impacts of the project.
>
> UPRR proposes compensatory mitigation by purchasing wetland credits from a mitigation bank located within or near the same HUC 8 watershed as the project area. A compensatory mitigation plan would follow the guidelines set in the Federal Register Final Mitigation Rule for mitigation banks, and in-lieu fee programs. Specifically, the project will follow the rules outlined in Section 230.94, paragraphs (c)(5) and (c)(6)."

Purpose and Social & Economic Benefits of the Proposed Activity.

The applicant stated:

> "The purpose of the project is to support safe and efficient passage of trains traveling in opposite directions along existing tracks in support of HSR program. The need of the project is to maintain critical system operation in a way that maximizes passenger safety for the operation of the HSR between Chicago and St. Louis overall and between MP 37.60 and 54.90."

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

The No-Build Alternative will not meet the purpose and need of this project. The purpose of this proposal is to enhance the passenger transportation network in the Chicago - St. Louis corridor, resulting in a more balanced use of its components. To achieve this, there must be a new or improved transportation mode with shorter travel times and enhanced reliability and safety. The No-Build Alternative will be a continuation of existing Amtrak service and will not provide any operational or service improvements.

Without reductions in travel time or improvements to reliability and safety, the viability of rail passenger service as an alternative to air and automobile travel will not increase, and subsequently, travelers will not divert from those two modes. Therefore, this alternative is not considered an adequate solution to meet the existing and anticipated transportation needs of the corridor.

The applicant also provided the following summary for other alternatives:

> "No other available practicable sites exist that could serve as an alternative site and meet the overall project purpose as previously defined. The proposed location was extensively reviewed and determined to be the most practical and least disruptive location given the Project objectives within the overall High Speed Rail program. Because the proposed project is a component of the HSR program, alternate locations for the double track are impractical based on the need to address the track efficiencies

> required at the area between MPs 38.40 and 45.00. The project design has also undergone stringent reviews and the footprint has been minimized to the extent practicable while still achieving the overall goal of safe and efficient train operations. The identified project area considers the need for the spacing of double track locations to maximize operation of the high speed train while minimizing potential conflicts with freight train traffic. Relocation of the tracks away from existing alignments would result in far greater impacts than using an existing transportation corridor."

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

Illinois Department of Natural Resources (IDNR) terminated consultation on December 8, 2014 and determined this project is unlikely to have adverse effects to State threatened and endangered species.

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.