

IEPA Log No.: **C-0328-16**
CoE appl. #: **N/A**

Public Notice Beginning Date: **August 31, 2016**
Public Notice Ending Date: **September 21, 2016**

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: U.S. Army Corps of Engineers, Chicago District, 231 South LaSalle Street, Suite 1500, Chicago, IL 60604

Discharge Location: Section 22, T45N, R12E of the 3rd P.M. in Lake County within Waukegan

Name of Receiving Water: Lake Michigan.

Project Description: Resurfacing deteriorating concrete on breakwater structure with new concrete at the Waukegan Harbor North Pier.

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 an application received from 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
US Army Corps of Engineers – Lake Michigan – Lake County
IEPA Log # C-0328-16
COE # N/A
Contact: Bob Mosher, 217/558/2012
August 31, 2016

The US Army Corps of Engineers Chicago District (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the resurfacing of the North Pier/breakwater protecting the entrance to Waukegan Harbor along Lake Michigan in Section 22, Township 45 North, Range 12 East, Lake County, Illinois. The existing concrete pier has a deteriorating surface. This pier serves as the protection to the entrance to the harbor as well as providing recreational opportunities as it has a connection to the adjacent beach area. In its present condition, the pier is dangerous for users because of its crumbling surface. Loose concrete will be removed before rehabilitation. Concrete will be cast along the surface of the pier on the dry surface and on underwater portions of the pier. Steel plates will also be added to serve as concrete forms and to provide additional protection from wave action. Approximately 1400 cubic yards of concrete will be used covering an area of about one-half acre.

Information used in this review was obtained from the applicant in a document entitled; Joint Application Form for Illinois dated August 9, 2016.

Identification and Characterization of the Affected Water Body.

Lake Michigan is a large oligotrophic lake subject to the Lake Michigan Basin water quality standards of 35 Ill. Adm. Code 302 Subpart E. The portion of Lake Michigan potentially affected by this project, Waukegan South Beach (QH-05) is listed as not supporting for Fish Consumption and Primary Contact uses according to the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List. The causes listed for impairment are Mercury and Polychlorinated biphenyls for Fish Consumption and E. coli bacteria for Primary Contact use. No other uses have been evaluated for this location.

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 total suspended solids. These increases are a normal and unavoidable result of the removal of loose flakes of concrete from the pier. The small pieces of concrete will settle in the area around the pier. Benthic habitat will be temporarily disturbed in the vicinity of the construction area. The pH of the water in direct contact with the pier will be raised during the casting of concrete. A special formulation of concrete will be used for the underwater portions of the pier to be resurfaced. Mixing with the lake will occur because of wave action and this will quickly allow the water to return to ambient pH. No adverse impacts to designated uses are anticipated.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids and pH will be local and temporary. No adverse impacts are anticipated. The total volume of concrete chips removed off of the pier is expected to be no more than one cubic yard. These chips have naturally been falling into the lake due to the ongoing deterioration of the pier. The proposed project will stop this from occurring.

Purpose and Social & Economic Benefits of the Proposed Activity.

The proposed resurfacing project will make the pier safe for recreational uses. The protective function of the pier/breakwater will be maintained.

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

The applicant considered other options for maintaining the functions of the pier. They rejected alternatives that would have removed the old pier and built a new one. These were considered too expensive and more environmentally damaging than the chosen option. Resurfacing the existing pier creates very little pollutant loading and makes use of an otherwise sound structure.

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

An EcoCAT endangered species consultation submitted on August 25, 2016 to the IDNR resulted in the identification of several endangered species that may be present in the area including Sea Rocket (*Cakile edentula*), and Seaside Spurge (*Chamaesyce polygonifolia*) among others. IDNR will evaluate the EcoCAT information and respond with their decision. Given the location of the project, the listed species are not likely to be adversely affected.

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 draft 401 Water Quality Certification was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; 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 local community utilizing the Lake Michigan shoreline by providing a safe pier for recreational use and the maintenance of Waukegan Harbor entrance protection. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.