

IEPA Log No.: **C-0012-19**
CoE appl. #: **LRC-2018-00651**

Public Notice Beginning Date: **September 18, 2019**
Public Notice Ending Date: **October 9, 2019**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification for Discharge of Dredged or Fill Material

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: Wisconsin Central Ltd – 17641 South Ashland Ave., Homewood, IL 60430

Discharge Location: Near Hoffman Estates and Elgin in Sections 9, 16, 17 and 20 of Township 41-North, Range 9-East of the East 3rd P.M. in Cook County.

Name of Receiving Water: Poplar Creek and adjacent wetlands

Project Description: Proposed impacts associated with construction of a second mainline railroad track from milepost 37.59 to 41.86 along a 4.27 mile segment of existing rail corridor.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge dredged or fill material 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 contact Darren Gove at email darren.gove@illinois.gov or phone no. 217/782-3362.

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Fact Sheet for Antidegradation Assessment
For Wisconsin Central Ltd
IEPA Log No. C-0012-19
COE Log No. LRC-2018-00651
Contact: Angie Sutton 217/558-2012
Public Notice Start Date: September 18, 2019

Wisconsin Central Ltd (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the construction of a new main track extension which includes bridge construction and widening in Sections 9,16,17, and 20, Township 41 North, Range 9 East, Cook County, Illinois. The project site is a 4.27-mile corridor located north of Spaulding Road, south of Shoe Factory Road, east of Rohrsen Road, and west of Route 59/Sutton Road. The proposed project consists of installing 4.27 miles of main line track to create a double track by connecting to existing track within the right-of-way (ROW) to help improve traffic flow. Currently, southbound trains stage north of the intersection waiting for northbound trains to pass. Because it takes some time for the waiting trains to get up to speed and through the intersection, there can be very lengthy crossing delays. A double track will allow uninterrupted flow of freight traffic by allowing northbound and southbound trains to pass through the crossing without stopping. The project will necessitate widening the bridge over Poplar Creek and relocating 2 areas of the Railroad Tributary. The 1.24 impacted acres on the site will include 0.01 acres of minimal impact to Poplar Creek, and 1.23 acres of impact to the Railroad Tributary to Poplar Creek. Of the 1.24 impacted acres, 0.59 acres are impacted due to filling and 0.65 acres are impacted due to excavation to provide relocation of the waterways that are partially within the existing wetland/waters limits. Bridge construction will have temporary impacts to the associated wetland due to equipment pads adjacent to the new bridge footings as well as a possible causeway crossing Poplar Creek to provide access to both footings without using the existing bridge. Proposed mitigation for impacts to the low-quality wetlands/waters will be at a ratio of 1.5:1. 1.86 acres of wetland mitigation credits will be purchased from a wetland mitigation bank.

Information used in this review was obtained from the application documents dated August 19, 2019, December 20, 2018, December 19, 2018, August 8, 2018, August 6, 2018, and July 25, 2018.

Identification and Characterization of the Affected Water Body.

Poplar Creek has 0 cfs of flow during critical 7Q10 low-flow conditions. Poplar Creek is classified as a General Use Water. Poplar Creek is not listed as a biologically significant stream in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*. This section of Poplar Creek is not given an integrity rating, but it is classified as a C stream approximately 0.5 miles downstream, and as a D stream approximately 0.2 miles upstream. Poplar Creek, Waterbody Segment IL_DTG-02, is listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for aquatic life use with potential causes given as chloride and total suspended solids and primary contact use with potential cause given as fecal coliform. Poplar Creek is subject to enhanced dissolved oxygen standards.

A wetland survey was conducted for the project area on July 16th, 18th and 23rd, 2018 and identified 13 wetlands. Four of these wetlands within the right of way (ROW) (Areas 1, 6, 6A

and 8) were identified as jurisdictional waters all of which are considered Non-High Quality Aquatic Resources (Non-HQAR). Methodology presented in *Plants of Chicago Region* (Swink and Wilhelm, 1994) proposes that an area with a native mean C of 3.5 or less, or a native FQI of 20 or less suggests insufficient floristic quality to be considered a High Quality Aquatic Resource.

Area Number	Acreage within ROW (AC)	Floristic Quality Index (FQI)	Native Mean Conservatism (C)	HQAR? (Y/N)
1	1.09	11.32	1.94	N
6	0.54	15.41	2.86	N
6A	0.05	9.30	2.40	N
8	0.18	2.89	1.67	N

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, a normal and unavoidable result of the excavation and filling to extend and widen the railway, may occur in the proposed project area. 0.59 acres of wetland will be filled, and 0.65 acres of wetland is proposed to be excavated. These activities are related to the addition of the second main line track within the railroad ROW and the required partial relocation of existing waterways. Clean fill, stone and concrete will be used for the project. Impacts to Area 1, the Railroad Tributary are expected to be due to approximately 0.40 acres of fringe impact due to filling, and 0.54 acres of fringe impact due to channel relocation. Impacts to Area 6, the Railroad Tributary are expected to be 0.28 acres of wetland fringe impacts due to grading and filling. Area 8 may have 0.001 acres of temporary impacts due to the installation of a temporary bridge crossing for proposed widening of the existing bridge to accommodate a double track. Permanent impacts are expected to be approximately 0.01 acres of wetland fringe impact. Bridge construction will have temporary impacts to the associated wetland due to equipment pads adjacent to the new bridge footings as well as a possible causeway crossing Poplar Creek to provide access to both footings without using the existing bridge.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in total suspended solids would be local and temporary. Although the existing benthic habitat would be permanently filled by the construction activities, it is anticipated to recover and improve over time due to the relocation/replacement of approximately 1.9 acres waterways within the ROW in areas 1 and 6. This will be accomplished with the improvement of existing eroded banks and low-quality vegetation by planting all ditch slopes with native

vegetation. Because all impacted areas are of low vegetative quality, the required mitigation ratio is 1.5:1. The impacted 1.24 acres will be mitigated by purchasing 1.86 acres from a wetland mitigation bank.

Purpose and Social & Economic Benefits of the Proposed Activity.

The proposed project would add a second main line track to improve north/south rail traffic flows and decrease wait times at vehicle crossings. Currently, southbound trains stage north of the intersection waiting for northbound trains to pass. Because it takes some time for the waiting trains to get up to speed and through the intersection, there can be very lengthy crossing delays. A double track will allow uninterrupted flow of freight traffic by allowing northbound and southbound trains to pass through the crossing without stopping. The project could also positively affect commuter rail traffic on the Milwaukee District West line which intersects the current main line and proposed second main track at the southern end of the project site.

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

No practical alternatives exist due to the linear nature of rail tracks, and the presence of pre-existing infrastructure. Impacts to jurisdictional waters have been minimized with the proposed construction of a 1281 linear foot retaining wall. This will allow for grading limits adjacent to Poplar Creek and the Railroad Tributary to be minimized as much as possible to avoid significant impacts to the waterways. Land disturbance will also be limited to areas needed for track embankment construction, transportation signals and storm water management. Due to the presence of the already existing mainline track within the project boundaries, the only feasible options are to build either to the east or to the west of the track.

Option 1 – Build to the west side of existing track:

This is the preferred option. This option takes into consideration that the siding that would be needed to extend the second main track, already exists at Shoe Factory Road just at the northern edge of the project boundary.

Option 2 – Build to the east side of existing track:

This option would impact areas of the Poplar Creek Forest Preserve. The preserve directly abuts the ROW for most of the northern section of the project boundary. Shoe Factory Road Nature Preserve is within the boundaries of the Forest Preserve and is identified on the Illinois Natural Heritage Database. Construction of the east side of the existing main track would result in greater impacts to natural resources versus proposed west side track construction.

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 8, 2018 to the Illinois Department of Natural Resources resulted in identification of the Bluff Springs Fen Class III recharge area which protects the integrity of Bluff Springs Fen Nature Preserve INAI Site. The

Department recommends that BMP's be implemented to ensure that the quality and quantity of groundwater not be adversely affected to avoid potential liability on the part of the applicant. EcoCAT also indicates a record of the rusty-patched bumble bee (*Bombus affinis*), a federally-listed endangered species, in the vicinity of the project area. The IDNR recommends work that disturbs the ground (nesting and foraging habitats) be completed between October 1st and April 1st to avoid potential impacts. Given the above recommendations are adopted, the Department has determined that impacts are unlikely and closed the consultation.

An EcoCAT endangered species consultation was also submitted to IDNR on August 19, 2019. The EcoCAT resulted in identification of a significant fishery resource and species sensitive to poor water quality and stream degradation within Poplar Creek. The IDNR recommends that no instream work occur between April 1st and June 15th to avoid impacts to these species during their spawning season. The Department also recommends soil erosion and sediment BMP's be implemented and strictly followed to protect water quality in Poplar Creek. Given these recommendations are adopted, the IDNR determined that impacts are unlikely and closed the consultation.

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 assessment was written. We tentatively find that the proposed activity would 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 would benefit the community by improving rail traffic flow and in turn, shortening wait times at road crossings. Commuter rail traffic on the Milwaukee District West line which intersects the current main line and proposed second main track at the southern end of the project site will also benefit from the improved rail traffic flow. The eroded existing banks of the Railroad Tributary will be improved with relocation, by replanting with native vegetation. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.