

IEPA Log No.: **C-0189-18**  
CoE appl. #: **LRC-2017-124**

Public Notice Beginning Date: **September 25, 2019**  
Public Notice Ending Date: **October 10, 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:** Morton Salt, Inc. – 444 West Lake Street, Chicago, IL 60616

**Discharge Location:** Near Chicago in Section 8 of Township 37-North, Range 15-East of the East 3rd P.M. in Cook County.

**Name of Receiving Water:** Calumet River

**Project Description:** After-the-fact repair to approximately 948.5 linear feet of failed and failing river seawall.

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](mailto:darren.gove@illinois.gov) or phone no. 217/782-3362.

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Fact Sheet for Antidegradation Assessment  
For Morton Salt, Inc.  
IEPA Log No. C-0189-18  
COE Log No. LRC-2017-124  
Contact: Angie Sutton 217/558-2012  
Public Notice Start Date: September 25, 2019

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Morton Salt, Inc. (“Applicant”) has already completed a portion of the work and is leaving the work completed in place, so the review of the plans is after-the-fact for a portion of the proposed work.

The applicant is proposing to repair approximately 948.5 linear feet (LF) of seawall along the Calumet River in Chicago. The work would include constructing steel sheetpile seawall on the bank of the Calumet River 3 feet riverward of the existing seawall and leaving in place, previously unauthorized timber fenders along 144.5 LF of recently replaced seawall. The space between the existing and new wall will be filled by structural CA8 aggregate and permanently confined to this space. The existing seawall is at risk of failing suddenly, necessitating immediate repair. USACE concurs that failure of the wall is imminent. The new seawall will provide stabilization of the bank which is required for import of product and site operations, as well as keep further bank failures from entering the water. The total area impacted is about 0.065 acres. Mitigation is not proposed for this project.

Information use in this review was obtained from the application documents dated January 24, 2019, February 12, 2019, March 11, 2019, March 13, 2019, and August 16, 2019.

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

The Calumet River has 8 cfs of flow during critical 7Q10 low-flow conditions. The Calumet River is classified as General Use Water. The Calumet River 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*, nor is it given an integrity rating in that document. The Calumet River, Waterbody Segment HAA-01, is listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for fish consumption use with potential causes given as mercury and polychlorinated biphenyls and primary contact use with potential cause given as fecal coliform. Aquatic life use is fully supported. The Calumet River is not subject to enhanced dissolved oxygen standards.

#### **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 placement of the fill material between the existing and new walls, are expected. The construction of the seawall will fill 0.065 acres. No mitigation is proposed for this project as total impact to waters of the U.S. totals 0.065 acres (area of space filled with CA8 aggregate) and this is less than the threshold of 0.1 acres requiring mitigation.

### **Fate and Effect of Parameters Proposed for Increased Loading.**

The increase in suspended solids, from the construction of the seawall, will be local but temporary concerning disturbance to benthic habitat. The loss of 0.065 acres will be permanent. No mitigation is proposed for this project as total impact to waters of the U.S. totals 0.065 acres (area between new and existing walls permanently filled by self-compacting aggregate) and this is less than the threshold of 0.1 acres requiring mitigation. Although the benthic habitat will be disturbed by the construction activities, it is anticipated to recover over time.

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

The purpose of the proposed seawall is to stabilize the bank for use of the wharf for loading and unloading of commercial vessels. The seawall is at risk of sudden failure, and repair will prevent further failures from entering the waterway as well as provide continued wharf access.

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

The options that were discussed for keeping fill from entering the waterway include staging of fill materials at a safe distance and avoidance of swinging mechanical equipment over the waterway while loaded with fill materials. Unused materials will be staged on-site for future disposal upland. Existing sheetpiles will be minimally disturbed and remain in place. Adjacent properties and navigation of the channel will be affected if failure occurs and the continued operation of the site as an industrial import facility will be at risk. The option to do nothing is not a feasible long-term solution as the seawall is at risk of sudden failure.

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

On August 16, 2019, the IDNR EcoCAT review was initiated for the project area. The review identified protected resources that may be in the vicinity of the project site, but IDNR evaluated the information and determined that adverse effects are unlikely. IDNR terminated the consultation request on August 16, 2019. On March 13, 2019, IDNR found that no historic properties are/were affected and found no objection to completing the project as planned. Forest County Potawatomi Community (letter dated March 11, 2019) have no further concern about the project.

### **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 permit was written. We tentatively find that the proposed activity will result in the attainment of water quality standards and TMDL load allocations; that all existing uses of the receiving stream 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 project site by providing bank stabilization for continued product import and site operations, in addition to preventing further bank failures from entering the waterway. Comments received during the NPDES permit public notice period will be evaluated before a final decision is made by the Agency.