Illinois Environmental Protection Agency
Bureau of Water, Permit Section
(IEPA)

1021 North Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276, 217/782-3362

The IEPA has issued a Public Notice of a request for a Clean Water Act Section 401 water quality certification that would allow the issuance of a federal permit for the discharge of pollutants to waters of the State.

Public Notice Beginning Date:	**Public Notice Ending Date:**
Wednesday, November 27, 2024	Tuesday, December 17, 2024

Agency Log No.: C-0177-24

Federal Permit Information: Coast Guard Bridge Permit

Name and Address of Discharger: City of Chicago Dept. of Transportation - Div. of Engineering, Soliman Khudeira - 2 N LaSalle Street, Suite 820, Chicago, IL 60602

Discharge Location: In Section 5 of Township 39-North and Range 14-East of the East 3rd Principal Meridian in Cook County. Additional project location information includes the following: 1129 West Division Street (Bridge # 016-6016), Chicago, IL 60610

Name of Receiving Water: North Branch of the Chicago River

Project Name/Description: Reconstruction of the Division Street Bridge over the North Branch of the Chicago River - proposed replacement of the existing bascule bridge with a liftable fixed span bridge, resurfacing and reconstruction, sidewalk reconstruction and curb and gutter replacement

Construction Schedule: Beginning Dec 2024 and ending Dec 2026

The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters must provide their name and address along with comments on the certification request. The IEPA Log number must appear on each comment page. Commenters may include a request for public hearing. Only hearing requests and comments that pertain to Clean Water Act Section 401 authority will be considered. This authority provides consideration of whether the permit or license would be consistent with Sections 301, 302, 303, 306, or 307 of the CWA, as well as "any other appropriate requirement of State [or tribal] law". Requests for additional comment period must provide a demonstration of need. The final day of comment acceptance will be on the Public Notice Ending date shown above, unless the IEPA grants an extended notice period. The attached Fact Sheet provides a detailed description of the project and the findings of the IEPA's antidegradation assessment.

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 see the contact information below.

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Post Document. No. C-0177-24-11272024-PublicNoticeAndFactSheet.pdf

401 Water Quality Certification Fact Sheet for Reconstruction of the Division Street Bridge
IEPA Log No. C-0177-24
Contact: Ryan Sherman 217-524-0553

The Chicago Department of Transportation (CDOT) has applied for a 401 Water Quality Certification for impacts associated replacement of two bridge structures on Division Street in Cook County, Chicago, Illinois, spanning the North Branch of the Chicago River and the North Branch Canal. The Division Street Bridge over the North Branch of the Chicago River was constructed in 1904 for the City of Chicago by the Department of Public Works. The Division Street River Bridge structure was rehabilitated in 1992. The existing structures are moveable bascule bridges that are currently in poor condition and functionally obsolete. The existing structure provides for a single lane of vehicular traffic in each direction and cannot meet the demands of existing and projected traffic volumes. Goose Island and the adjacent area have undergone rapid expansion, increasing truck traffic. Current forecasts project more industrial and truck traffic growth. Numerous safety hazards associated with the bridge need to be addressed. The proposed improvements consist of the removal of the existing, inoperable bascule bridge and the replacement with a wider, fixed span bridge. This project will address and improve items including roadway geometry, existing bridge conditions, traffic capacity, and safety considerations. The net permanent impact will be 940 sf (0.0216 acres). Because the impacts are less than 0.1 Ac, no mitigation is proposed for this project.

The bridge construction project has been authorized by the U.S. Army Corps of Engineers (USACE) using an individual permit to satisfy federal CWA § 404 permitting requirements. The U.S. Coast Guard (USCG) also regulates this activity under its own authority; therefore, a state water quality certification under CWA § 401 may be required for the USCG permit process. Until recent changes to the 401 certification rules pursuant to 40 CFR 121, USCG would satisfy its permitting criteria by using an existing water quality certification issued for a USACE permit, provided the project's permitted activities are identical. Given these procedural changes, it is necessary for the proponent to seek a separate CWA § 401 water quality certification for the pending USCG permit even though this Agency has already evaluated and made a final determination that the activity would meet all applicable water quality requirements.

Information used in this review was obtained from the application documents dated August 16, 2024.

Identification and Characterization of the Affected Water Body.

The North Branch Chicago River has 279 cfs of flow during critical 7Q10 low-flow conditions. The North Branch Chicago River is classified as Chicago Area Waterway System Aquatic Life Use A Waters. The North Branch Chicago 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*, however, is it given an integrity rating of "D" in that document. The North Branch Chicago River, Waterbody Segment IL_HCC-08, is listed on the 2024 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, impaired for indigenous aquatic life use with potential causes given as chloride, dissolved oxygen, flow regime modification, nickel, total phosphorus, and total dissolved solids, and impaired for primary contact use with a potential cause given as fecal coliform. Aesthetic quality use has not been assessed. This segment of the North Branch Chicago River is not subject to enhanced dissolved oxygen standards.

A wetland impact evaluation found no wetlands in the vicinity of the project location. According to a Wetland Delineation Report Summary, dated August 27, 2010, an investigation was conducted along

these waterways in the vicinity of the project footprint to determine if any wetland impacts would result from the proposed bridge replacements. Most of the shoreline at the project site is reinforced by concrete, steel sheet piling or timber seawalls and contains no wetlands. The investigation confirmed past findings and focused on the area north of Division Street along the North Branch Canal where the banks are vegetated. No wetlands are present within the proposed footprint of the bridge construction and no wetlands or waters of the U.S. exist above the ordinary high-water mark (OHWM) of the Chicago River and the North Branch Canal.

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

The proposed foundations, including steel sheet piling backfilled with stone and a concrete cap, will result in impacts totaling 940 square feet of impacts to WOUS. Temporary impacts of 180 square feet will result to WOUS from temporary cofferdam placement in the river. The following impact table below summarizes all proposed impacts:

Feature	Location	Fill Within Waterway (sf)	Temporary or Permanent Impacts	Comment
Proposed Foundation	West Abutment	515 sf	Permanent	Required for widening of bridge; does not impact clear channel width. Existing foundation to remain with proposed foundation widening to the outside.
	East Abutment	425 sf	Permanent	
Temporary Cofferdam	West Abutment	180 sf	Temporary	Required for installing the relocated MWRD sewer outfall; does not impact clear channel width.
	East Abutment	0 sf	Temporary	

The proposed project is not expected to cause an increase in pollutant loadings over what is currently being experienced. A short-term, temporary increase in pollutant loads may occur due to erosion during construction and removal of the existing substructure. Total suspended solids will also increase temporarily with the removal of the existing substructure. Benthic organisms present within the project area may be impacted by increases in sediment loads; fish may be impacted by increased turbidity. Impacted fish and benthic organisms are expected to return once construction is complete. Stormwater runoff associated contaminants may include oils and grease, heavy metals, dust, rubber, antifreeze, and road salt. The project is not anticipated to result in an increase of these pollutant loads over what is currently being experienced.

Fate and Effect of Parameters Proposed for Increased Loading.

Impacts due to erosion and the release of sediment during fill will be minimized using erosion and sediment control methods. All erosion and sediment control measures will be maintained and will remain in place until construction is complete, and site conditions stabilize. The design will adhere to guidelines established by the current Illinois Urban Manual. A temporary bridge and a runaround will be installed to the north of the existing structure. Temporary piers will be located within the waterway while maintaining the existing clear channel widths. It shall be constructed with clean coarse aggregate or nonerodable non-earthen fill material that will not cause siltation. Backfill will be completed with clean fill material and will be placed in a manner to prevent the violation of water quality standards. Due to the use of these best management practices (BMPs), any increase in turbidity due to suspended solids from erosion or the incidental release of fill will be localized and temporary. Because the impacts to the streambed are less than 0.1 Ac, no mitigation is proposed for the project.

Purpose and Social & Economic Benefits of the Proposed Activity.

While not structurally deficient, the geometry of the existing bridge is functionally obsolete in terms of capacity, operations, and safety. The existing bridge can only carry two lanes of traffic. The east and west approaches to the bridge carry four lanes of traffic which taper abruptly at the bridge, creating a bottleneck, disrupting the flow of traffic, and causing an unsafe merge zone.

The replacement of the structure will improve both vehicular and pedestrian access on Division Street. The decrease in traffic delays at the current bottleneck will inhibit any economic impacts on area industries and commercial businesses. The replacement of the structure will have a beneficial impact on the area.

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

No-Build Alternative:
The no-build alternative would involve not providing improvements to the existing structure. While routine maintenance and repairs would be done, this would not correct problems such as deck geometry, traffic flow restrictions, overall structural conditions, and safety hazards. Due to these reasons, this alternative was eliminated as a viable option as it does not address safety or transportation concerns.

Rehabilitate Existing:
This full rehabilitation alternative would restore the structural integrity of the existing bridge. The advantages include an unrestricted vertical clearance over the river, a lower initial cost, and a shorter construction period. The disadvantages of traffic flow restrictions, safety hazards, and that the roadway width being considered substandard would remain. Due to physical and structural deficiencies and inability to accommodate necessary traffic volumes, the structure rehabilitation alternative was eliminated as a viable option.

Avoidance Option:
Construction of a bridge at a new location on an alternate alignment was considered. This alternative assumes that the existing bridge would remain in place and a permanent four-lane runaround with a new bridge would be constructed on a new alignment. The high overall costs for land acquisition, impacts to adjacent properties, the new offset roadway with new bridge structure, and continued costs to maintain the existing bridge make this alternative a nonviable option. Therefore, rerouting around the existing structure was not considered to be a feasible alternative.

Replace in-kind:
This alternative assumes that the existing bridge would be removed and replaced with a new double-leaf bascule bridge utilizing two trusses. The proposed bridge would be widened to meet current traffic demands and provide four traffic lanes. This option addresses traffic flow and safety hazards as well as maintaining the existing vertical clearance over the river. However, this alternative would have a longer construction period, a need for a detour which negatively impacts the surrounding commercial and industrial operations, the existing substructure pits would have to be demolished and replaced, and new installations for mechanical and electrical machinery, controls, and a bridge tender house. Replacement of the existing bridge with a new moveable bridge is not economically feasible and was eliminated as a viable alternative.

Removal and Replacement (Preferred Alternative):
This alternative assumes complete removal of the existing bridge superstructure and portions of the substructure and replacement with a new fixed structure, a cable-stayed bridge, that meets all the design criteria. The advantages of this alternative include elimination of traffic flow restrictions and safety

hazards and allowance of sufficient vertical clearance over the river. The proposed replacement bridge is the most cost-effective option. The proposed replacement of the structure will satisfy the functional, geometric, and navigation requirements. Total replacement was chosen as the preferred alternative because it is the only option that can address the inadequate roadway width and accommodate the four required travel lanes.

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

An IDOT Natural Resources Review Validation, dated April 10, 2023, determined that the proposed improvement is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of any critical habitat.

A consistency letter for the project under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat dated March 23, 2023, from US Fish and Wildlife Service (USFWS) states that the proposed project will have no effect on the endangered Indiana bat (*Myotis sodalis*) or the threatened Northern long-eared bat (*Myotis septentrionalis*). USFWS goes on to state that if the Proposed Action is not modified, no consultation is required for these two species.

The letter also states that the following species may occur in the project area and are not covered by the determination:

- Eastern Massasauga (=rattlesnake) (*Sistrurus catenatus)* – Threatened
- Eastern Prairie Fringed Orchid (*Platanthera leucophaea)* – Threatened
- Hine's Emerald Dragonfly (*Somatochlora hineana)* – Endangered
- Leafy Prairie-clover (*Dalea foliosa)* – Endangered
- Monarch Butterfly (*Danaus plexippus)* – Candidate
- Piping Plover (*Charadrius melodus)* – Endangered
- Red Knot (*Calidris canutus rufa)* – Threatened
- Whooping Crane (*Grus americana*) – Experimental population, non-essential

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 area by replacing a functionally obsolete existing bridge to address roadway deficiencies and traffic safety. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.