

**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:

Wednesday, November 27, 2024

Public Notice Ending Date:

Tuesday, December 17, 2024

Agency Log No.: C-0212-24

Federal Permit Information: Federal permit/license no. LRC-2024-00570 is under the jurisdiction of Chicago District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: Illinois State Toll Highway Authority, Bryan Wagner - 2700 Ogden Ave., Downers Grove, IL 60515

Discharge Location: In Section 25 of Township 41-North and Range 11-East of the East 3rd Principal Meridian in Cook County. Additional project location information includes the following: North of Touhy Avenue and south of I-90, West of Mt Prospect Rd, Chicago, IL 60661

Name of Receiving Water: Higgins Creek

Project Name/Description: Higgins Creek Bank Stabilization - proposed I-490/I-90 Interchange (Contract 4705C) will bridge over Higgins Creek and the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) Touhy Avenue Reservoir Cell 2.

Construction Schedule: Immediate (Planned project duration is approximately 122 days)

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-0212-24-11272024-PublicNoticeAndFactSheet.pdf

Illinois Tollway (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with streambank stabilization involving riprap placement in eroded areas along Higgins Creek in Des Plaines, Cook County, Illinois. Illinois Tollway agreed to include the design and construction of the restoration and stabilization of a portion of Higgins Creek as part of the Elgin O’Hare Western Access improvement project, at the request and cost of both MWRDGC and the City of Chicago. The stream reach requiring stabilization is located north of Touhy Avenue and south of I-90 (Jane Addams Memorial Tollway) between Touhy Avenue Reservoir Cells 1 and 2.

These proposed practices will stabilize the streambank erosion. The proposed project site is located within the U.S. Geological Survey (USGS) 7.5-minute, Cook County, Arlington Heights quadrangle (latitude 42.009760; longitude -87.926770) within the Upper Mississippi Region watershed, Des Plaines subbasin (Hydrologic Unit Code [HUC] 07120004). The main components of the project include:

- Stabilization of the creek banks using riprap along the base and slide-slopes of the creek on both banks.
- 5.3 tons of riprap per linear foot to re-establish 3:1 bank side-slopes to restore the creek.
- 2,901.9 cubic yards of riprap to be added to Higgins Creek below the OHWM.

Information used in this review was obtained from the application documents dated September 27, 2024.

Identification and Characterization of the Affected Water Body

Higgins Creek has 0 cfs of flow during 7Q10 low-flow conditions. Higgins Creek is classified as General Use Water. Higgins 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*, nor is it given an integrity rating in that document. Higgins Creek, Waterbody Segment IL_GOA-01, is listed on the 2020/2022 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for aquatic life use with potential cause given as chloride and phosphorus, and impaired for primary contact use with a potential cause given as fecal coliform. Aesthetic quality and fish consumption uses have not been assessed. This segment of Higgins Creek is not subject to enhanced dissolved oxygen standards.

Higgins Creek is an intermittent stream approximately 1.69 miles long, with moderate channelization and low sinuosity. It is in the Willow Creek watershed hydrologic unit code-10 (HUC) 0712000405. The Higgins Creek stream channel was modified from a natural condition to accommodate adjacent flood control facilities and includes a mostly trapezoidal and entrenched cross-section with flow constricted by the Touhy Avenue Reservoir project in 2004. The stream banks show signs of significant erosion on both the west and east banks. Erosion is particularly severe near the point of overflow from Higgins Creek into Reservoir Cell 2.

A wetland delineation was conducted by Jacobs Engineering Group Inc. on April 18 and 19, 2024. Wetlands were not identified within the survey area as all areas lacked one or more of the three mandatory criteria for wetlands (hydrophytic vegetation, wetland hydrology, and hydric soils) as outlined in the Delineation Manual (Environmental Laboratory 1987). Higgins Creek does not provide essential fish habitat and no state- or federally listed threatened or endangered species were observed during the aquatic resource delineation and biological resource field surveys conducted on April 18 and 19, 2024. Within the survey area, herbaceous upland communities were identified. The upland communities are dominated by Reed canary grass (*Phalaris arundinacea*), Wild carrot (*Daucus carota*), Kentucky bluegrass smooth brome (*Poa pretensis*), and Common buckthorn (*Rhamnus cathartica*). The vegetation within the survey area appears to be highly disturbed by maintenance, mowing, construction activities, and vehicle traffic.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses

No pollutant load increase would occur permanently as the only addition to Higgins Creek is riprap (2,901.9 cubic yards) to stabilize the banks, thereby maintaining its integrity. Temporary pollutant load increases during construction will be minimal because the creek will be sealed off via cofferdams and dewatered during construction. Riprap will not adversely affect the creek or its quality.

Fate and Effect of Parameters Proposed for Increased Loading

Disturbance of the stream bank to place riprap could cause soil erosion into Higgins Creek and downstream. These potential causes for increased pollutant loading will be minimized by sealing off the creek in this area via cofferdams and dewatering it during construction. The contractor will develop a Stormwater Pollution Prevention Plan (SWPPP), in accordance with the requirements for the Illinois NPDES Permit for Construction Activities, to control erosion and sedimentation during construction.

Overall, the proposed project will have a positive effect on Higgins Creek as the streambanks will be stabilized. No mitigation is proposed for this project as the project itself is compensation for any impacts proposed and impacts to the waterway will not be permanent.

Purpose and Social & Economic Benefits of the Proposed Activity

The purpose of this project is to protect the integrity of the maintenance road from being impacted by the instability of the west bank of Higgins Creek. The instability of the west bank is threatening to undermine the adjacent maintenance road. The integrity of the maintenance road is critical as it provides access to MWRD flood control cells that provide flood protection for O'Hare Airport and the surrounding residents, and businesses.

Assessment of Alternatives for Less Increase in Loading or Minimal Environment Degradation

The proposed action will not impact wetlands or Waters of the U.S. and will result in reduced risk of future erosion and maintain existing hydraulics of the creek and detention ponds. The alternative would extend the concrete revetment mat further downstream, requiring 2,865.5 cubic yards of concrete revetment mat to be added to Higgins Creek below the ordinary high-water mark. This would increase conveyance, decrease potential reservoir storage, and increase risk of downstream flooding; therefore, this

alternative is not recommended. Under both alternatives, existing vegetation would be preserved where possible and vegetation disturbed by construction would be restored outside the stabilization limits.

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

An EcoCAT endangered species consultation was submitted on October 15, 2024 (Project #2504709) to the Illinois Department of Natural Resources. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

USFWS Information for Planning and Consultation (IPaC) identified the piping plover (*Charadrius melodus*), rufa red knot (*Calidris canutus rufa*), whooping crane (*Grus americana*), eastern massassauga (*Sistrurus calenatus*), Hine's emerald dragonfly (*Somatochlora*), monarch butterfly, eastern prairie fringed orchid (*Platanthera leucophaea*), and leafy prairie clover (*Dalea foliosa*) as potentially occurring within the survey area. However, suitable habitat was not observed within the survey area for piping plover, rufa red knot, whooping crane, eastern massassauga, Hine's emerald dragonfly, eastern prairie fringed orchid, and leafy prairie clover. No state- or federally listed threatened or endangered species were observed within or adjacent to the survey area during the April 2024 field survey.

While suitable breeding habitat may be present within the survey area for the monarch butterfly (*Danus plexippus*), as a candidate for listing, the monarch butterfly is not currently afforded protection under the Federal Endangered Species Act. If the project goes to construction during or after a proposed USFWS rule list the species, the project team will reassess the need for species-specific avoidance and minimization measures for the species.

In summary, no state listed threatened or endangered species were recorded in a natural resources review conducted by the IDNR INHD EcoCAT (IDNR 2023) and no federally protected species have suitable habitat or the potential to occur onsite.

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 addressing the instability concerns of the west bank of Higgins Creek impacting the maintenance road that provides reliable access to MWRD's flood control cells that provide flood protection for O'Hare Airport and the surrounding residents, and businesses. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.