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, March 5, 2025	Tuesday, March 25, 2025

Agency Log No.: C-0211-24

Federal Permit Information: Coast Guard Bridge Permit

Name and Address of Discharger: City of Chicago Dept. of Transportation - Div. of Engineering, Soliman Khudeira - 30 N LaSalle Street, Suite 400, 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: 829 West Division Street (Bridge #016-6015), Chicago, IL 60610

Name of Receiving Water: North Branch Canal of Chicago River

Project Name/Description: Reconstruction of the Division Street Bridge over the North Branch Canal - proposed removal and replacement of a temporary bridge at Division Street and associated roadway improvements

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-0211-24-03052025-PublicNoticeAndFactSheet.pdf

401 Water Quality Certification Fact Sheet for Division St. Bridge over North Branch Cananl

IEPA Log No. C-0211-24

Contact: Angie Sutton 217-782-9864

The Chicago Department of Transportation (CDOT) has applied for a 401 Water Quality Certification for impacts associated with 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 proposed project is located at Township 39 North, Range 14 East, Sections 4 and 5 near 829 West Division Street, Chicago, Cook County, Illinois. The Division Street Bridge over the North Branch Canal was originally a moveable bascule bridge that was in poor condition and was functionally obsolete at the time of the 2012 permit authorization. In 2014, it was replaced with a temporary bridge. The proposed improvements include the replacement of the existing temporary bridge with a fixed span bridge. The proposed bridge over the North Branch Canal is a thrust arch structure. Work on the roadway approaches to the new bridge structure will include resurfacing and reconstruction, sidewalk reconstruction and curb and gutter replacement.

Goose Island and the adjacent area have undergone rapid expansion which has resulted in an increase of truck traffic. Current forecasts project more industrial and truck traffic growth in the area. A new permanent structure, a thrust arch structure, is required to replace the temporary bridge. The new bridge will address roadway safety and congestion issues. The proposed work will include reuse of river and anchor piers when possible, placement of sheet piling, and construction of the new bridge foundations on drilled shafts outside of the existing clear channel width. The existing bridge pits will remain for incorporation into a future riverwalk, with a portion of the floor being partially removed for installation of the new foundation. In order to minimize the impacts on traffic along Division Street during construction, 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 width. Barge mounted equipment will be required for the construction and removal of the existing structure.

The permanent impacts proposed will be 1433 sq ft (0.033 acres) as a result of bridge foundation construction. Because the permanent impacts are less than 0.1 Ac, no mitigation is proposed for this project. Temporary impacts are expected in 835 sq ft (0.02 acres) as a result of placement of the temporary cofferdam.

This application is being submitted concurrently to the United States Army Corps of Engineers (USACE), IDNR Office of Water Resources and United States Coast Guard (USCG). The project was authorized in November 2021 under Regional Permit RP3 (408-LRC-2020-0037 / LRC-2011-00686). However, due to project delays, the USACE is re-verifying the existing permit under Nationwide Permit 15 (US Coast Guard Approved Bridges).

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 May 9, 2014, July 23, 2018, July 25, 2018, and August 16, 2024.

Identification and Characterization of the Affected Water Body.

The North Branch Canal has 0 cfs of flow during critical 7Q10 low-flow conditions. The North Branch Canal is classified as Chicago Area Waterway System Aquatic Life Use A Waters. The North Branch Canal 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 Canal (no segment code), tributary to Waterbody Segment IL_HCC-08, is not listed on the 2024 Illinois Integrated Water Quality Report and Section 303(d) List as it has not been assessed. This segment of the North Branch Canal is not subject to enhanced dissolved oxygen standards.

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 composed of rock and concrete. This rock and concrete ends approximately 30 feet south of the bridge after which a wooden retaining wall begins. The banks are extremely steep with no soil present. Vegetation is present despite the fact that no soil is present. Close to the canal dominant vegetation consisted of white mulberry (*Morus alba*) and higher on the banks dominant vegetation consisted of yellow jewelweed

(*Impatiens pallida*). The southeast bank would not be considered a wetland despite the proximity to the canal and the hydrophytic vegetation due to the lack of soil.

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 1433 square feet of permanent impacts to WOUS as a result of 175.1 cubic yards (CY) of clean fill. 835 square feet of temporary impacts to WOUS will result from temporary cofferdam placement in the river. The following impact table below summarizes all proposed impacts:

Feature	Location	Fill Within Waterway (sq ft)	Temporary or Permanent Impacts	Comment
Proposed Foundation	West Abutment	430	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	1003	Permanent	
Temporary Cofferdam	West Abutment	374	Temporary	Required for widening of bridge; does not impact clear channel width.
	East Abutment	461	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.

Currently and in the past the water on the deck has always been discharged directly to the Canal under the temporary bridge as well as the original bascule bridge condition. Under the proposed bridge configuration illustrated in the section below, all the water on the deck will be collected and discharged to the combined sewer system outside of the bridge limits. The combined sewer is conveyed to MWRD sewer interceptor system and ultimately to a water treatment plant.

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. Barge mounted equipment will be required for the construction and removal of the existing structure. 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.

The original bridge structure was determined to be in critical condition following a Special Inspection in 2014. The overall evaluation was rated to be intolerable resulting in the bridge being rating a high priority for replacement. Concrete foundations that protected the ends of the bascule bridge's center truss were hazardous to merging traffic from two lanes into a single lane over the bridge. The center truss impaired sight distance which caused many rear end and sideswiping crashes near the bridge. Overall, the original bascule bridge structure was in poor structural condition and could not maintain existing and projected traffic volumes. The bascule bridge had become unsafe, functionally obsolete and had to be removed. Due to these safety concerns, the original bascule bridge was replaced in 2014 with a temporary bridge which now needs to be replaced since they are only designed for temporary use. Providing a new, permanent structure at this location will result in a safer roadway and reduced congestion.

Additionally, providing a new, permanent structure at this location will also eliminate the pollutant being discharged to the North Branch Canal below the bridge. With the proposed project, the water on the deck will be discharged to the combined sewer outside of the bridge limits where it will ultimately be treated prior to being discharged.

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

The applicant provided the following alternatives.

<u>No-Build Alternative:</u>

This alternative assumes that no improvements are made, other than routine, regular maintenance, and emergency repairs. The advantage of this alternative is that the existing bridge would be maintained in place with a minimal expenditure of funds. However, the serious disadvantages regarding traffic flow restrictions, overall structural conditions, safety hazards, and that the roadway width is considered substandard with the IDOT reported rating for deck geometry being 2: "Intolerable- High Priority for Replacement" would not be addressed. The bridge is open to traffic with an 11-ton posted weight limit. The overall structural evaluation is rated as critical/intolerable with a high priority for replacement, an NBIS rating of 2 and a sufficiency rating of 0.0. Therefore, this alternative was eliminated as a viable option.

Alternative Bridge Type – ConSpan

This alternative includes placing 6 spans of three-sided precast concrete arch span in the waterway. Each three-sided precast concrete arch unit spans 48'. The advantage of this alternative is that the construction cost is lower than the currently proposed steel thrust arch bridge. The long-term maintenance requirements are less than the steel arch bridge option. However, the ConSpan option requires placing three piers in the North Branch Canal that are perpendicular or close to perpendicular to the roadway alignment. The waterway is skewed with respect to the roadway. The alignment of the piers results in a hydraulicly inefficient waterway section and the resulting in backwater elevation exceeding IDOT's maximum. Additionally, this alternative bridge configuration will impose much significant temporary construction and permanent impact to the waterway due to the requirements of placing three piers in the river. The bridge pier will require temporary cofferdams for the construction of all three piers. Based on preliminary analysis, the geometric configuration of the concrete river piers would be approximately 15' high, 7' wide and 80' long. Therefore, this alternative was eliminated as a viable option.

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 following species may occur in the project area, but it was found that no habitat is present; therefore, it was concluded that no impacts to the species are expected:

- Piping Plover (*Charadrius melodus)* – Endangered
- Eastern Massasauga (=rattlesnake) (*Sistrurus catenatus)* – Threatened
- Hine's Emerald Dragonfly (*Somatochlora hineana)* – Endangered
- Rufa Red Knot (*Calidris canutus rufa)* – Threatened
- Rattlesnake-master borer moth - Candidate
- Eastern Prairie Fringed Orchid (*Platanthera leucophaea)* – Threatened
- Leafy Prairie-clover (*Dalea foliosa)* – Endangered
- Meads's Milkweed *(Asclepias meadii)* – Threatened
- Prairie bush clover *(Lespedeza leptostachya)* - Threatened

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.