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:**
Monday, May 12, 2025	Monday, June 2, 2025

Agency Log No.: C-0259-23

Federal Permit Information: Coast Guard Bridge Permit

Name and Address of Discharger: Illinois Department of Transportation, Jose Rios, P.E. - 201 West Center Court, Schaumberg, IL 60196

Discharge Location: In Section 30 of Township 41-North and Range 13-East of the East 3rd Principal Meridian in Cook County. Additional project location information includes the following: Touhy Avenue over the North Branch of the Chicago River in north-eastern Illinois - Touhy avenue between Franks Ave and Oak park Ave, Niles, IL 60714

Name of Receiving Water: North Branch of Chicago River

Project Name/Description: Bridge Replacement - Touhy Avenue over North Branch of Chicago River - proposed removal and replacement of existing bridge over the North Branch of the Chicago River in Niles, Cook County, Illinois

Construction Schedule: Immediate (Planned project duration is approximately 455 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-0259-23-05122025-PublicNoticeAndFactSheet.pdf

401 Water Quality Certification Fact Sheet for Touhy Ave. Bridge over North Branch Chicago River

IEPA Log No. C-0259-23

Contact: Angie Sutton 217-782-9864

The Illinois Department of Transportation (IDOT) has applied for a 401 Water Quality Certification for impacts associated replacement of a bridge structure on Touhy Avenue in Cook County, Niles, Illinois, spanning the North Branch of the Chicago River. The proposed project is located at Township 41 North, Range 13 East, Section 30, between Franks Avenue and Oak Park Avenue, Niles, Cook County, Illinois. The bridge is being replaced due to safety deficiencies as the deck and superstructure are not structurally sound. Additionally, there is no separate path for bicyclists. The proposed improvements include the removal and replacement of the existing bridge with a new wider bridge to match future widening plans for Touhy Avenue.

The proposed bridge over the North Branch Chicago River will have a span of 90 feet and will be skewed 15 degrees relative to the road to better match the River. The existing closed abutments will be replaced with new open spill-through abutments. The Bridge will be widened from 52-ft to 82 ft back- to back to provide a shared use path for bicyclists and pedestrian walkway. Construction also includes the addition of a westbound left turn lane at Touhy Avenue and Riverside Drive. Additional work proposed includes a sidewalk on the south side, a 15-foot-wide shared use path on the north side with ADA compliant curb ramps, traffic signal replacement, and an updated lighting system.

The project is proposing 0.06 acres (Ac) of unavoidable permanent impacts and 0.15 Ac temporary impacts of Surface Waters/ Wetland. The unavoidable impacts are due to culvert replacement and proximity of the wetland to the culverts. 36.5 cubic yards (CY) of concrete will be used as fill. Impacts will be mitigated at a 1.5:1 ratio.

This project qualifies for Nationwide Permit 14 but does not qualify for automatic Section 401 Water Quality Certification due to the published TMDL for chlorides in this section of the North Branch Chicago River.

The bridge construction project is being considered by the U.S. Army Corps of Engineers (USACE) for coverage under federal CWA § 404 Nation Wide Permit 14. 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 July 11, 2022, January 9, 2025, January 31, 2025,

Identification and Characterization of the Affected Water Body.

A wetland impact evaluation found one wetland and one surface water in the vicinity of the project location. A wetland delineation was conducted by Christoper B. Burke Engineering, Ltd. (CBBEL) on June 6, 2022, for the project study area. Two sites were identified: Site 1, a wet meadow wetland, and Site W1, the North Branch Chicago River.

The North Branch Chicago River has 13 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 "E" in that document. The North Branch Chicago River, Waterbody Segment IL_HCC-07, 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 aldrin, mercury and polychlorinated biphenyls (PCBs), aquatic life use with potential causes given as cause unknown, chloride, DDT (dichlorodiphenyltrichloroethane), hexachlorobenzene, loss of instream cover, nitrogen, total phosphorus, and total suspended solids (TSS), and primary contact use with a potential cause given as fecal coliform. Aesthetic quality use is fully supported. This segment of the North Branch Chicago River is not subject to enhanced dissolved oxygen standards.

Site W1 is located 1500 feet east of Milwaukee Avenue. It has an NWI code of R2UBH (Riverine Upper Perennial Unconsolidated Bottom, Permanently Flooded), and is a traditional navigable water that occurs within 0.15 Ac of the project corridor. W1 is not a HQAR and has a TMDL for chlorides and fecal coliform as part of the North Branch Chicago River TMDL.

Site 1 has an NWI code of U (Upland) and occurs in 0.06 Ac of the project area. It is not an ADID High Functional Value wetland or an HQAR. Site 1 is a depressional wetland with a mean C of 2.15 and an FQI of 7.77. Dominant vegetation includes Silver Maple (*Acer saccharium),* American Elm (*Ulmus americana),* European buckthorn *(Rhamnus cathartica),* Reed Canary Grass (*Phalaris arundinacea),* Creeping Jenny *(Lysimachia,nummularia),* Tatarian honeysuckle *(Lonicera tatarica),* Beggar's lice (*Hackelia virgiana),* and Riverbank grape (*Vitis riparia)*.

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

Construction of the new bridge will increase the impervious surface by 3,370 sq. ft. This includes a 15-ft shared-use path (SUP) and a 7-ft wide sidewalk. The roadway itself will have 4'11" wide lanes. Deicing road salt is applied at an average rate of 300 lb per lane-mile by municipalities in the Chicago area. The increased impervious surface will require an additional 18 lb of de-icing salt. Per the TMDL Phase Three Report, the deicing activities are an annual non-point source of chloride loads to the waterway.

The abutment widening will cause 0.06 Ac of permanent impacts to Site 1 (wetland), and the instream work will cause temporary impacts to 0.15 Ac of W1 (North Branch Chicago River). Total impacts are expected in 0.21 Ac.

Fate and Effect of Parameters Proposed for Increased Loading.

To minimize chloride impacts during de-icing applications, Best Management Practices (BMPs) will be implemented. Winter Operation BMPs will include the following:

- Annual training for plow operators to improve the efficiency of de-icing applications and to reduce loss of de-icing chemicals.
- The City utilizes calibrated spreaders equipped with ground sensors that can accurately control the rate of spreading.
- Prewetting solid deicing chemicals/mixtures for better adhesion to the pavement surface and for melting of the ice/snow.

- Adjusting the application rates of de-icing chemicals according to pavement temperature and weather conditions.

- Store all salt on an impermeable pad that must be constructed to ensure that minimal stormwater is coming into contact with salt unless the salt is stored in a container that ensures stormwater does not come into contact with the salt.
- Cover salt piles except when in active use, unless stored indoors.
- Good housekeeping practices must be implemented at the site, including: cleanup of salt at the end of each day or conclusion of a storm event; tarping of trucks for transporting bulk chloride; maintaining the pad and equipment; good practices during loading and unloading cleanup of loading and spreading equipment after each snow/ice event, a written inspection program for storage facility, structures and work area; removing surplus materials from the site when winter activity finished where applicable, annual inspection and repairs completed when practical; evaluate the opportunity to reduce or reuse the wash water.
- Calibrate all salt spreading equipment at least annually before November 30th.
- For working areas, provide berms and or sufficient slope to allow snow to melt and stormwater to drain away from the area. If snow melts and stormwater cannot be drained away from the working area, channeling water to a collection point such as a sump, holding tank or lined basin for collection, discharge later, use for prewetting, and use for makeup water for brine must be considered.
- Maintenance yards and trucks have been upgraded to reduce chloride runoff to waterways.

The project will contribute to chloride as a non-point-source. However, based on the BMPs that have been implemented, participation in all watershed workgroups in the area, and the drainage area that this river has there will be no increase in pollutant loading for chloride.

Mitigation will be performed with the purchase of wetland credits from an in-basin commercial wetland bank. Credits required will be at a ratio of 1.5:1. Temporary impacts shall be mitigated via restoring original contours and re-seeding with native wetland species where appropriate.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of the project is to increase safety operations and structural condition of the bridge. The new bridge will provide a 15-ft shared use path on the south side and a 7’-7" sidewalk on the north side which will increase safety and operations for pedestrians and bicyclists.

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

The applicant provided the following alternatives:

Replace the existing T-Beam superstructure with a 30” PPC deck beam superstructure - The replacement will include abutment cap reconstruction to accommodate the bearing seat requirements for the PPC deck beams and the adjusted seat elevation. This alternative will not increase the chloride loads to the waterway. However, this alternative was not chosen as the proposed project because it will not correct any of the geometric issues as the lane and sidewalk widths will stay the same.

Replace the existing T-Beam superstructure with a W30 steel rolled beam superstructure – Use of steel beams would allow for slight widening of the bridge since the deck can be cantilevered over the fascia beam. An overhang to widen the deck is not possible with the deck beams alternative. This will allow the bridge to provide a 7’ wide sidewalk to help meet the needs of the bike path. The 10’ lane widths will remain. The replacement will include abutment cap reconstruction to accommodate the bearing seat requirements for the steel beams and the adjusted seat elevation. No right-of-way acquisition would be needed for this alternative. Widening the deck will increase

chloride loads to the waterway. This alternative was not chosen as the proposed project because the existing abutment will be 165 years old at the end of the expected 75-year life of the steel beam superstructure.

Widen the existing structure and replace the existing T-Beam superstructure with a W30 steel rolled beam superstructure - This alternative will require permanent easement from the Forest Preserve. The steel rolled beams will provide a 75-year life for the superstructure. There will be a new portion of abutment attached to the existing abutment that is almost 90 years old, placing the abutment on two different life cycles. The shallower proposed superstructure depth improves the hydraulic clearance to meet the 2'-0" minimum recommended. Widening the structure will increase chloride loads to the waterway. This alternative was not chosen as the proposed project because it will require a permanent easement from the Forest Preserve and there will be a new portion of abutment attached to the existing abutment that is almost 90 years old, placing the abutment on two different life cycles.

Remove and replace the entire structure with a W30 steel rolled beam structure on closed abutments with a 15-degree skew - The span length will be approximately 67', roughly matching the existing span length. This alternative will not increase chloride loads to the waterway. This alternative was not chosen as the proposed project because the closed abutments add significant costs to the alternative and are prone to scour. The required deck expansion joints will inevitably fail, which will add future maintenance costs and lead to premature damage to the beam ends. This alternative will require permanent easement from the Forest Preserve.

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 6, 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 letter from the US Fish and Wildlife Service (USFWS) dated April 6, 2023, provides verification that the project may rely on the concurrence provided in the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat. 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. A Bridge/Culvert and Structure Bat Assessment was conducted on March 21, 2023.

A Section 7 IPaC review listed the following species in Cook County but it was found that no habitat is present; therefore, it was concluded that no impacts to the species are expected:

- Northern long-eared bat *(Myotis septentrionalis)* - Endangered
- Piping Plover (*Charadrius melodus)* – Endangered
- Rufa Red Knot (*Calidris canutus rufa)* – Threatened
- Whooping Crane *(Grus americana)* - Experimental Population, non-essential
- Eastern Massasauga (=rattlesnake) (*Sistrurus catenatus)* – Threatened
- Hine's Emerald Dragonfly (*Somatochlora hineana)* – Endangered
- Leafy Prairie-clover (*Dalea foliosa)* – Endangered
- Eastern Prairie Fringed Orchid (*Platanthera leucophaea)* – 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.