IEPA Log No.: **C-0395-12**
CoE appl. #: **2011-830**

Public Notice Beginning Date: **4/22/2013**
Public Notice Ending Date: **5/13/2013**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification to Discharge into Waters of the State

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: City of Chicago Department of Transportation

Discharge Location: Riverwalk, Michigan Ave. – State St.

Name of Receiving Water: Chicago River

Project Description: Chicago Riverwalk

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge 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 call Yacine Anane at 217/782-3362.

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Fact Sheet for Antidegradation Assessment
For City of Chicago Department of Transportation
IEPA Log No. C-0395-12
COE Log No. 2011-830
Contact: Brian Koch; 217/782-0610
Public Notice Start Date: April 22, 2013

The Applicant has applied for 401 water quality certification for the installation of a riverwalk along the south bank of the Chicago River in Section 9, Township 39 North, Range 14 East, Cook County, Illinois. The proposed project is the next phase of a riverwalk that would span approximately 0.5 miles along the south bank of the Chicago River from State Street to Lake Street. The existing riverwalk would be replaced and widened by 25 feet between the bridges from State Street to Franklin Street and 50 feet between Franklin Street and Lake Street, and six underbridge crossings would be constructed at State, Dearborn, Clark, LaSalle, Wells, and Franklin Streets where pedestrian passage is currently not available. Additionally, six differentiated "rooms" would be constructed between the bridges to provide new publically accessible leisure areas on the waterfront.

Construction of the riverwalk would result in 1.99 acres of permanent fill impacts to the Chicago River due to steel sheet pile installation and approximately 51,000 cubic yards of clean backfill. The portions of the river to be impacted are outside of the navigable channel and propose no hazard to navigation and do not eliminate the safe haven area between bridges according to the study by the U.S. Department of Transportation Volpe National Transportation Systems Center. Additionally, the Applicant has submitted hydraulic modeling that concludes there would be no significant change in the flood storage or conveyance capacity of the Chicago River due to the proposed project. No channel dredging is proposed for the project area. Mitigation for the proposed impacts would be provided through the purchase of 1.99 acres of mitigation credits at the Atkinson Road Wetland Mitigation Bank.

Identification and Characterization of the Affected Water Body.

The Chicago River has a 7Q10 flow of 1.8 cfs and is a General Use Water. The Chicago River, Waterbody Segment IL_HCB-01, is listed in the draft 2012 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for: aquatic life use with potential causes given as phosphorus (total) and silver; fish consumption use with potential causes given as PCBs and mercury; and primary contact recreation use with a potential cause given as fecal coliform. The river at this location is not an enhanced waterbody pursuant to the dissolved oxygen water quality standard. Using the 2008 Illinoi s Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*, the Chicago River at this location is not listed as a biologically significant stream. It has received an integrity rating of "E" within the project area.

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

No pollutant load increases would occur from this project other than some increases in suspended solids during construction activities. The existing shoreline habitat of this portion of the Chicago River would be permanently filled and would remove aquatic life uses. However, mitigation for these impacts would be provided through the purchase of wetland mitigation credits at the Atkinson Road Wetland Mitigation Bank.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids would be local and temporary. Erosion and sediment control measures would be utilized to minimize any increase in suspended solids and prevent impacts to downstream waters. Suspended solids would be transported downstream and settle over time but would have negligible impacts on aquatic life use.

Purpose and Social & Economic Benefits of the Proposed Activity.

The project would provide pedestrian access to the south side of Chicago River from Lake Street to State Street and would enhance commercial, recreations and leisure activity in this high-usage area.

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

The construction of the proposed project would follow guidelines set forth by the Agency and USACE. Erosion and sediment control for the project would follow that specified by the Illinois Department of Transportation's Standard Specification for Road and Bridge Construction. All erosion and sediment control measures would be maintained until construction is completed and site conditions stabilize, including a turbidity curtain near the front face of the new steel sheet pile dock walls to contain floating debris or sediments caused by construction activities.

Given the site-specific location of the project, alternative locations were not assessed. However, the Applicant did assess several alternative structure construction methods including a pile supported walkway, a cantilevered walkway, a fill supported walkway (the preferred method), a suspended walkway, and a floating platform. The pile supported walkway, cantilever walkway, and suspended walkway designs were not selected given that they would be constructed above river level in numerous areas which would lead to debris collection under the riverwalk. Accumulation of floating debris would not only be unsightly but would also have the potential to block intake or outfall structures of buildings as well as sewers. Cable-stay and suspension type structures would also be very large and would not meet the aesthetic intent of the project, and would also be cost prohibitive. Additionally, the U.S. Coast Guard, which would be responsible for ensuring public safety along the river, has concerns that smaller boats or human-propelled watercrafts could become lodged beneath these suspended walkways. Floating platforms would vary in elevation with fluctuating river levels and would not be compliant with the Federal Americans with Disabilities Act (ADA) for many river levels given the fixed elevation of the existing riverwalk surfaces that it would be connected to. Floating platforms would also be incompatible with maintaining fixed design elements (e.g. stairs, ramps, railings, and lighting) for each room.

The fill supported walkway is the preferred construction design. The design would not allow for entrapment of debris or watercrafts, and would also be fully ADA compliant and would allow for ease of integrating fixed design elements in each room. This design plan is also aesthetically pleasing, which would likely be more conducive to public use. The selected construction design results in a greater amount of stream impacts due to fill activities, but these impacts would be

offset by compensatory mitigation through the Atkinson Road Wetland Mitigation Bank. The least intrusive alternative would be to not complete the project. This is not an acceptable alternative given that this is a useful project that would provide aesthetic and recreational benefits to the public.

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

The IDNR EcoCAT system was consulted on March 28, 2013. It was immediately determined that protected resources, the Peregrine Falcon (*Falco peregrinus*), may be in the vicinity of the project location. The department evaluated this information and concluded that adverse effects are unlikely. Consultation was terminated in the April 4, 2013 letter from IDNR.

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 assessment was written. We tentatively find that the proposed activity would result in the attainment of water quality standards; that all existing uses of the Chicago River would 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 would benefit the community at large by providing recreational and commercial opportunities. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.