

IEPA Log No.: **C-0680-13**
CoE appl. #: **N/A**

Public Notice Beginning Date: **May 12, 2014**
Public Notice Ending Date: **May 27, 2014**

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: U.S. Army Corps of Engineers, Chicago District – 231 South LaSalle Street, Chicago, IL 60604

Discharge Location: Near Waukegan Harbor in Section 22 of Township 45N, Range 12E of the 3rd P.M. in Lake County.

Name of Receiving Water: Lake Michigan

Project Description: Proposed increase of 100,000 cubic yards of mechanically dredged sediment for the 2014 dredge event.

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 Darren Gove at 217/782-3362.

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Fact Sheet for Antidegradation Assessment
For U.S. Army Corps of Engineers, Chicago District
IEPA Log No. C-0680-13
COE Log No. N/A
Contact: Eric Runkel (217) 558-2012
Public Notice Start Date: May 12, 2014

The U.S. Army Corps of Engineers, Chicago District (“applicant”) has applied for Section 401 water quality certification for impacts associated with an increase of 100,000 cubic yards of dredged material from within Waukegan Harbor approach channel and advanced maintenance area. The Applicant proposes to mechanically dredge approximately 175,000 cubic yards of dredge material. The Applicant is currently permitted to remove 75,000 cubic yards of dredge material annually, by permit #2005-LM-2830-4. Due to adverse weather conditions from the Hurricane Sandy storm event in 2012, the harbor suffered major shoaling. This has caused the need to dredge more material at this time. The material to be dredged consists of greater than 96% sand. The dredged material will be used as either beach nourishment within Illinois Beach State Park or at a site about one mile south of the harbor. The project is in Lake County, Section 22, Township 45 North, Range 12 East.

Antidegradation assessment materials were received from the applicant under a December 10, 2013, cover, 401 Application Review, U.S. Army Corps of Engineers, Chicago District, ACOE Permit # Corps Project, IEPA Log # C-0680-13.

Identification and Characterization of the Affected Water Body.

The receiving waters are located entirely within the Lake Michigan basin. Waterbody Segment IL_QLM-01 is listed in the Illinois Integrated Water Quality Report and Section 303(d) List 2012 as impaired for fish consumption use; Mercury and polychlorinated byphenyls are given as the causes of this impairment. The list shows the lake fully supporting Aquatic Life, Public and Food Processing Water Supplies, Primary Contact Recreation, Secondary Contact and Aesthetic Quality.

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

The pollutant load increases that would occur from this project include possible increases in suspended solids locally along the shoreline from dredge material. Existing benthos directly beneath where the dredging is proposed would be permanently removed. Fish eggs and larvae may be smothered by the proposed dredging activity, both at the dredge site and the replenishment site.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids will be local and temporary. Fish and other free-swimming organisms will tend to avoid the construction area; the area will be used again by those fishes soon after construction ends. The dredge material will be used to nourish the beach directly south of Waukegan Harbor or at Illinois Beach State Park (IBSP), whichever replenishment area is utilized. The dredging areas and disposal areas were tested for contamination using *Great Lakes Dredge Material Testing and Evaluation Manual* and *Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S* (Inland Testing Manual 1998). U.S. EPA publication *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, commonly referred to as “SW-846” was utilized for sampling criteria and analysis requirements. The USACE concluded,

“Based on results, sediment disposal operations are not having an impact on water quality

in Lake Michigan.”

A detailed description of the most recent sampling and analytical results can be found in the Waukegan Approach Channel Monitoring 2013 and Contaminant Determination for Dredging and Open Water Disposal, dated January 2014 to fulfill conditions 5, 7, & 12 of Illinois EPA permit #2005-LM-2830, prepared by the USACE, Chicago District.

Purpose and Social & Economic Benefits of the Proposed Activity.

This project will restore safe navigation to Waukegan Harbor and provide beach nourishment for local area beaches.

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

The administration of the proposed project will follow conditions set forth by the Agency and USACE. A no action scenario concluded that continued shoaling would eventually lead to severe restrictive access or permanent closure of the harbor. Hydraulic dredging would disperse sand away from nearby beaches where replacement sand is vitally needed.

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

Two Eco-CAT endangered species consultations with Illinois Department of Natural Resources were submitted on December 23, 2013 for the proposed disposal areas. In an electronic response dated December 26, 2013, IDNR stated that projects (#1407029 and #1407031) were not likely to adversely impact protected resources and that the consultations were terminated.

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 antidegradation review summary was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the impacted waters will 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 will improve use of the harbor will provide beach nourishment to local area beaches. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.