

IEPA Log No.: **C-0391-15**
CoE appl. #: **2013-00575**

Public Notice Beginning Date: **September 12, 2017**
Public Notice Ending Date: **October 3, 2017**

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
Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: CN Intermodal Services, 55 Devon Road, Brampton, ON L6T 5B5, Canada

Discharge Location: Section 2, T35N, R10E of the 3rd P.M. in Will County within Joliet

Name of Receiving Water: Spring Creek.

Project Description: Expansion of Joliet Intermodal Terminal.

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 Thaddeus Faught at 217/782-3362.

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The applicant is proposing to excavate stream bed from Spring Creek to reduce the accumulated sediment and materials, and enclose the stream within an additional approximately 250-foot long box culvert structure for Joliet rail yard expansion. The proposed bridge would require the placement of one or more piers within the stream to support the expansion of the rail yard including new tracks. Excavating the stream bed and enclosing the existing 250 feet section of the Spring Creek corridor is required for the expansion of the rail yard and new track design. The applicant has modified the original design to provide an approximate 100-foot gap between the two loading areas where Spring Creek would not be enclosed, ultimately reducing the length of the proposed structure to 250 feet instead of 350 feet.

Identification and Characterization of the Affected Water Body.

The subject facility is proposing to impact Spring Creek at a point where 0 cfs of flow exists upstream of the outfall during critical 7Q10 low-flow conditions. Spring Creek is classified as a General Use Water. According to the 2008 IDNR document “Integrating Multiple Taxa in a Biological Stream Rating System”, Spring Creek is not a biologically significant stream at this location, however, it is rated a “C” stream using IDNR’s integrity rating system at this location. Spring Creek, Waterbody Segment, GGA-02, is listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for aquatic life use with potential causes given as dissolved oxygen (non-pollutant), phosphorus, and sedimentation/siltation and aesthetic quality use with potential cause given as visible oil. Spring Creek is not subject to enhanced dissolved oxygen standards.

A fish survey was completed and indicated that the FBI scores ranges from 30 (biotic integrity class, “low”) in Reach 1 to 37 (biotic integrity class, “moderately low”) in reach 2. A total of 409 fish were collected and consisted of common, widely distributed species. All but one species are considered tolerant of, if not highly adaptable to, poor to moderate stream conditions. Smallmouth bass, the one exception, is considered sensitive to turbidity and siltation, but accounted for only 1% of the catch in both Reach 2 and Reach 3.

A habitat survey was completed on Spring Creek. Due to constrained/hardened banks, all sample reaches displayed minimal sinuosity, nearly uniform channel widths, nonexistent to narrow (< 30 feet), riparian buffers, and little to no functional floodplains.

A mussel survey was conducted by IDNR staff. Only one live mussel (Cylindrical Papershell (*Anodontoidea ferussacianus*)) was found. The results of the mussel survey suggest there is no significant mussel population currently present in this section of Spring Creek and the presence of state or federally-listed mussel species is unlikely.

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

The applicant is proposing to enclosing 250-foot section of Spring Creek and is identified in the table below:

Aquatic Resource Type	Type of Impact	Duration of Impact	Size of impact
Creek	Enclosure	Permanent	60 feet (0.04 acres)
Creek	Enclosure	Permanent	190 feet (0.13 acres)
Creek	Disturb	Temporary	100 feet (0.07 acres)
Creek	Disturb	Temporary	30 feet (0.02 acres)
Total Permanent Impacts			250 feet (0.17 acres)
Total Temporary Impacts			130 feet (0.09 acres)

Fate and Effect of Parameters Proposed for Increased Loading.

The on-site mitigation is intended to compensate for the permanent impacts to 250 feet (0.17 acres) of Creek habitat by storing approximately 340 feet by 30 feet (0.23 acres) of the Creek and an additional 60 feet by 30 feet (0.04 acres) of riparian habitat. Functions intended to be compensated by the mitigation project site include in-Creek and riparian habitat and flood low characteristics.

The on-site mitigation will include removal of the low-head dam, restoration of the Creek bed at the dam location, restoration of the streambank riparian habitat in the vicinity of the dam, removal of in-Creek sediments that have accumulated, and installation of multiple in-Creek habitat and flow control structures, as well as general clean-up of the Creek through debris removal. The applicant believes that these mitigation activities will offset adverse impact, and greatly improve overall; watershed functions by providing an improved Creek bed and riparian habitat, reducing sediment loading through the periodic removal of sediment from the Creek bottom, and promote long-term bank stability in the restored Creek segment.

Purpose and Social & Economic Benefits of the Proposed Activity.

The proposed project is to improve the capacity and capabilities of the existing intermodal terminal by expanding rail space within the existing facility. The proposed improvements, including the bridge extension, are needed to safely and efficiently manage the current and projected freight traffic at the Joliet Intermodal Facility. Expansion of the Joliet Intermodal Facility is a continuation of CN Intermodal Services and Wisconsin Central Limited's commitment to provide efficient service to their customers.

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

The applicant has evaluated expansion to the east, west, and south of the existing intermodal terminal.

- A. Expansion to the east – eliminated from consideration as there is insufficient space to add additional tract of sufficient length to handle the projected demand for intermodal services.

- B. Expansion to the west – eliminated from consideration due to existing mainline tracks and the existing Joliet Classification Yard located to the immediate west of the mainline tracts. Requiring intermodal operations to cross mainline tracks is a major safety concern.
- C. Expansion to the south – eliminated from consideration due to the presence of the IL Route 6 overpass located immediately south of the existing terminal as well as the need to purchase additional right-of-way.

The applicant also evaluated building a new terminal in a different location. This alternative was eliminated due to its cost-prohibitive nature and the increased timeframe necessary to identify, purchase, permit, and construct an additional intermodal facility within the Chicagoland Area.

The applicant evaluated installing a skylight construction in the proposed decking at the location of the bend in the proposed two-span structure to avoid further impediments to aquatic life passage in the stream.

The applicant evaluated and is planning to provide an approximate 100-foot gap between the two loading areas where Spring Creek would not be enclosed. Ultimately reducing the length of the proposed structure to 250 feet instead of 350 feet.

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

On August 30, 2017, the IDNR EcoCAT web-based tool was used and indicated that there were endangered/threatened species (Long-Eared Myotis (*Myotis septentrionalis*)) present in the vicinity of the discharge. IDNR evaluated the submittal and determined that impacts to the protected resources are unlikely. IDNR terminated the consultation request on July 11, 2016. IDNR had recommendations that have been incorporated into the project, such as daylighting the culvert for 100 feet and removal of the dam at Draper Road.

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 draft permit was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving stream 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 benefit the community at large by providing increased capacity and capabilities of the existing intermodal terminal by expanding rail space within the existing facility. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.