

IEPA Log No.: **C-0049-20**  
CoE appl. #: **LRC-2017-00437**

Public Notice Beginning Date: **May 6, 2020**  
Public Notice Ending Date: **May 27, 2020**

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

**Section 401 Water Quality Certification for Discharge of Dredged or Fill Material**

**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:** Andrew Hochberg – 77 S. Deere Park Drive, Highland Park, IL  
60035

**Discharge Location:** Near Highland Park in Section 31 of Township 43-North, Range 13-East of the 3rd  
P.M. in Lake County.

**Name of Receiving Water:** Lake Michigan

**Project Description:** Construction of a quarystone revetment to stabilize an existing bluff on the northside  
of the ravine.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge dredged or fill material 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 contact Francisco J. Herrera at email [francisco.herrera@illinois.gov](mailto:francisco.herrera@illinois.gov) or phone no. 217/782-3362.

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Andrew Hochberg (“Applicant”) has requested a Section 401 water quality certification for impacts to Lake Michigan associated with the proposed construction of a quarystone revetment (“activity”) at 77 S. Deere Park Drive in Highland Park, Lake County, Illinois.

The proposed activity would be constructed to help stabilize an eroding bluff on the northside of the ravine. The project involves a quarystone revetment along the bluff toe for approximately 40 feet and then turn into the ravine for approximately 40 feet. The revetment’s cross-sectional profile includes an approximately 1V:1.5H side slope with a crest elevation of 592 ft on the lakeward side and a crest elevation of 586 ft. with a similar slope as the ravine streambank on the ravine side. Additionally, all fill material would be obtained from quarries and would thereby be considered clean fill. Placement of stone would be accomplished via marine access and, pending water depth at the time of construction, from the shoreline. The total quantities of fill include 125 cubic yards of quartzite placed over approximately 0.02 acres that are below the Ordinary High Water Mark (IGLD 1985). No fill material is proposed to be placed in the ravine streambed.

Information used in this review was obtained from the Joint Application Form received by the Agency on February 18, 2020 and subsequently submitted materials.

### **Identification and Characterization of the Affected Water Body.**

Illinois has jurisdiction over 1,526 square miles of Lake Michigan open water, 3.88 square miles of Lake Michigan harbors and 64 miles of Lake Michigan shoreline, which are covered under the Lake Michigan Basin Water Quality Standards. Lake Michigan shoreline protection enhancement projects take place within two Lake Michigan Water types: Lake Michigan Open Waters and Lake Michigan Shoreline.

Lake Michigan Open Waters, Waterbody Segment, QLM-01, is listed on the draft 2018 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. Aquatic life, public and food processing water supply, primary recreational contact, secondary contact and aesthetic quality uses are fully supported.

Lake Michigan Shoreline Waters comprise 51 waterbody segments that span the entire 64 miles of Lake Michigan shoreline (excluding harbors and harbor entrances) within Illinois. Each of these segments are listed on the draft 2018 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 and primary contact with a potential cause of *Escherichia coli*.

The Illinois EPA has completed 51 Total Maximum Daily Load (TMDL) reports to address primary recreational use impairments by bacteria at beaches along Lake Michigan’s Shoreline in Illinois. These TMDL reports are presented in 3 separate documents for the following areas:

Lake County (9 beaches), Suburban Cook County (13 beaches), and the City of Chicago (29 beaches). These documents are available at <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/reports.aspx>

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

The pollutant load increases that would occur from this project include some possible increases in total suspended solids. These increases, a normal and unavoidable result of the construction of shoreline erosion protection structures, may occur in the lake at the point of construction activity.

Material used in the construction of this project includes or may include nonerodable quarry stone of varying sizes and sand obtained from construction sand quarries.

Benthic habitat will also be disturbed in the vicinity of the construction area as open lakebed area would be converted to shoreline protection structures or overlain by additional sand.

TMDL reports have been prepared by the Agency and approved by the USEPA for 51 beaches along Illinois' Lake Michigan shoreline to address Primary Contact Use Recreation impairments due to excess bacteria. The proposed activity may occur within an area identified by the report "Shoreline Segments in Lake County, Illinois", May 15, 2013, as a Beach Protection Area subject to that TMDL. The proposed activity would alter the shape of the shoreline in the vicinity of the project but is not expected to cause the effects associated with embayments in the nearshore waters and therefore is not considered a potential source of pathogenic bacterial loading of nearby public beaches.

### **Fate and Effect of Parameters Proposed for Increased Loading.**

The increase in suspended solids, from the construction of the quarystone revetment, will be local and temporary.

Although the benthic habitat will be disturbed by the construction activities, it is anticipated to recover and improve over time due to the placement of sand over exposed clay lakebed substrates. Additionally, the voids within the proposed quarystone revetment structure are expected to provide a stable and diverse habitat opportunity for fish and other aquatic species.

No mitigation is proposed for this project because the total area of waters of the U.S. impacted by this project is less than the 0.1 acres deemed by the Corps of Engineers to be the threshold of minimal adverse environmental impact.

Supplemental information provided by the applicant regarding strategies to reduce E. coli loading as a result of beach modification indicate that the project would comply with the TMDL's water quality concentration limit load allocation of 126 cfu/100ml. The proposed embayment of the shoreline would be created with clean fill materials and would feature greater slope and a smaller swash zone. These and additional proposed improvements are expected to

contribute to an overall reduction of E. coli loading to the segment of Lake Michigan shoreline impacted by this project and meet the TMDL's goals.

### **Purpose and Anticipated Benefits of the Proposed Activity.**

The purpose of Lake Michigan shoreline protection enhancement projects are to establish a more stable layer of sand that serves to reduce downcutting of the clay lakebed and prevents erosion along the project-affected length of the shoreline as well as to provide a higher level of shoreline protection during higher lake levels and larger storm waves. Erosion of the lakebed and bluff, if not prevented, would undermine existing shoreline structures or the bluff and result in additional beach erosion and resuspension of clays found in the substrate material.

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

Given that suspended solids are the pollutants primarily associated with the Lake Michigan shoreline protection enhancement projects, the incorporation of best management practices are the most practical means of pollution prevention. Such practices include performing work with heavy machinery from outside of the water as on a barge or from the shoreline and careful placement techniques when constructing offshore breakwater structures. Practical alternatives to structural shoreline protection such as dune plantings and living shorelines generally are not recommended for coastal zones with high levels of wave action. Shoreline structures placed upland of the ordinary high-water mark such as shore parallel stone revetment may not be suitable for all stretches of shoreline. The variability of Lake Michigan's shoreline including but not limited to orientation relative to wave attack, nearby existing structures, lakeward and landward shoreline profiles, existing depths of beach sand, and proximity of residential/commercial structures all factor into the applicant's determination of shoreline protection needs. Costs of shoreline stabilization work is significant and under-engineered structures that end up failing may result in additional repair work, erosion of tableland or loss of property. The do nothing alternative would leave the eroding shoreline in its existing state, which would lead to lakebed downcutting and additional shoreline erosion. Higher lake levels and larger storm waves would cause increased vulnerability of the tableland or bluff and therefore greater risk of property loss. The construction of the proposed project would follow conditions set forth by the Agency, Illinois DNR and USACE. The least intrusive alternative would be to not complete the project. This is not an acceptable alternative given the need to protect the shoreline from additional erosion during storm surges. Completion of the proposed project would allow for protection of Lake Michigan shoreline and nearby structures.

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

On April 16, 2020 the IDNR's Ecological Compliance Assessment (EcoCAT) review was initiated for the project area. The review identified protected resources that may be in the vicinity of the proposed action. This information was evaluated and it was determined that adverse effects are unlikely. IDNR terminated the consultation on April 16, 2020.

### **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 will 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 will provide a stable shoreline system that reduces the impacts of wave energy, protects benthic habitats, prevents the further bluff destabilization, retains a sandy beach area, and provides access for landowners to the lake. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.