



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

JB Pritzker, Governor
Colleen Callahan, Director

Office of Water Resources, Michael A. Bilandic Building, 160 N. LaSalle St., S-703, Chicago, IL 60601

February 2, 2021

Daniel Burke
Deputy Commissioner/Chief Engineer
Chicago Department of Transportation
30 N. LaSalle Street, Suite 400
Chicago, IL 60602

Dear Mr. Burke,

Enclosed is Illinois Department of Natural Resources, Office of Water Resources (Department) Permit LM2021001 and Illinois Environmental Protection Agency (IEPA), November 5, 2019, Final Determination Letter authorizing the widening of the existing South Lake Shore Drive, 59th Street Inlet/Bridge to the 59th Street Lagoon, in Lake Michigan, in Chicago, IL 60637.

The proposed work on the existing Hayes Drive Bridge can be considered maintenance of an existing structure and does not require an Illinois Department of Natural Resources, Office of Water Resources permit.

If any changes in the location or plans of the work are found necessary, revised plans should be submitted promptly to the Department and IEPA so that approval is received prior to the beginning of the work.

If you have any questions, feel free to contact me at 312 793-5947 or james.casey@illinois.gov.

Sincerely,

A handwritten signature in blue ink that reads "James P. Casey".

James P. Casey, Chief
Lake Michigan Management Section

Enclosures:

cc: Corps of Engineers (Colin Smalley), w/enclosures
IEPA (Francisco Herrera), w/enclosures
Civiltech Engineering (Thomas Liliensiek), w/enclosures



PERMIT NO. LM2021001

DATE: February 1, 2021

State of Illinois
Department of Natural Resources, Office of Water Resources
and
Illinois Environmental Protection Agency

Permission is hereby granted to: **Chicago Department of Transportation**
30 N. LaSalle Street, Suite 400
Chicago, IL 60602

To widen the existing South Lake Shore Drive 59th Street, bridge/inlet, in Lake Michigan, at the 59th Street Lagoon, Chicago IL 60637. The project is in Section 13, Township 38 North, Range 14 East, of the 3rd Principal Meridian in Cook County.

In accordance with an application dated **August 12, 2020**, and the plans and specifications entitled:

OBAMA PRESIDENTIAL CENTER JACKSON PARK, USGS QUADRANGLE JACKSON PARK, 2015, ONE SHEET, UNDATED, RECEIVED SEPTEMBER 28, 2020.

CITY OF CHICAGO DEPARTMENT OF TRANSPORTATION DIVISION OF ENGINEERING; GENERAL PLAN AND ELEVATION S. LAKE SHORE DRIVE (US 41) OVER 59TH ST. LAGOON INLET – “PUBLIC WATER” F.A.U. 2873 – SEC. 17-137203-00-ES, COOK COUNTY, STATION 9933+71.17 STRUCTURE NO. 016-6195, SHEET NO. 902 OF 1428, UNDATED, RECEIVED SEPTEMBER 28, 2020.

Examined and Recommended:

James P. Casey, Chief
Lake Michigan Management Section

Approval Recommended:

Loren Wobig, Director
Office of Water Resources

Approved:

Colleen Callahan, Director
Department of Natural Resources

This PERMIT is subject to the terms and special conditions contained herein and in the attached NOTICE OF FINAL DETERMINATION of the Illinois Environmental Protection Agency. This PERMIT is not valid unless a NOTICE OF FINAL DETERMINATION of the Illinois Environmental Protection Agency as required by Section 39(a) of the Environmental Protection Act is attached.

THIS PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) This permit is granted in accordance with the Rivers, Lakes and Streams Act, "615 ILCS 5," and the Environmental Protection Act "415 ILCS 5/1."
- 2) This permit does not convey title to the permittee or recognize title of the permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the activity or any part thereof will be located, or otherwise grant to the permittee any right or interest in or to the property, whether the property is owned or possessed by the State of Illinois or by any private or public party or parties.
- 3) This permit does not release the permittee from liability for damage to persons or property resulting from the work covered by this permit and does not authorize any injury to private property or invasion of private rights.
- 4) This permit does not relieve the permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain approvals from any federal or other state agency to do the work, this permit is not effective until the federal and state approvals are obtained. . If construction does not begin within two years of the date of this permit, the permittee must submit the project to EcoCAT (<http://dnr.illinois.gov/EcoPublic/>) for an updated consultation under the Illinois Endangered Species Protection Act and the Illinois Natural Areas Preservation Act.
- 5) The permittee shall, at the permittee's own expense, remove all temporary piling, cofferdams, false work, and material incidental to the construction of the project from Lake Michigan. If the permittee fails to remove such structures or materials, the Department may have removal made at the expense of the permittee.
- 6) In public waters, if future need for public navigation or other public interest by the state or federal government necessitates changes in any part of the structure or structures, such changes shall be made by and at the expense of the permittee or the permittee's successors as required by the Department or other properly constituted agency, within sixty (60) days from receipt of written notice of the necessity from the Department or other agency, unless a longer period of time is specifically authorized.
- 7) The execution and details of the work authorized shall be subject to the review and approval of the Department and/or the Agency. Department and Agency personnel shall have the right of access to accomplish this purpose.
- 8) Starting work on the activity authorized will be considered full acceptance by the permittee of the terms and conditions of the permit.
- 9) The Department and Agency in issuing this permit have relied upon the statements and representations made by the permittee; if any substantive statement or representation made by the permittee is found to be false, this permit will be revoked and when revoked, all rights of the permittee under the permit are voided.
- 10) The permittee and the permittee's successors shall make no claim whatsoever to any interest in any accretions caused by the activity.
- 11) In issuing this permit, the Department and Agency do not ensure the adequacy of the design or structural strength of the structure or improvement.
- 12) Noncompliance with the conditions of this permit will be considered grounds for revocation.
- 13) If the construction activity here permitted is not completed on or before **December 31, 2024**, this permit shall cease and be null and void. When all work is constructed, the permittee shall notify the Department so that a final inspection can be completed.

SPECIAL CONDITIONS:

- A. Conditions (1-9) of the November 5, 2019 Illinois Environmental Protection Final Determination Letter.
- B. Notify the Department at 312 793-5947 when the project has been completed.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-3362

November 5, 2019
IDNR/Office of Water Resources
Lake Michigan Management Section
160 N. LaSalle Street, Suite S-703
Chicago, IL 60601

Re: Chicago Department of Transportation – Jackson Park Mobility Improvements (Cook County)
Log No. 2019-64737
Bureau ID # W0316000134
Final Determination #: 2019-LM-64737

Sir or Madam:

This Agency received a request on July 25, 2019 from Chicago Department of Transportation requesting necessary comments concerning the proposed widening of the South Lake Shore Drive roadway that will widen the 59th Street Lagoon Inlet Bridge and structural concrete repairs of the Hayes Drive Bridge. We offer the following comments.

Based on the information included in this submittal, it is our engineering judgment that the proposed project may be completed without causing water pollution as defined in the Illinois Environmental Protection Act, provided the project is carefully planned and supervised.

These comments are directed at the effect on water quality of the construction procedures involved in the above described project and are not an approval of any discharge resulting from the completed facility, nor an approval of the design of the facility. These comments do not supplant any permit responsibilities of the applicant toward the Agency.

This Agency hereby issues Final Determination under Section 39 of the Illinois Environmental Protection Act, subject to the applicant's compliance with the following conditions:

1. The applicant shall not cause:
 - a. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulations;
 - b. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - c. interference with water use practices near public recreation areas or water supply intakes; or
 - d. violation of applicable provisions of the Illinois Environmental Protection Act.
2. The applicant shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.

3. Asphalt, bituminous material and concrete with protruding material such as reinforcing bar or mesh shall not be 1) used for backfill, 2) placed on shorelines/streambanks, or 3) placed in waters of the State.
4. The fill material used in Lake Michigan shall be predominantly sand or larger size material, with <20% passing a #230 U. S. sieve.
5. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Material excavated or dredged from the surface water or wetland shall not be used to construct the temporary facility.
6. Dewatering of the construction site is authorized provided the dewatering activity is limited to the immediate work area within a coffer dam or otherwise isolated from waters of the State, and the work site dewatering structure is free from sources of contamination. Dewatering activities shall be in accordance with the current version of the "Illinois Urban Manual" <https://illinoisurbanmanual.org/> Practice Standard for Dewatering (no. 813) or as otherwise appropriate to meet applicable water quality standards. Dewatering or discharge of flush water from construction of drilled piers or boreholes is not authorized and must be conducted in accordance with an NPDES permit issued by this Agency.
7. All construction equipment and material that enters the water body shall be free of contaminants of any kind including, but not limited to: sludge, clay, dirt, oil, grease, organic matter, or any other pollutant that would produce offensive conditions or otherwise violate water quality standards.
8. All hydraulic machinery used for this activity and deployed in or immediately adjacent to the water body shall utilize biodegradable or bio-based hydraulic fluids to minimize pollution in the case of broken or leaking hydraulic equipment
9. The applicant shall ensure that a Spill Response Plan is in place which shall detail procedures for managing the accidental release of petroleum, oil, and lubricant products to the aquatic environment during construction. Absorbent pads, containment booms and skimmers shall be available to facilitate the cleanup of petroleum spills. In the event that floating hydrocarbon (oil, gas) products are observed, the applicant or his designated individual will be responsible for directing that in-water work be halted so that appropriate corrective measures are taken in accordance with the Oil Spill Response Plan prior to resuming work.
10. A case-specific Section 401 water quality certification may be required by the Agency for your project in conjunction with a Section 404 permit issued by the U.S. Army Corps of Engineers.

This final determination becomes effective when the Illinois Department of Natural Resources, Office of Water Resources, includes the above conditions # 1 through # 10 as conditions of the requested permit pursuant to Section 39 of the Illinois Environmental Protection Act and Chapter 19, par. 65, Ill. Rev. Stat.

This Section 39 final determination does not grant immunity from any enforcement action found necessary by this Agency to meet its responsibilities in prevention, abatement, and control of water pollution.

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Final Determination #: 2019-LM-64737

Log No. 2019-64737

Sincerely,



Darin E. LeCrone, P.E.

Manager, Industrial Unit, Permit Section

Division of Water Pollution Control

DEL:FJH:2019-64737_401 WQ Certification_25Jul19.docx

cc: IEPA, Records Unit

IEPA, DWPC, FOS, Des Plaines

Chicago Department of Transportation, 30 N LaSalle Street, Ste 1100, Chicago, IL 60602

Civiltech Engineering, Inc., Attn: Thomas Liliensiek, P.E., 30 N LaSalle Street, Ste 2624, Chicago,
IL 60602

FJH