

IEPA Log No.: **C-0232-09**
CoE appl. #: **2008-1159**

Public Notice Beginning Date: **March 18, 2011**
Public Notice Ending Date: **April 18, 2011**

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
Facility Evaluation Unit
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Mr. David Geerts, 7225 Cordova Road, Erie, IL 61250

Discharge Location: Section 27, T22N, R3E of the 3rd P.M. in Whiteside County within Fulton

Name of Receiving Water: Unnamed Wetlands

Project Description: Residential development.

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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Fact Sheet for Antidegradation Assessment
David Geerts – Unnamed Wetlands – Whiteside County
IEPA Log #C-0232-09
COE Log # 2008-1159
Contact: Mark T. Books at 217/558-2012
March 18, 2011

David Geerts (“Applicant”) has applied for Section 401 water quality certification for proposed development work on his property which will require fill of a portion of an existing wetland on site. The Applicant is proposing to fill 1.7 acres of jurisdictional wetlands and 0.24 on non-jurisdictional wetlands. The Applicant has proposed mitigation on site at a 1.5:1 ratio. The property is currently primarily agricultural site bordered by urban development on the West. The project is located in Section 27, Township 22 North, Range 3 East on the east edge of Fulton.

Identification and Characterization of the Affected Water Body.

The wetlands are General Use Water with a zero 7Q10 flow. The wetlands have not been evaluated by the Illinois EPA Surface Water Monitoring Unit. The wetlands are not an enhanced water body pursuant to the dissolved oxygen water quality standard. Using the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, the wetlands are not listed as biologically significant streams nor have they received an integrity rating. The wetlands are directly abutting Cattail Slough which flows into the Mississippi River. The drainage area for the affected wetlands is approximately 0.31 square miles.

Affected Wetland areas:

<u>Acres</u>	<u>Jurisdictional</u>	<u>Wetland Type</u>	<u>Dominant Vegetation</u>
1.22	yes	prior converted farmed emergent	farm crops
0.48	yes	borrow pit	open water
0.24	No	PEMA	reed canary grass

1.94

To offset wetland impacts the Applicant will construct a 2.92 acre (1.94 x 1.5 = 2.92) wetland mitigation site east of the commercial development location.

The IDNR WIRT System list threatened or endangered species residing in the project area; however, these species have not been identified on the project site.

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 suspended solids in surrounding wetlands during the construction of the project.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids will be confined to the immediate vicinity of the construction. Erosion control measures will be utilized to minimize any increase in suspended solids during construction. The project will eliminate the current habitat in the affected wetland area. The applicant has agreed to do the following:

- 1) Conduct the mitigation plan completed by Chastain & Associates, LLP, dated August 2009 and approved by USACE.
- 2) Contact the USACE once the mitigation work is completed.

The Applicant has stated that prior to filling wetlands for construction of the residential development, the Applicant will strip the top 12-18 inches of topsoil off from the existing wetlands and set it aside for the new mitigation site. The Applicant will also treat the aggressive reed canary grass prior to removing the soil. The removed topsoil will be put onto the new wetland site and will be seeded with a wetland seed mix.

Purpose and Social & Economic Benefits of the Proposed Activity.

The project will provide the City of Fulton (“City”) with a planned duplex- multi-family residential development. City officials are aware of this project and have stated that they are anxious for this development to proceed.

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

The construction of the proposed project will follow conditions set forth by the Agency and USACE. Erosion control measures will need to be implemented to prevent additional impacts to the wetlands. The Applicant has stated that if the footprint of the proposed development was reduced that it would, “make it extremely difficult for someone to make this a viable project,” since the project area is already only around 4 acres in size in order to avoid more wetlands.

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

In a letter from Tracy Evans, IDNR, dated March 4, 2011, she states that an initial report generated through IDNR’s Eco Cat website indicated the presence of protected resources in the vicinity of the project location. The letter went on to state that, “the Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is 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 receiving 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 benefit the community at large by the benefits providing multi-family housing in the City. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.