

IEPA Log No.: **C-0047-12**
CoE appl. #: **2012-92**

Public Notice Beginning Date: **June 19, 2012**
Public Notice Ending Date: **July 19, 2012**

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: Bayshore Village Homeowner's Association P.O. Box 74 Lake Zurich, IL 60047

Discharge Location: Sec. 18, T43N, R10E, 3rd P.M., Lake County within Village of Lake Zurich

Name of Receiving Water: Lake Zurich

Project Description: Proposed replacement of 875 feet of seawall

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 Keith Runge at 217/782-3362.

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Fact Sheet for Antidegradation Assessment for
RE: Bayshore Village Homeowners Association
Seawall replacement Project
IEPA Log No. C-0047-12
COE Log # 2012-92
Contact: Bob Mosher 217/558-2012
June 19, 2012

Lake County

This project involves the replacement of 875 linear feet of steel sheet piling seawall along the north shore of Lake Zurich. The existing steel sheet piling is deteriorated and is allowing backfill to spill into the lake. The replacement seawall will be backfilled where necessary with #8 stone. A heavier gauge of steel will be used in the replacement seawall. Fifteen permanent wooden piers will also be repaired with no enlargement of size or increase in number. Information relating to this antidegradation assessment was submitted by the applicant, Bayshore Village Homeowners Association and their contractor, Chain-O-Lakes Seawall and Pier Construction.

Identification and Characterization of the Affected Water Body.

Lake Zurich is a 228 acre glacial lake. Lake Zurich (segment code RTS) is listed as impaired on the draft 2010 Illinois Integrated Water Quality Report and Section 303(d) List for fish consumption use with the cause given as mercury. Aquatic life and aesthetic quality uses are fully supported. Lake Zurich is not given an integrity rating in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*. Lake Zurich is not designated as an enhanced water pursuant to the dissolved oxygen water quality standard. The shoreline in the area of this project is intensively developed with multifamily residences. A state threatened plant, Grass-Leaved Pondweed is found off-shore from this project.

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

During construction of the replacement seawall, suspended solids may be released into the lake. This is already occurring due to the failure of the existing seawall and the erosion of backfill into the lake. Since the replacement seawall is not longer than the existing seawall and does not extend out into the lake significantly more than the existing seawall, no habitat will be lost.

Fate and Effect of Parameters Proposed for Increased Loading.

The suspended solids released into the lake will be minimal and is not likely to exceed the amount currently discharged from the existing failing seawall during storm or wave events. The solids will settle to the lake bottom.

Purpose and Social & Economic Benefits of the Proposed Activity.

The existing seawall is corroding and allowing backfill to be eroded into the lake. The replacement seawall will stop this from occurring, thereby keeping the lake water clearer and increasing enjoyment for the residents and visitors to the lake.

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

Installing the replacement seawall will be a matter of simply working along the line of the existing seawall, thereby limiting alternatives to construction. Abandoning the seawall in favor of rip rap or natural vegetation would mean that the existing backfill would need to be excavated and therefore would result in a much more involved project given the existing docks along the seawall. Much more suspended solids would be expected to be created with excavation.

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

The Illinois Department of Natural Resources was consulted regarding endangered species. In a March 16, 2012 letter, IDNR stated that a state threatened plant, grass-leaved pondweed, is present in the lake offshore of the seawall and on property owned by the Bayshore Village Homeowners Association. IDNR believes that the population of grass-leaved pondweed will not be harmed by this project although a few individual plants may be harmed by the construction activities. IDNR terminated their consultation in the March 16, 2012 letter.

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 401 water quality certification application was submitted. 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 benefit the community at large by providing a stable seawall and halt erosion from the existing corroded seawall. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.