

IEPA Log No.: **C-0609-11**
CoE appl. #: **MVS-2011-688**

Public Notice Beginning Date: **July 25, 2012**
Public Notice Ending Date: **August 24, 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: City of Highland – P.O. Box 218, 1113 Broadway, Highland, IL
62249

Discharge Location: Near Highland in Section 33 of Township 4N, Range 5W of the 3rd P.M. in
Madison County.

Name of Receiving Water: Unnamed tributary to Sugar Creek

Project Description: Proposed retention pond

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 Darren Gove at 217/782-3362.

DRG:C-0609-11_401 PN and FS_26Oct11.docx

Fact Sheet for Antidegradation Assessment
For City of Highland
IEPA Log No. C-0609-11
COE Log No. MVS-2011-688
Contact: Mark Books; 217/558-2012
Public Notice Start Date: July 25, 2012

The City of Highland (“Applicant”) has applied for Section 401 water quality certification in order to construct an earthen dam impoundment on an unnamed creek. This project will change about 550 feet of the unnamed stream into a 3.3 acre pond impoundment. The project is part of a new City Park that will also include a 0.5 acres sedimentation pond, wetland interpretive education area, botanical gardens and a multi-use path. The fill material will be excavated from within the proposed impounded area to construct the dam. The dam and disturbed areas around the pond will be planted with suitable seed mix to establish permanent vegetative cover. The project specific location is Section 33, Township 4 North, Range 5 West.

Identification and Characterization of the Affected Water Body.

The unnamed tributary has a zero 7Q10 flow and is a General Use water. The unnamed tributary flows into Sugar Creek (Waterbody Segment IL_OH-HL-D1). The tributary has not been evaluated by the Illinois EPA Surface Water Monitoring Unit. The tributary is not an enhanced waterbody 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 tributary is not listed as a biologically significant stream nor has it received an integrity rating. The tributary watershed has a drainage area of approximately 118 acres at the project site. The tributary is likely to be completely dry during the summer/early fall low rainfall periods and has very limited ability to support a balanced aquatic life community. No wetlands are present in the project area.

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 during the construction of the project. Erosion control measures will be utilized to minimize any increase in suspended solids. The existing habitat will be altered by this project with the construction of the dam and proposed impoundment. Whatever aquatic life is present in the tributary will be converted to that found in a pond ecosystem. The Applicant used the Illinois Stream Mitigation Guidance to determine mitigation needs for project stream impacts (1576 mitigation credits required), and to determine credits generated as a results of the proposed mitigation efforts (1923 total mitigation credits generated). The Applicant has stated the following concerning their mitigation plan:

“The mitigation for impacting the ephemeral stream includes an approximate 0.5 acre sedimentation pond that will collect runoff from approximately 118 acres of agricultural area. The sedimentation pond will overflow into an approximate 2.9 acre retention pond containing 0.6 acre of shallow wetland with variable depths between 6 and 18 inches... To mitigate the loss of the trees along the ephemeral stream, the project will include planting 60 native trees (30 Shingle Oak, 20 Hackberry, 10 Black Walnut) adjacent to a unnamed tributary to Sugar Creek approximately one half mile north of the site.”

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids will be local and temporary. Erosion control measures will be utilized to minimize any increase in suspended solids and prevent further impact to the stream. To minimize any impact on aquatic life uses, work should be conducted during low flow periods.

Purpose and Social & Economic Benefits of the Proposed Activity.

The Applicant has stated the following concerning the purpose for this project:

“The purpose of the project is to reduce flooding downstream and provide a new city park and recreational activities for the city residents... Construction of the planned Iberg Pond will help mitigate the storm water impacts of a roadway construction project... The proposed Iberg Pond and the associated park features also provide many social benefits improving categories such as Health, Education, Environment, Economy, and Aesthetics.”

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 impacts to the stream. The Applicant has stated that they will follow the Standard Specifications for Road and Bridge Construction manual to control erosion runoff from this project during construction. The least intrusive alternative would be to not build the dam and impoundment. This is not an acceptable alternative to the Applicant given that this project will provide the Applicant with a park for recreational use and because the new Iberg Road project stipulated the construction of a retention pond to reduce flood and storm water impacts caused by the new roadway. The Applicant considered building this pond upstream of the railroad line; however, the property owner would not sell the land. Additionally building a retention pond upstream of the railroad line would not be sufficient to mitigate for the storm water impacts from the new roadway, due to great distance from the new roadway project.

The Applicant has agreed to conduct any tree clearing outside of the Indiana Bat roosting season from April 1st thru September 30th to avoid any potential effects to these mammals, in case that they could be present in the area.

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

In a report generated through IDNR's EcoCAT system dated February 24, 2011, the Illinois Natural Heritage Database contains no records of State-listed threatened or endangered species in the vicinity of the project location; therefore, consultation 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 providing a new park with a pond for recreational use and will provide the necessary mitigation for a new roadway construction project. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.