

IEPA Log No.: **C-0058-11**
CoE appl. #: **2008-00280**

Public Notice Beginning Date: **June 27, 2012**
Public Notice Ending Date: **July 27, 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
Facility Evaluation Unit
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: McHenry County Division of Transportation, 16111 Nelson Road,
Woodstock, IL 60098

Discharge Location: Section 25, T46N, R8E of the 3rd P.M. in McHenry County within McHenry

Name of Receiving Water: Fox River and Unnamed Wetlands

Project Description: Reconstruction of Miller Road from Illinois Route 31 to River Road

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

McHenry County Division of Transportation – Fox River & Unnamed Wetlands – McHenry County
IEPA Log No. C-0058-11

CoE Log # 2008-00280

Contact: Brian Koch 217/558-2012

June 27, 2012

The Applicant has applied for Section 401 water quality certification for work associated with the reconstruction of Miller Road from Illinois Route 31 to River Road, located in Section 2 and Section 3, Township 44 North, and Range 8 East, within the City of McHenry in McHenry County, Illinois. This section of the roadway is currently experiencing operations that exceed capacity and are expected to worsen with the anticipated increase in traffic in the future. The proposed project would address the specific needs for safety, capacity, roadway deficiencies, and enhanced emergency service response times within the City of McHenry. The reconstruction project proposes to widen Miller Road from 2 to 4 lanes and includes a new bridge over the Fox River and intersection improvements at the intersections of Route 31, Green Street, and River Road along Miller Road. The existing bridge would convey 2 lanes of eastbound traffic and the new bridge would convey 2 lanes of westbound traffic. The new bridge is proposed to be constructed immediately north of and parallel to the existing structure and would span 658'6.5" back to back in length and 31'2" out-to-out in width. The four piers would permanently fill 0.007 acres of the Fox River and 82 square yards of riprap would be placed on the riverside of the slopewalls for erosion prevention. Cofferdams would be utilized during pier construction and would be backfilled with the originally excavated material. The proposed project would result in permanent impact to two wetlands totaling 1.135 acres. Compensatory mitigation would be provided by the Applicant by purchasing wetland mitigation bank credits from a watershed near the project site on property owned by the McHenry County Conservation District (MCCD). The proposed mitigation site is at Glacial Park on the north side of West Solon Road in agricultural land adjacent to the floodplain of the North Branch of Nippersink Creek. The 1.095 acres of impacts to Wetland 1 would be mitigated at 6:1 given that this wetland has been identified as a "Habitat High Wetland" on ADID maps. Wetland 2 was not identified as a high quality aquatic resource, therefore the 0.04 acres of impacts would be mitigated at 3:1. The 0.007 acres of impacts to the Fox River would be mitigated at 1.5:1.

Identification and Characterization of the Affected Water Body.

Segment DT-23 of the Fox River is a General Use water with a 7Q10 flow of 86 cfs existing upstream of the project location. This segment is listed on the draft 2010 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for aquatic life use (causes = alteration in streamside or littoral vegetative covers (non-pollutant), aquatic algae (non-pollutant), cause unknown (non-pollutant), and other flow regime alterations (non-pollutant)). It is not listed as a biologically significant stream but has been given a "B" integrity rating based on the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*. It is not enhanced in regards to the dissolved oxygen water quality standard.

The wetlands within the project site have zero 7Q10 flow and are General Use waters. The water bodies have not been assessed under the Agency's 305(b)/303(d) program and have not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*. The water bodies are not enhanced in regards to the dissolved oxygen water quality standard. The following is a description of the affected wetland areas:

Wetland 1 is a 40+ acre wetland complex consisting of Wheeler Park Fen, wet prairie, sedge meadow, marsh, and scrub shrub plant communities. The dominant species in the area adjacent to the project site are Reed Canary Grass, Broadleaved Cattail, Late Goldenrod, Porcupine Sedge, and Sandbar Willow. The eastern portion of this wetland is considered Habitat High Wetland, which has a recorded native mean conservation value of 5.74 and a floristic quality index value of 45.21.

Wetland 2 is a 5.0 acre wetland complex consisting of scrub shrub, wet prairie, and marsh plant communities. The dominant species are Reed Canary Grass, Common Fox Sedge, Common Reed, River Bulrush, Blunt Spike Rush, and Sandbar Willow. The wetland has a native mean conservation value of 3.7 and a floristic quality index value of 17.5.

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 construction. Aquatic life uses in the area to be disturbed by cofferdam construction would be temporarily impacted, but the habitat and biota would be naturally restored over time. The 0.007 acres of fill from pier construction would permanently remove the aquatic life uses of this area. The project would also permanently eliminate 1.135 acres of wetlands, thereby removing the aquatic life uses of these areas.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids would be local and temporary. Erosion control measures would be utilized to minimize any increase in suspended solids and to prevent minimal impact to the stream. Mitigation is proposed for the 1.142 acres of permanent impacts to the Fox River and the two wetlands. A total of 6.732 acres of off-site compensatory mitigation would offset the loss of aquatic life uses in these areas.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of the project is to provide safe and efficient vehicular flow along Miller Road for the current and future traffic demand. This section of the roadway is currently experiencing operations that exceed capacity and are expected to worsen with the anticipated increase in traffic in the future. By adding the proposed through lanes for the length of the project and turn lanes at signalized intersections the completed project would allow for faster and safer traffic flow through the Miller Road corridor.

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

The construction of the proposed project would follow conditions set forth by the Agency and USACE. Erosion control measures would need to be implemented to prevent additional impacts to the stream and adjacent wetlands. Additional efforts would be made to minimize pollutant loading and potential environmental degradation to the impacted waters. Four naturalized detention basins would be created to capture and filter roadway water before it would flow into the wetlands and eventually to the river. All roadway drainage on the bridge would drain into the roadway's closed drainage system that would release into the detention basins. Water from

the bridge would not drain directly into the river. All in-stream work pads and cofferdam construction would be completed outside of spawning season (mid-April through June) and boating season (mid-May through mid-September) to minimize environmental and recreational impacts. In order to reduce the impacts to the wetlands, the proposed travel lanes along Miller Road have been reduced from a width of 12 feet to 11 feet and the median width has been designed at 18 feet rather than the standard 24 foot width. The proposed side slopes of the road were also reduced from a standard of 4:1 to 2:1, which reduced wetland impacts by 0.12 acres.

The applicant considered four other alternatives to conducting this proposed project; maintaining the existing condition, widening the roadway along the existing alignment and providing a separate bridge structure to the south of the existing bridge structure, widening the roadway along the existing alignment with a new bridge alignment, and realigning the roadway to the south of its existing alignment and providing a separate bridge structure north of the existing bridge structure. After thoroughly investigating each of the possible alternatives, the Applicant determined that the proposed project was the most beneficial in regards to attaining transportation goals of Miller Road, as well as minimizing environmental impacts. Compared to other alternatives, the proposed project would result in the least amount of stream and wetland impacts and would require the least amount of right-of-way (6.0 acres).

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

In a letter from Steve Hamer dated April 27, 2012, IDNR stated that an initial report submitted through the EcoCAT website indicated the potential presence of protected resources in the vicinity of the project location. The letter further states that IDNR has evaluated this information and has concluded that adverse impacts to the protected resources are unlikely. 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 reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading had been incorporated into the proposed activity, and that the project will be a benefit to the community at large by providing safer and more efficient traffic flow along Miller Road. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.