

IEPA Log No.: **C-0084-08**
CoE appl. #: **LRC-2007-287**

Public Notice Beginning Date: **July 13, 2012**
Public Notice Ending Date: **August 3, 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: Palos Bank and Trust – 12600 S. Harlem Avenue, Palos Heights, IL 60463

Discharge Location: Near Orland Park in SE 1/4 of Section 33 of Township 36N, Range 12E of the 3rd P.M. in Cook County.

Name of Receiving Water: Unnamed wetland

Project Description: Proposed construct new commercial and 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 Darren Gove at 217/782-3362.

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Fact Sheet for Antidegradation Assessment
For Palos Bank and Trust
IEPA Log No. C-0084-08
COE Log No. LRC-2007-287
Contact: Mark T. Books at 217/785-6937
Public Notice Start Date: July 13, 2012

Palos Bank & Trust (“Applicant”) has applied for Section 401 water quality certification for construction of a 4.9 acre commercial and independent senior living residential development. The development will impact a 0.86 acre wetland that is located on the site. The site is located in the Village of Orland Park. Specifically it is located west of LaGrange Road and 0.3 miles north of I-80, in Section 33, Township 36 North, Range 12 East.

Identification and Characterization of the Affected Water Body.

The wetland is a General Use Water with a zero 7Q10 flow. The wetland has not been evaluated by the Illinois EPA Surface Water Monitoring Unit. The wetland is 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 wetland is not listed as a biologically significant stream nor has it received an integrity rating. The wetland is indentified as an emergent wetland with a Floristic Quality Index rating of 13.6 and a Native Mean C rating of 3.1. The wetland drains into an unnamed intermittent tributary of Marley Creek. Marley Creek is about 2.5 miles downstream from the project site and the creek is part of the Des Plains River watershed.

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 project will eliminate the current habitat of the affected wetland.

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. To offset the 0.86 acres of wetland impacts the Applicant will purchase 0.86 acres of approved fully certified wetland credits from the Towpath Joint Venture wetland mitigation bank.

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 construct a five-story independent senior living condominium building with underground parking and a five-story office and retail building with associated parking lot...The development of the State Farm property will boost local employment, fulfill the zoning and desired use of the site according to the master plan of the Village of Orland Park, and increase tax revenues to the Village of Orland Park.”

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 will follow an approved Best Management Practice Plan that includes the use of vegetated swale, naturalized stormwater basin and prairie buffer slopes on site. The stormwater basin will also be planted with native wetland plants.

Concerning alternatives to this project the Applicant has stated the following:

“The 5-acre site is identified as an asset to the I-80 district corridor. No other 5-acre parcels with proposed Orland Parkway frontage and traffic use were available.”

In addition to identifying that there are no other 5-acre parcels available in the area that meets the design qualifications the Applicant looked at no impact alternative for their project. The Village has instructed the Applicant that they need to connect their site access to the adjoining MGM property roadway. Due to this required roadway connection the Applicant has stated the following:

“The roadway alignment for the MGM property necessitates that the portion of the roadway on the State Farm property be placed in the wetland. There is no means by which this roadway connection could be made without wetland impact.”

The Applicant also looked at the no build option but has determined the following:

“This alternative fails to satisfy the basic purpose of the project and is not in the public interest. The no-action alternative is not consistent with the Village of Orland Park’s master plan for the I-80 Business District Corridor.”

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

In a letter from Keith Shank dated June 27, 2012 the IDNR indicated that an initial report generated through their EcoCAT website indicated the presence of protected resources in the vicinity of the project location. Further review by the IDNR staff concludes that adverse impacts to the protected resources are unlikely; 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 senior citizens living space and provide space for new commercial businesses. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.