

IEPA Log No.: **C-0303-11**  
CoE appl. #: **2011-137**

Public Notice Beginning Date: **May 24, 2013**  
Public Notice Ending Date: **June 24, 2013**

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  
Division of Water Pollution Control  
Permit Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-3362

**Name and Address of Discharger:** Christ Bros. Asphalt, Inc., 820 S. Fritz, PO Box 158, Lebanon, IL 62254

**Discharge Location:** Sections 29 and 30, T2N, R6W of the 3<sup>rd</sup> P.M. in St. Clair County near Lebanon

**Name of Receiving Water:** Unnamed Wetlands

**Project Description:** Expansion of existing asphalt and recycling facility.

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.

Fact Sheet for Antidegradation Assessment  
Christ Bros. Asphalt, Inc. – Unnamed Wetland – St. Clair County  
IEPA Log No. C-0303-11  
COE Log No. 2011-137  
Contact: Brian Koch at 217-558-2012  
May 24, 2013

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The Applicant has applied for 401 water quality certification for wetland impacts associated with the expansion of their existing asphalt plant and recycling facility. The project site is located southeast of Lebanon in Sections 29 and 30, Township 2 North, Range 6 West. Expansion of the facility is necessary in order to provide additional area for equipment storage, concrete and aggregate stockpiles, weigh scale, material storage, and a laboratory for material testing. The proposed project would require permanent filling of 5.3 acres of farmed emergent wetlands adjacent to Little Silver Creek. Approximately 42,598 cubic yards of clean soil and rock would be used for fill activities. The Applicant has proposed to provide mitigation for these permanent wetland impacts at a 2.5:1 ratio. Little Silver Creek has a history of flooding, therefore the goal for the mitigation area would be to create an emergent wetland to filter and retain floodwaters. Mitigation would be performed on-site in the form of 13.3 acres of emergent wetland and 1 acre of bottomland prairie.

#### **Identification and Characterization of the Affected Water Body.**

The unnamed wetlands within the project site have zero 7Q10 flow and are General Use waters. The waters 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.

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

Pollutant load increases that would occur from this project include some increases in suspended solids during construction activities. Permanent fill activities would remove the aquatic life uses of 5.3 acres of farmed emergent wetlands.

#### **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 prevent impacts to downstream waters. The permanent loss of wetlands would be offset with on-site compensatory mitigation as previously described.

#### **Purpose and Social & Economic Benefits of the Proposed Activity.**

This proposed project would allow for facility expansion in order to handle the increased quantities of concrete and asphalt to be recycled and beneficially reused.

### **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 which would minimize erosion and increases in suspended solids. The original project plans have been modified to minimize the total amount of wetland impacts down to 5.3 acres and avoid higher quality wetlands. The original plans for expansion would have extended the facility all the way to Little Silver Creek and would have impacted a total of 12.56 acres of wetlands, including forested wetlands immediately adjacent to Little Silver Creek. The wetland impacts associated with the proposed project have been minimized to the greatest extent possible and there are no practicable alternative locations that the Applicant can attain that would result in lesser impacts. The least intrusive alternative would be to not expand the facility. This is not an acceptable alternative given that this is a useful project that would accommodate the increased quantity of materials to be recycled on-site and reused rather than disposed. Compensatory mitigation for the proposed impacts would be conducted on-site. The proposed mitigation plan would establish an emergent wetland with 150 foot buffers along Little Silver Creek which would increase flood storage and nutrient/sediment filtering, thereby potentially improving the flow regime and water quality of Little Silver Creek.

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

The IDNR EcoCAT system was consulted on May 1, 2013. It was immediately determined that no State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves are in the vicinity of the project location. Consultation was immediately 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 the assessment was written. We tentatively find that the proposed activity would result in the attainment of water quality standards; that all existing uses of the wetlands would be maintained on-site through compensatory mitigation; 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 would benefit the community by allowing for increased quantities of concrete and asphalt to be recycled and beneficially reused. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.