

IEPA Log No.: **C-0712-13**

CoE appl. #: **2013-0976**

Public Notice Beginning Date: **May 7, 2014**

Public Notice Ending Date: **May 28, 2014**

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: First Rockford Group, 6801 Spring Creek Road, Rockford, IL 61114

Discharge Location: Sections 14, T44N, R2E of the 3rd P.M. in Winnebago County within Rockford

Name of Receiving Water: Unnamed Wetland

Project Description: Construction of a commercial development east of Perryville Road between Rote Road and Spring Creek 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
First Rockford Group – Unnamed Wetland – Winnebago County
IEPA Log # C-0712-13
COE # 2013-0976
Contact: Diane Shasteen (217) 558-2012
May 7, 2014

First Rockford Group, LLC (“Applicant”) has applied for a 401 Water Quality Certification for the proposed impact to 1.62 acres of jurisdictional wetlands within the designated project area. The project area is a 54.2 acre site located east of Perryville Road, between Rote Road and Spring Creek Road in Rockford, Winnebago County, Illinois (Section 14, Township 44 North, Range 2 East). The proposed project is a commercial development that will include a Meijer store, gasoline service station, restaurants, additional retail buildings, parking lots, access roadways, and associated infrastructure. The purpose of this project is to develop a commercial site that is needed to expand business activity and retail choices for an increasing population within the city of Rockford. Construction of the proposed commercial project would result in the filling of 1.62 acres of jurisdictional wetlands, which will be replaced by 2.43 acres of compensatory wetland mitigation credits from the Northern Illinois Wetland Bank operated by Northern Illinois Wetland, LLC. The project will also build two naturalized stormwater detention basins to compensate for lost stormwater storage along with incorporating comprehensive stormwater BMPs to replace the water quality and stormwater treatment function of the wetland proposed for impact by the new construction.

Identification and Characterization of the Affected Water Body.

Christopher B. Burke Engineering, Ltd. (CBBEL) completed a wetland assessment for the Applicant on March 21, 2013. CBBEL identified one wetland (Site 1) and one stormwater management swale on the property. Site 1, a COE jurisdictional wetland, consists of a low quality vegetated swale dominated by woody and herbaceous vegetation (1.62 acres, FQI 8.1). The wetland drainage originates at a culvert adjacent to the eastern residential development, cuts through the center of the property, and consists of a degraded swale surrounded by agricultural land conveying urban and farmland runoff to storm sewer pipes located on the western portion of the property. The stormwater swale is considered a non-regulated man-made drainage swale constructed for stormwater management.

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

The pollutant load increases that would occur during this project include possible increases in suspended solids during construction. A comprehensive soil erosion plan will be implemented to control sediment and erosion. Spoil materials will be temporarily stockpiled at a designated area on the site and will be surrounded by sediment and erosion control devices to alleviate direct discharges into the Keith Creek watershed. These control measures will be maintained and remain in place until construction is completed and site conditions become stabilized. The project will clean earth fill the on-site wetland as necessary for the construction of the project. A total of 1.62 acres of jurisdictional wetlands will be eliminated.

Fate and Effect of Parameters Proposed for Increased Loading.

The Applicant has proposed compensatory mitigation (1.5:1 ratio) for the impact to 1.62 acres with the purchase of 2.43 acres of mitigation credits from the Northern Illinois Wetland Bank operated by Northern Illinois Wetland, LLC. The proposed wetland impacts and mitigation bank are located in the Rock River watershed. The applicant will implement stormwater BMPs in the new construction including two naturalized wet bottom detention basins that will contain sediment traps near the inlets and the outlet. Native plantings will consist of prairie buffer vegetation on the side slopes to prevent erosion and provide bank stabilization and emergent, hydrophytic vegetation in the lower elevations of the basins to provide additional filtration of stormwater before it leaves the site. Additional BMPs include bio-filter swales adjacent to the parking lots and on-site green space to further filter stormwater. These stormwater BMPS will reduce pollutant loads, provide stormwater storage, and maximize infiltration and evaporation.

Purpose and Social & Economic Benefits of the Proposed Activity.

The Applicant will construct a commercial development that will include a Meijer store, gasoline service station, restaurants, additional retail buildings, parking lots, access roadways, and associated infrastructure. The development is needed to expand business activity and retail choices for an increasing population within the city of Rockford. The businesses would provide employment for residents in the surrounding area and additional tax revenues for the city of Rockford, Winnebago County and State of Illinois.

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

The applicant evaluated several on-site and off-site alternatives for the commercial development. Table 1 contains the preferred alternative and the off-site alternatives considered, along with the reasons these locations were not chosen for the project. One location did not involve the disturbance to waters of the state; however, all other alternatives resulted in increased disturbance to the water resources. Other limiting factors that prevented site development include lot size and location, zoning and land use code constraints, availability for development, and vehicular accessibility.

Table 1: Alternative locations for development

Site Name	Lot Size	Zoning	Wetlands - Floodplain Acreage	Road Frontage	Availability for development	Reasons suitable/unsuitable for development
Preferred alternative Perryville Road and Rote Road	54.2 acres	Commercial	1.62 acres	Strategic Arterial	Available	Adequate acreage, least amount of water resources affected, convenient accessibility
Spring Creek Road and Perryville Road	29.1 acres	Commercial	11.8 acres	Minor Arterial	Unknown	Additional water resources affected; parcel too small to accommodate major retailer
South Route 20 Parcel	25.6 acres	Residential & Recreational	13.1 acres	Strategic Arterial	Unknown	Additional water resources affected, parcel too small, zoning and land use code regulations prohibit development
Garrett Lane and Perryville Road	49.4 acres	Recreational	None apparent	Minor Arterial	Not Available	Regional open space and recreational area owned by Rockford Park District, significant higher quality upland woods and forest resources
North Route 20 Parcel	132.6 acres	Industrial	129.5 acres	Strategic Arterial	Unknown	Kishwaukee River (western boundary of property) and its associated floodplain occupy over 95% of site
Rote Road and Interstate 90	83.5 acres	Primarily Residential	22.3 acres	Minor Arterial	Unknown	Additional water resources affected, limited access off of I-90, zoning and land use code regulations prohibit development

On-Site Alternatives:

Since 2011, Heritage Engineering, Ltd. has designed and evaluated five on-site alternatives. The first three alternatives included dividing the property into a north and south section while leaving the wetland intact. The elevation of the north and south tracts is considerably higher than the central portion of the site where the wetland is located. Therefore, retaining walls would have to be constructed on both sides of the wetland to stabilize the banks. If left intact, the wetland could be used to meet stormwater management requirements; however, this could adversely impact the wetland functions. To avoid this adverse impact to the wetland, the size of the proposed detention facilities would need to be increased; this would lead to a significant reduction in the amount of retail space available making the first three site plans financially infeasible. These plans were rejected due to a lack of continuity in vehicular movement and easy accessibility to all retail stores, increased

construction costs, and potential safety concern for customers and vehicles situated near these steep changes in elevation. Design alternative 4 included filling the wetland and providing one stormwater storage facility; this plan did not meet the City of Rockford stormwater detention requirements and was rejected.

Conclusion:

The construction of the proposed project will follow conditions set forth by the Agency and USACE. Although the design alternative chosen does affect the on-site wetland, the location of the new construction is the most cost effective, viable means for the commercial development. The leveling of the topography and placement of the stormwater detention basins in the lowest portion of the site will compensate the loss of the current wetland function of providing sediment retention from agriculture runoff. Best management practices including soil erosion and sediment control plans and the addition of two naturalized detention basins will be utilized to slow and dissipate energy of sediment, increase water quality filtration and infiltration, and provide sustainable, permanent native vegetative cover which will minimize pollutants loads, provide stormwater storage, and maximize evaporation.

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

An Eco-CAT endangered species consultation submitted on October 3, 2013 to the Illinois Department of Natural Resources resulted in no record of State-listed threatened or endangered species or natural areas in the vicinity of the project location. Therefore, the consultation for IDNR Project #1405126 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 draft 401 Water Quality Certification was written. 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 an easily accessible commercial development in an underserved region, additional employment opportunities for the residents of Rockford and Winnebago County, and additional tax revenue for the city, county and State of Illinois. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.