

IEPA Log No.: **C-0217-14**
CoE appl. #: **CEMVR-OD-P-2014-639**

Public Notice Beginning Date: **September 2, 2014**
Public Notice Ending Date: **October 2, 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
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Hager Slough Special Drainage District – 9612 Chandlerville Road,
Beardstown, Illinois 62618

Discharge Location: Near Beardstown in Section 29 of Township 19N, Range 11W of the 3rd P.M. in
Cass County.

Name of Receiving Water: Sangamon River

Project Description: Construction of a sand seepage berm at the landslide toe of Hager Slough Special
Drainage Levee along the Sangamon River

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 Jenny Larsen at 217/782-3362.

JML:C-0217-14_401 PN and FS.docx

Fact Sheet for Antidegradation Assessment
For Hager Slough Special Drainage District
IEPA Log No. C-0217-14
COE Log No. CEMVR-OD-P-2014-639
Contact: Diane Shasteen (217) 558-2012
Public Notice Start Date: September 2, 2014

The Hager Slough Special Drainage District (“District”) has applied for a 401 water quality certification for permanent wetland impacts associated with construction of a sand seepage berm. Completion of the project would require the permanent fill of 6 acres of forested wetlands adjacent to the Sangamon River. Beneficial use sand would be obtained from the Beardstown stockpile, which is a part of the USACE Dredged Material Management Program. Mitigation for the permanent wetland impacts would be provided in an adjacent area along the Sangamon River. A 3:1 mitigation ratio would be provided at a planting rate of 120 containerized woody plants (3-6 feet tall) per acre. No individual species of hard mast-producing trees shall exceed 20% of the overall planting. Sycamore, river birch, American elm, and dogwood species may be incorporated into the planting scheme providing their combined numbers do not exceed 50% of any single restoration area.

Identification and Characterization of the Affected Water Body.

The unnamed wetlands along 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 regard to the dissolved oxygen water quality standard.

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

Construction activities would likely result in increases of suspended solids to the impacted wetland areas. Permanent fill activities would remove the aquatic life uses of filled wetland areas, but these impacts would be offset with wetland mitigation. Temporarily impacted wetland areas would be restored to pre-project conditions following construction and should support the same community structure currently found.

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 further impact to the water bodies. Loss of aquatic life uses in the waters to be permanently filled would be offset with wetland mitigation.

Purpose and Social & Economic Benefits of the Proposed Activity.

The project purpose is to repair damage to the levee sustained during the April, 2013 Illinois River flood event. During the flood event, a portion of the levee experienced severe boils which resulted in a loss of material and a loss of structural integrity. Repair of the levee would allow for continued protection of residences and the 8,030 acres of agricultural land safeguarded by the levee.

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

Initial repair methods considered to restore the required exit gradient included a sheet pile or a slurry cut-off wall. These were eliminated as options due to cost and avoidance of betterments. Relief wells were also considered, and cost estimates were developed for this option, as well as for the wetland mitigation associated with the relief wells. The cost of this option exceeds the cost for the recommended structural repair. The selected alternative adequately addresses the seepage issue in a cost effective manner, would require little maintenance, and would have minimal environmental impacts.

Other than the proposed plan of action, the remaining alternatives for the Applicant are “no action” and “nonstructural flood recovery / floodplain management”. The “no action” alternative is not acceptable given that in its current condition the district may flood during a 50% chance exceedance flood event. Flooding would prevent agricultural use of the land and severe hardship would result to the owners of these lands and dwellings. The “nonstructural flood recovery / floodplain management” consists of changing the land use via federal and state aid. Such strategies include: Acquisition, relocation, elevation, and flood proofing existing structures; rural land easements and acquisitions; and restoration of wetlands. This alternative is not acceptable to the District given their desire to maintain the agricultural use of the land.

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

The IDNR EcoCAT system was consulted on June 15, 2014 and it was immediately determined that protected resources (Smooth Softshell (*Apalone mutica*) and NWI wetlands) may be in the vicinity of the project location. The department evaluated this information and concluded that adverse effects are unlikely. Consultation was terminated in the June 19, 2014 letter from IDNR.

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 or mitigated; 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 provide social and economic benefits to the community at large by protecting residential and agricultural lands from flooding events. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.