

IEPA Log No.: **C-0430-12**

CoE appl. #: **2013-0421**

Public Notice Beginning Date: **February 5, 2014**

Public Notice Ending Date: **March 7, 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: Jacob & Hefner Associates, 1910 S. Highland Avenue, Lombard, IL 60148 and Liberty Property Trust, 25 Northwest Point, Suite 550, Elk Grove Village, IL 60007

Discharge Location: Section 2, T34N, R8E of the 3rd P.M. in Grundy County in Minooka

Name of Receiving Water: Unnamed tributary of Aux Sable Creek and unnamed wetlands

Project Description: Liberty Business Center in Minooka.

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

Liberty Property Trust/Jacob & Hefner Associates – Unnamed Tributary of Aux Sable Creek and Unnamed Wetlands – Grundy County

IEPA Log No. C-0430-12

COE Log# CEMVR-OD-P-2013-0421

Contact: Eric Runkel (217) 558-2012

February 5, 2014

Liberty Property Trust (Applicant) is applying for a 401 water quality certification for impacts associated with the development of an 108 acre site; consisting of commercial distribution buildings with associated drives, parking areas, and a naturalized stormwater management system consisting of two naturalized stormwater basins with wetland filtration located in Grundy County, Illinois. The realignment of an unnamed tributary will impact approximately 3,111 linear feet of tributary. Three wetlands were identified on the property totaling approximately 1.77 acres. Three non-jurisdictional farmed wetlands were also identified within the project area totaling approximately 1.29 acres.

Identification and Characterization of the Affected Water Body.

The unnamed tributary (no Segment Code) of Aux Sable Creek (Segment Code IL_DW-01) is classified as General Use water body with zero 7Q10 flow. The watershed for the unnamed tributary at the proposed project area is approximately 1.52 miles. The unnamed tributary has not been assessed under the Agency's 305(b)/303(d) program and has not been given an integrity rating nor 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 body is not enhanced in regards to the dissolved oxygen water quality standard.

Flow in the unnamed tributary is intermittent, averaging from 0 to a maximum 6 inches in depth. The applicant concluded that "flow was not sufficient to harbor strictly aquatic species; no fish were observed throughout the entirety of the on-site tributary channel." The vegetative community surrounding the unnamed tributary is considered "poor quality", providing minimal ecological function or water filtration of incoming flows. The Floristic Quality Index (FQI) and Native Mean C values for the tributary and associated wetland were 8.4 and 1.7. Water chemistry was not evaluated for this tributary. The tributary was concluded to be a modified stream channel due to channelization to accommodate agriculture and has little or no flow during drought conditions.

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

A total of 3,111 linear feet of intermittent tributary will be impacted by the proposed activity. 1.77 acres of emergent wetlands will be impacted within the project area. The filled unnamed tributary and associated wetlands will result in loss of aquatic habitat. The three non-jurisdictional farmed wetlands totaling 1.29 acres were determined by the USACE (November 5, 2007 correspondence to the Applicant) "to be isolated waters, not subject to Section 404 jurisdiction", therefore not included in the 401 certification process. Pollutant load increases that would occur from this project include some suspended solids in the downstream reach during the reconstruction of the tributary channel and contaminants associated with urban parking lot run-off. Utilization of chloride containing materials for deicing would increase the level of chlorides discharged from the facility.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids will be local and temporary in the downstream reach that will not be filled during reconstruction. A total of 3,126 linear feet (1:1 ratio) of tributary and 4.80 acres (2.7:1 ratio) of wetland will be reconstructed. The restored tributary will be constructed to an 'as good or better' quality than previously existed. Aquatic communities at least as diverse as currently inhabit the tributary are anticipated to return upon reconstruction. A detailed Interim Unnamed Tributary Relocation Plans is provided in the Revised Individual Permit Application. A 5 year performance period of monitoring will be employed by the applicant to ensure compliance with projected goals of tributary and wetland mitigation. The property will be protected under a "conservation easement" to ensure that the mitigation area is protected in perpetuity. Sediment and erosion control measures; including using silt fencing, silt traps, planting fast germinating vegetation, and perimeter erosion barriers will be utilized. No adverse impacts to streams would occur as all water quality standards are expected to be met in the receiving waters.

Purpose and Social & Economic Benefits of the Proposed Activity.

This project will construct a large distribution center allowing for more economic and employment opportunities for the community.

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

No Action

No action would leave the site in its current agricultural condition allowing discharge of significant amounts of sediment and agricultural pollutants into the downstream receiving waters. This alternative was discontinued from the selection process.

Smaller Building/Infrastructure

The Applicant stated:

“Based upon the best use market analysis produced by professionals in the industry, a building small enough to avoid stream relocation on the site would not be marketable as the demand in this area is exceedingly for a building large enough to accommodate a distribution center.”

Also, the Village of Minooka constructed the surrounding infrastructure with the intent of attracting large distribution center end users for this site specifically.

Relocating Building Infrastructure

Relocating the project would not be a viable alternative as essentially the same or more aquatic resources would be encountered at any location along the Aux Sable Creek watershed.

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

IDNR has evaluated the EcoCAT information and concluded that adverse effects are unlikely. Consultation was terminated for IDNR Project #1303848[E123a] on April 30, 2013.

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 antidegradation review summary was written. We tentatively find that the proposed activity would result in the attainment of water quality standards; that all existing uses of the receiving streams would 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 would enhance the tributary and benefit the community at large by providing more economic opportunity. Comments received during the 401 certification public notice period will be evaluated before a final decision is made by the Agency.