

IEPA Log No.: **C-0345-14**

CoE appl. #: **2011-785**

Public Notice Beginning Date: **February 4, 2015**

Public Notice Ending Date: **March 6, 2015**

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: Beimfohr-Hill Partnership, 1008 Benelli Street, Mascoutah, IL 62258

Discharge Location: Sections 3 and 10, T2N, R8W of the 3rd P.M. in St. Clair County in Caseyville

Name of Receiving Water: Unnamed Tributary to Canteen Creek

Project Description: Commercial and residential development (Beimfohr-Hill Park – Phase II).

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.

TJF:0345-14PN.docx

Fact Sheet for Antidegradation Assessment
Beimfohr-Hill Partnership – Unnamed Tributary to Canteen Creek – St. Clair County
COE # MVS-2011-785
IEPA Log # C-0345-14
Contact: Diane K. Shasteen (217) 558-2012
February 4, 2015

The Beimfohr-Hill Partnership, LLC (“Applicant”) has applied for Section 401 water quality certification for impacts of approximately 850 linear feet (0.07 acres) of an unnamed tributary of Canteen Creek. The impacts to the headwater stream include piping of the 850 linear feet (LF) with an overlay of approximately 220 cubic yards of soil fill. The proposed project is located east of Illinois State Route 159 between Perry Place and Morrison Road in Sections 3 and 10, Township 2 North, Range 8 West, Caseyville, St. Clair County. An additional 20-acre parcel of land, located to the north of the original proposed site, was acquired after the original permit application was submitted. The purpose of this project is to construct commercial and residential lots along with the associated infrastructure, roadways, and parking. The unnamed tributary located on site will be piped and graded beginning at its origin to a point downstream where flow will be released to a riprap blanket. Stormwater runoff will be directed to a proposed detention basin located on the southern portion of the property to help reduce discharge rates into the tributary. The impacts to 0.07 acres of jurisdictional waters will be mitigated through in-stream enhancement of Wilson Creek and establishment of a riparian corridor near the confluence of Wilson and Carr Creeks located in Columbia, Illinois.

Identification and Characterization of the Affected Water Body.

SCI Engineering (SCI) completed two field studies on December 29, 2006 and April 13, 2011 to determine if wetlands or other waterbodies were located in the project area. No wetlands were identified within the project area during these studies. One intermittent unnamed tributary (no Segment Code; Tributary A) to Canteen Creek (IL_JNA-02) was confirmed. Approximately 1,955 LF of the tributary bisects the site, flows south to north, and is located within the boundaries of the site. Tributary A has not been assessed by Illinois EPA and is not listed as a biologically significant stream in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor is it given an integrity rating in that document. The USGS Illinois Streamstats basin characteristics program gives a watershed size of 0.08 square miles for the unnamed tributary within the project area, and a total watershed of 0.12 square miles at the confluence with Canteen Creek. According to the Illinois State Water Survey, the unnamed tributary is likely to be a 7Q1.1 zero flow stream. In this region of Illinois, 7Q1.1 zero flow streams are streams with a watershed area of 5 square miles or less. These streams will exhibit no flow for at least a continuous seven day period nine out of ten years. Aquatic life communities in these headwater streams are tolerant of the effects of drying. Depending on the rainfall received before biological surveys, either a very limited aquatic life community, or no community at all would be found. Given this flow regime, no additional biological characterization is required.

Canteen Creek (IL_JNA-02) is a General Use Water with an estimated zero cfs 7Q10 flow. According to the draft 2014 Illinois Integrated Water Quality Report and Section 303(d) List, Canteen Creek has been assessed by Illinois EPA and is listed as not supporting Aquatic Life use. Causes for impairment are Alteration in stream-side or littoral vegetative covers, Barium, and Changes in Stream Depth and Velocity Patterns. Fish Consumption, Primary Contact Recreation, Secondary Contact and Aesthetic Quality uses have not been assessed. Canteen Creek is not listed as a biologically significant stream in

the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System* nor is it given an integrity rating in that document. Canteen Creek is not designated as an enhanced water pursuant to the dissolved oxygen water quality standard.

SCI conducted a site reconnaissance of the additional 20 acre acquisition on November 11, 2014 to determine if wetlands or other waterbodies were located in the project area. The downstream reach of Tributary A, a small scrub-shrub wetland (0.14 acres) associated with Tributary A, an additional unnamed tributary to Canteen Creek (Tributary B), and Canteen Creek were identified in the additional parcel. Approximately 425 LF of Tributary A and the associated wetland is located on the western edge of the additional parcel. Tributary B (170 LF) and a short segment of Canteen Creek (480 LF) are located in the northeastern portion of the site. No additional impacts are expected to be associated with these site features.

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 due to the piping of Tributary A located on site. The applicant has proposed a detention basin located in the southern portion of the site to help control discharge rates into the created pipe structure. This proposed basin will also collect and filter stormwater runoff which will improve the water quality entering Tributary A. Erosion and sediment control plans and BMPs will be implemented to minimize soil exposure and disturbance and maintain buffers around surface waters.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids will be local and temporary. Erosion control measures will be utilized to minimize any increase in these disturbances and prevent further impacts to the tributary and downstream regulated waters.

Mitigation for the impacts to 0.07 acres of headwater stream impacts will include in-stream enhancement of Wilson Creek and establishment of a riparian corridor near the confluence of Wilson and Carr Creeks located in Columbia, Illinois. Wilson and Carr Creeks are located in the same watershed (Mississippi River tributaries; 07140101 HUC 8 watershed) as Canteen Creek. Mitigation credits required for the impacts of the proposed project were calculated using the Illinois Stream Mitigation Method. A total of 3,022 mitigation credits would be necessary according to this method. The Applicant has proposed in-stream features for approximately 600 LF of Wilson Creek including modifying the channel to restore natural channel dynamics. The channel modification include recreating the normal riffle-pool sequence by adding four stone riffles spaced 150' apart, creating a floodplain bench in conjunction with the riffle complexes, and installing Stone Toe Protection on the channel meanders of the two downstream riffles for bank protection. The proposed in-stream enhancement will generate 1,590 stream mitigation credits. Riparian corridor establishment will occur along approximately 1,000 LF of Wilson Creek and 600 LF of Carr Creek. The Wilson Creek riparian corridor will extend an average of 50' in width (1.14 acres) along the southern edge of the creek. The Carr Creek riparian corridor will extend an average of 100' in width (1.38 acres) along the eastern edge of the creek. The Wilson and Carr Creek riparian corridor establishments will generate 600 and 840 mitigation credits, respectively. A total of 3,030 mitigation credits will be generated based on the proposed mitigation.

Purpose and Social & Economic Benefits of the Proposed Activity.

The proposed project will create commercial and residential lots and the needed infrastructure, roadways, and parking for the development.

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

The applicant has completed an alternative analysis to determine a commercial and residential development plan that minimizes impacts to jurisdictional waters of the state and is economically feasible. The Applicant considered six alternatives to impacts to Tributary A.

Alternative 1: No Impact

- Avoids all impacts to jurisdictional waterbodies
- Tributary A bisects property resulting in a segregated, disconnected development
- Would limit access to portions of development increasing emergency response times
- Loss of developable acreage and market appeal due to lack of visibility from highway
- Substantial economic loss rendering project unfeasible

Alternative 2: Impact All

- Proposes piping 1,955 LF of Tributary A
- Maximizes developable space on site
- Increases flexibility of development and design
- Allows for highly visible commercial lots with close proximity to high traffic roadways
- Excessive amount of impact considered environmentally unfeasible

Alternative 3: Partial Impact – Road Crossings

- Partial impact of Tributary A at two road crossings
- Approximately 800 LF of impact
- Creates ease of access to site but does not create highly visible commercial lots with close proximity to the high traffic roadway
- Requires relocation of the detention pond
- Requires significant side slopes to support road crossings which could lead to increase in erosion and sedimentation
- Impacts to downstream location on Tributary A where stream is more defined by bed and bank

Alternative 4: Impact Lower Reach

- Pipe and fill 1,105 LF of lower reach of Tributary A, avoiding upper 850 LF
- Allows for increased development of property
- Allows for the creation of premium, highly visible commercial lots with close proximity to the high traffic roadway
- Economic gain limited due to extensive piping and grading
- Excessive amount of impact considered environmentally unfeasible

Alternative 5: Develop Alternate Property

- Only one commercial property for sale located in the same area as the proposed project
- Parcel was partially developed as a residential subdivision and abandoned for financial reasons
- Site improvements, paved roads and sanitary sewers, have fallen into disrepair and are designed for residential development
- Unable to determine impacts to waterbodies on site due foreclosure of property and restricted access
- Property size much larger than current proposed site
- Alternative considered non-viable due to significant land acquisition requirements

Alternative 6: **Preferred Alternative**

- Impacts 850 LF of Tributary A
- Does not impact the lower reaches of Tributary A, the wetland associated with this tributary, Tributary B, or the portion of Canteen Creek located on the proposed site
- Allows for the creation of highly visible commercial lots with close proximity to the high traffic roadway and the creation of easily accessible residential lots further east of the high traffic roadway
- Minimizes environmental impacts while maximizing the use of available space

Alternative 6 provides the only viable option for the proposed project. This alternative does not allow for the creation of premium lots as does Alternative 4; however, it causes significantly less environmental damage to Tributary A. Only Alternative 1 would result in no impacts to the environment and jurisdictional waters. This option is not viable due to the substantial economic loss created by the loss of developable acreage and market appeal due to lack of visibility from highway and the lack of access to the proposed commercial and residential lots.

Conclusion:

The construction of the proposed project will follow conditions set forth by the Agency and USACE. The completion of the construction project is the most cost effective, viable means for developing the commercial and residential lots and associated infrastructure. Erosion and sediment control plans will be implemented pre- and post-construction and stormwater BMPs will be implemented, including the construction of a detention basin located on the southern portion of the property to help reduce discharge rates and sedimentation into Tributary A. Mitigation for impacts to Tributary A will include in-stream enhancement of Wilson Creek and establishment of a riparian corridor near the confluence of Wilson and Carr Creeks. A total of 3,030 mitigation credits will be generated based on the proposed in-stream and riparian corridor mitigation project.

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 June 9, 2014 to the Illinois Department of Natural Resources resulted in no record of State-listed threatened or endangered species or protected natural areas in the vicinity of the project and consultation for IDNR Project #1412033 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 easily accessed, highly visible commercial and residential lots and infrastructure needed for future development. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.