

IEPA Log No.: **C-0667-13**  
CoE appl. #: **2012-00621**

Public Notice Beginning Date: **November 6, 2015**  
Public Notice Ending Date: **December 7, 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:** Continental Beeson Corners, LLC, W134 N8675 Executive Parkway,  
Menomonee Falls, WI 53051

**Discharge Location:** Section 17, T43N, R12E of the 3<sup>rd</sup> P.M. in Lake County within Bannockburn

**Name of Receiving Water:** Unnamed Tributary to Middle Fork North Branch Chicago River and  
Unnamed Wetlands

**Project Description:** Mariano's Fresh Market.

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

Continental Beeson Corners, LLC – Unnamed tributary to Middle Fork North Branch Chicago River and Unnamed Wetlands – Lake County

COE # LRC-2012-00621

IEPA Log # C-0667-13

Contact: Diane Shasteen (217) 558-2012

November 6, 2015

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Continental Beeson Corners, LLC (“Applicant”) has applied for a 401 Water Quality Certification for the proposed impact to 2.88 acres of jurisdictional wetlands within the designated project area. The project area is located at the northeast corner of Waukegan Road (IL 43) and Half Day Road (IL 22) in the Middle Fork of the North Branch Chicago River Watershed (Section 17, Township 43 North, Range 12 East). The proposed project is a 74,375 square foot Mariano’s Fresh Market grocery store, 350 parking stalls, stormwater management facilities, and delivery truck access on a 9.1 acre parcel in the City of Bannockburn, Lake County, Illinois. The purpose of this project is to construct a grocery store that is easily accessible from east/west and north/south state highways (Illinois Routes 43 and 22) in a portion of the county with few choices for such entities. Construction of the proposed grocery store would result in the filling of 2.88 acres of jurisdictional wetlands, which will be replaced by 8.46 acres of compensatory wetland mitigation credits from the Atkinson Road Wetland Bank located in Lake County. The project will incorporate comprehensive stormwater BMPs including native vegetation buffers, bioswales, recessed parking islands, and underground stormwater detention to replace the water quality and stormwater treatment function of the wetlands proposed for impact by the new construction.

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

Bollinger Environmental, Inc. (BEI) completed a wetland assessment for the Applicant on three separate occasions, July and November 2012 and May 2013. BEI identified four wetlands (1-4) and one man-made ditch (WOUS 1) considered a Waters of the U.S. within the project area. WOUS 1 flows north from the property, is an unnamed tributary (no Segment Code) to Middle Fork North Branch Chicago River and has not been assessed by Illinois EPA. It 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 channel length of WOUS 1 is approximately 500 meters and does not appear on the USGS Illinois Streamstats basin characteristics program. A watershed size of less than 0.04 square miles was estimated from ArcGIS for WOUS 1. According to the Illinois State Water Survey, this stream segment 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 one square mile 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 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. Permanent impacts to WOUS-1 will be approximately 0.12 acres.

Middle Fork North Branch Chicago River (IL\_HCCC-02), a direct tributary to the North Branch Chicago River (IL\_HCC), is a General Use Water with an estimated zero cfs 7Q10 flow. According to the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List, Middle Fork North Branch Chicago River has been assessed by Illinois EPA and is listed as not supporting Aquatic Life,

Primary Contact Recreation, and Aesthetic Quality uses. Causes for Aquatic Life impairment include Alteration in stream-side or littoral vegetative covers (non-pollutant), Chloride, DDT, Hexachlorobenzene, Dissolved Oxygen, Sedimentation/Siltation, and Total Suspended Solids (TSS). The cause of impairment listed for Primary Contact Recreation use is Fecal Coliform. Aquatic Plants (Macrophytes, non-pollutant), Bottom Deposits, and Phosphorus (Total) are listed as the causes for impairment for Aesthetic Quality use. Fish Consumption and Secondary Contact uses have not been assessed. Middle Fork North Branch Chicago River 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*; it is given an integrity rating of "D" in that document. Middle Fork North Branch Chicago River is not designated as an enhanced water pursuant to the dissolved oxygen water quality standard.

Site hydrology was determined to flow from the central portion of the site to the west into a storm sewer pipe with drilled holes to a roadside ditch and east to WOUS-1. All wetlands on site are considered COE jurisdictional with Wetland 2 having a hydrologic connection to WOUS-1. Wetland 2 extends off site to the north and is a Forested/Scrub/Shrub Emergent consisting of 1.0 acres (within site) of high quality aquatic resource (HQAR) with a floristic quality (FQI) of 22.5; the wetland is not considered a remnant high quality natural area or ADID wetland. Wetland 1 is identified as a Scrub/Shrub Emergent wetland (1.45 acres, FQI 19.6). Wetlands 3 (0.37 acres) and 4 (0.76 acres) are low quality emergent wetlands with FQI scores of 14.2 and 15.3, respectively. All acreage of Wetlands 3 and 4 will be permanently impacted by the proposed project; permanent impacts to Wetlands 1 and 2 will be 0.84 and 0.79 acres, respectively. Impacts to these wetlands and WOUS-1 are unavoidable and are anticipated to be mitigated at ratios of 1.5:1 (WOUS-1) and 3.0:1 (Wetlands 1-4) with the purchase of 8.46 acres of wetland credit from the Atkinson Road Wetland Bank located in Lake County.

### **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 and chloride from snow/ice removal during winter storm events. Soil erosion and sediment control plans will be implemented before and during the construction process in accordance with the Lake County Watershed Development Ordinance and NPDES requirements to alleviate direct discharges into the Middle Fork North Branch Chicago River watershed. These control measures will be maintained and remain in place until construction is completed and site conditions become stabilized. A Chloride and BMP Management Plan to address chloride loading to the Middle Fork North Branch Chicago River watershed has been developed following protocols outlined in the Lake County Stormwater Management Commission Manual. Due to the implementation of these plans, no pollutant load increases are expected with this project. The project will clean earth fill on-site wetlands and WOUS-1 as necessary for the construction of the project. A total of 2.88 acres of jurisdictional wetlands will be eliminated.

### **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. The Applicant will implement stormwater BMPs in the new construction including vegetated buffers, bioswales, recessed parking islands, and underground stormwater retention. The underground structure will be designed to have an open bottom and aggregate base which should provide some additional infiltration

capability. Stormwater from the roof of the proposed building will be routed towards the remaining wetland areas to ensure sufficient saturation; stormwater from the parking lot will be routed through the onsite bioswales prior to discharge into the underground stormwater retention vault. The underground vault will have a connection with a stormwater depression area in the case of stormwater exceeding vault capacity. A 100 foot buffer zone between the northern portion of the project site and the Lake County Forest Preserve District property will preserve 0.82 wetland acres on site, provide compensatory floodplain storage, and assist site drainage. The buffer zone will also be permanently restricted against all future development via a conservation easement or deed to the Lake County Forest Preserve. These storm water BMPs will reduce pollutant loads, provide stormwater storage, and maximize infiltration and evaporation. The COE will require a 3 year management and monitoring plan for the stormwater BMPs.

The Applicant has developed a Chloride and BMP Management Plan to address chloride loading to the Middle Fork North Branch Chicago River watershed. The Applicant's plan will utilize a mixture of calcium magnesium acetate (CMA) and sodium chloride and follow the most restrictive regional protocols for deicing practices listed by the Lake County Stormwater Management Commission Manual to minimize additional loading of chloride to the system. The Applicant compared the Lake County chloride application rates, which are based on the Minnesota Snow and Ice Control Field Handbook, to the DuPage River Salt Creek Workgroup's application rates and determined that the more restrictive rates (Minnesota) would result in a 70% reduction of chloride use in a normal winter season. The Applicant's reduction plan includes the following:

- Follow recommended protocols from Lake County Winter Parking Lot and Sidewalk Maintenance Manual
- Utilize the Minnesota Snow and Ice Control Field Handbook, Manual 2005-1's Deicing Application Rate Guidelines for Parking Lots and Sidewalks
- Further reduce chloride loading by using 20% CMA with sodium chloride
- Adequately train maintenance staff and retained subcontractors
- Hire only qualified professionals to conduct snow and ice control practices
- Utilize professionals listed on Lake County Stormwater Management Commission's "Preferred Provider" list for winter maintenance
- Require the submittal of a deicing data form for each storm event and documentation of monthly salt and other deicing chemical totals used on site from the deicing contractor

In addition to the proposed plan to minimize additional loading of chloride to the system, the Applicant will join the North Branch Chicago River Planning Committee (NBPC). The Applicant will participate in the workgroup by having a representative attend meetings and contribute by sharing knowledge of BMPs for salt use reduction, share salt use reduction data, and develop and participate in BMP training workshops led by stakeholders.

The Applicant has proposed compensatory mitigation for the impact to 2.88 acres with the purchase of 8.46 acres of wetland mitigation bank credits from the Atkinson Road Wetland Bank; the result of 3.0:1 mitigation ratio for impacted wetlands and a 1.5:1 mitigation ratio for WOUS-1.

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

The Applicant will construct a Mariano’s Fresh Market, a grocery store that is needed due to limited choices in the area. The 74,375 square foot store would be easily accessible due to the proximity to east/west and north/south state routes. Although the analysis lists economic benefits only for the Applicant, the business would potentially provide employment for residents within the area and additional tax revenues for the county and State of Illinois.

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

The Applicant has considered several other locations in the area for the business development. Table 1 contains a list of the sites considered and the reasons these locations were not chosen for the project. Several of the locations did not involve the disturbance to waters of the state; however, other limiting factors exist that prevent site development. These limiting factors include lot size and location, proximity to already established grocery stores, zoning and land use code regulations, and vehicular accessibility.

**Table 1: Alternative locations for development**

Site Name	Lot Size Adequate	Location Adequate	Available for development	Water Resources Not Affected	Reasons unsuitable for development
Waukegan Road/Half Day Road Northern Portion	X	X	X		Preferred alternative
Waukegan Road/Half Day Road Southern Portion		X	X		Not large enough to accommodate building and parking
Half Day Road/Skokie Valley Road	X				Zoning and land use code regulations prohibit development
Duffy Lane/Interstate 94	X				Residential road, no on/off ramp from I 94, increased disturbance to water resources
Townline Road/Riverwoods Road	X		X	X	Proximity to already established grocery store
1951 N Waukegan Avenue			X	X	Site and existing building too small and remodel and expansion not cost-effective
200 North field Drive	X			X	Proximity to already established grocery store; zoning ordinances
2930 Skokie Highway			X	X	Site not large enough, inferior mid-block location

**X = meets requirement**

**Conclusion:**

The construction of the proposed project will follow conditions set forth by the Agency and USACE. The location of the new construction is the most cost effective, viable means for the grocery store development. A treatment train of best management practices including pre- and post-construction soil erosion and sediment control plans, chloride reduction plan, and the addition of vegetated buffers, bioswales, recessed parking islands, and underground stormwater retention 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 pollutant 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 July 21, 2015 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 #1600798 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 this assessment 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 the following: an easily accessible grocery store in an area with few choices, additional employment opportunities for the residents of Lake County and the surrounding area, and additional tax revenue for the 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.