

IEPA Log No.: **C-0434-14**
CoE appl. #: **LRC-2012-00478**

Public Notice Beginning Date: **March 27, 2015**
Public Notice Ending Date: **April 17, 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
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Corporate Design & Development, LLC – 2675 Pratum Avenue,
Hoffman Estates, IL 60192

Discharge Location: Near Batavia in Section 24 of Township 39N, Range 8E of the 3rd P.M. in Kane County.

Name of Receiving Water: Wetlands tributary to Fox Creek

Project Description: Proposed filling of wetlands to facilitate construction of a truck and passenger vehicle fuel station.

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 Darren Gove at 217/782-3362.

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Fact Sheet for Antidegradation Assessment
For Corporate Design & Development, LLC
IEPA Log No. C-0434-14
COE Log No. LRC-2012-00478
Contact: Diane Shasteen (217) 558-2012
Public Notice Start Date: March 27, 2015

Corporate Design & Development, LLC (“Applicant”) has applied for a 401 Water Quality Certification for the proposed impact to 1.09 acres of jurisdictional wetlands within the designated project area. The project site is approximately 6 acres located at 1495 East Wilson Street, northeast of the intersection of Kirk Road and Wilson Street in Batavia, Kane County, Illinois (Sections 13 and 24, Township 39 North, Range 8 East). The proposed project is a commercial development that will include a Speedway gasoline service station, parking lots, access roadways, and associated infrastructure. The purpose of this project is to develop a facility that will provide a portion of the annual demand (42 million gallons) for gasoline within a 5 mile radius of the site. Construction of the proposed commercial project would result in the filling of 1.09 acres of jurisdictional wetlands, which will be replaced by 1.635 acres of compensatory wetland mitigation credits from the Jelkes Creek Wetland Bank located in Kane County. The project will build a naturalized stormwater detention basin to compensate for lost stormwater storage, a bioswale to collect runoff from the site, and will incorporate comprehensive stormwater BMPs to replace the water quality and stormwater treatment function of the wetland proposed for impact by the new construction.

Information used in this review was obtained from the applicant in a document entitled, Individual Permit Application –Batavia Speedway, Batavia Township, Kane County, Illinois dated July 11, 2014.

Identification and Characterization of the Affected Water Body.

Wills Burke Kelsey Associates, Ltd. (WBK) completed a wetland assessment for the Applicant on June 4, 2012. WBK identified one wetland (Wetland 1) on the property. Wetland 1 was determined to be a U.S. Army Corps of Engineers (USACE) jurisdictional wetland consisting of medium quality woody and herbaceous vegetation (1.91 acres, FQI 11.6). The original wetland delineation line was reevaluated by ENCAP, Inc. in June of 2013. Re-delineation of the site resulted in a different wetland line on site and a reduced wetland acreage totaling 1.09 acres. The wetland is located on the eastern border of the project site and extends off-site to the north into the railroad right-of-way, underneath the railroad, through a culvert system, and into an off-site drainage way north of the property.

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. Best management practices including silt filter fence, temporary concrete washout facility, stabilized construction entrance, ditch checks along the east property line swale, erosion control blankets, weekly inspections, and additional inspections after a ½” rain event will be implemented to control sediment and erosion. These control measures will be maintained and remain in place until construction is completed and site conditions become stabilized. Due to the implementation of these plans, no pollutant load increases are

expected with this project. Clean earth fill will be placed in the on-site wetland as necessary for the construction of the project. A total of 1.09 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 1.09 acres with the purchase of 1.635 acres of mitigation credits from the Jelkes Creek Wetland Bank. The proposed wetland impacts and mitigation bank are located in the Fox River watershed in Kane County. The applicant will implement stormwater BMPs in the new construction including a naturalized stormwater management basin and bioswale, located on the north and east side of the project area, respectively. The stormwater basin will meet the Kane County Stormwater Ordinance requirement. Drainage from the trucking lanes along with some of the drainage from the south and west of the C4600 building will flow through the bioswale resulting in filtration of the suspended solids and contaminants. Native wetland, wet-mesic, and low-profile prairie vegetation will be planted to improve soil stabilization, water retention and filtration, wildlife habitat, and floristic diversity over current site conditions. Additional BMPs include curb cuts, which will allow water to exit the paved area and travel through the bioswale and Flexstorm Pure systems which remove small particles and hydrocarbons. Stormceptors will be put in place upstream of the stormwater basin and are designed to remove 83% of the total suspended solids and 95-97% of hydrocarbons. These stormwater BMPS will provide stormwater storage, maximize filtration and treatment of overland stormwater flows, and reduce pollutant loads to the environment.

Purpose and Social & Economic Benefits of the Proposed Activity.

The Applicant will construct a Speedway gasoline service station, parking lots, access roadways, and associated infrastructure. The development is needed to provide the community with a facility to meet a portion of the annual demand of gasoline (42 million gallons) within a 5 mile radius of the site. The business would provide employment for residents in the surrounding area and additional tax revenues for the City of Batavia, Kane County, and the State of Illinois. The project will provide construction jobs for local trades people and permanent staff positions. The creation of 15 to 20 new jobs with an average salary rate of \$16.00 per hour per employee including a benefits package is expected. The city will benefit from the approximate \$250,000 annual tax generating revenue that the development will provide.

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

The applicant evaluated on-site and off-site alternatives for the commercial development. Three sites, including the proposed site, were considered. The first site considered (Kirk and Fabyan) had limited site access due to county regulations; without safe and convenient access points the gas station would not be practical. The property owner of the second site considered was not willing to sell only the amount of land that was required to build the Speedway service station.

Therefore, the location at Kirk and Wilson was chosen based on the correct amount of land needed and safe accessibility to the site.

Challenges to site design at the proposed site included a 20' grade change starting at the intersection of Kirk and Wilson and continuing north along Kirk Road and an intergovernmental agreement between Kane County and the City of Batavia regarding access control along Kirk Road. The roadway agreement requires a 50' Right of Way dedication for any curb cut along Kirk Road. A full right in, right out curb cut along Kirk Road would have resulted in approximately \$2.5 million in offsite costs making the project unfeasible. Negotiations between the Applicant and Kane County resulted in the allowance for a right in only along Kirk Road, reducing the cost of the infrastructure improvements to approximately \$807,770.

Additional on-site alternatives were considered for the Kirk and Wilson site. The first alternative considered was designed to avoid the wetlands located on the property. Major design flaws existed with this layout including improper turning radius in the onsite truck circulation paths, trucks and cars turning in close proximity to one another on the Wilson Street shared driveway, additional costs related to widening Kirk Road for a right out lane, and 90% of the required detention for the site would need to be located underground. The additional costs related to the underground detention and road widening made this alternative unfeasible. The second alternative involved impacting the wetlands as little as possible. This alternative impacted the wetlands near the Wilson Street access point, onsite truck circulation paths did not allow for proper stacking abilities before and after fueling, and a percentage of the required stormwater detention would need to be located underground. The USACE would not allow the wetland impacts associated with this alternative, therefore, this alternative was deemed impractical due to these cost and safety aspects. The preferred alternative includes the construction of a building, canopy, gasoline and diesel fuel tanks, piping, dispensers, parking, and stormwater management basins. Adequate truck turn around space is required for truck patrons and fuel and retail deliveries. The main entrance will be located on Wilson Street with an additional right-in, right-out on Kirk Road. These entrance locations and associated set-backs have been set by IDOT and/or the Kane County DOT. The jurisdictional wetland located on site will be permanently impacted; however, a naturalized stormwater management basin and bioswale located along the northern portion and the eastern portion of the property, respectively, will be constructed to meet discharge requirements of the City of Batavia and the Kane County Stormwater Ordinance.

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 development of the commercial property. The leveling of the topography and placement of the stormwater detention basin and bioswale will compensate for the loss of the current wetland function. Best management practices including soil erosion and sediment control plans, the addition of Flexstorm Pure and Stormceptor systems, and the addition of the naturalized detention basin and bioswale 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 December 9, 2013 to the Illinois Department of Natural Resources resulted in the following protected resource, Loggerhead Shrike (*Lanius ludovicianus*), in the vicinity of the project location. IDNR has evaluated the EcoCAT information and concluded that adverse effects to the endangered species are unlikely and terminated consultation for IDNR Project #1406564 on December 10, 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 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 an easily accessible gas station, additional employment opportunities for the residents of the City of Batavia and Kane 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.