

IEPA Log No.: **C-0471-14**  
CoE appl. #: **2012-128**

Public Notice Beginning Date: **May 7, 2015**  
Public Notice Ending Date: **May 28, 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:** The Galena Territory Association, 2000 Territory Drive, PO Box 2000, Galena, IL 61036

**Discharge Location:** Section 19, T28N, R2E of the 4<sup>th</sup> P.M. in Jo Daviess County near Galena

**Name of Receiving Water:** Lake Galena, Smallpox Creek and unnamed wetlands.

**Project Description:** Marina improvements.

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.

## Fact Sheet for Antidegradation Assessment

Galena Territory Association – Lake Galena, Smallpox Creek & Unnamed Wetlands – Jo Daviess County  
IEPA Log #C-0471-14

COE Log# CEMVR-OD-P-2012-128 (Rock Island District)

Contact: Eric Runkel (217) 558-2012

May 7, 2015

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The Galena Territory Association (applicant) is proposing to install a new flood protection barrier, remove and relocate a dredge pond, an existing boat storage area, and existing tennis courts on the eastern shoreline of Lake Galena at the confluence with and along Smallpox Creek. The reconstruction of an existing road is also being proposed. Approximately 225 cubic yards of stone riprap will be used to provide flood protection and 2.0 acres of existing wetlands will be replaced with 3.3 acres of new wetlands within an adjacent location.

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

Smallpox Creek (Segment Code IL\_MPA) is considered a General Use water and has a 0 cfs 7Q10 flow at this location. The segment is listed in the Illinois Integrated Water Quality Report and Section 303(d) List 2014 and assessed to be fully supportive for Aquatic Life Use and Aesthetic Quality Use, Fish Consumption, Primary Contact Recreation Use and Secondary Contact Use were not assessed. The segment is not listed as biologically significant nor been given a rating in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*. The segment is not enhanced in regards to the dissolved oxygen water quality standard.

Lake Galena (Segment Code IL\_RMM) is considered a General Use water and has a 0 cfs 7q10 flow at this location. The segment is listed in the Illinois Integrated Water Quality Report and Section 303(d) List 2014, but has not been completely assessed for Aquatic Life Use and Aesthetic Quality Use because of insufficient information. Fish Consumption, Primary Contact Recreation and Secondary Contact were not assessed. The segment is not listed as biologically significant nor been given a rating in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*. The segment is not enhanced in regards to the dissolved oxygen water quality standard.

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

The pollutant load increases that would occur from this project include possible increases in suspended solids locally along Smallpox Creek Free-swimming organisms would likely avoid the area and return once construction is complete.

Approximately 2.0 acres of wetlands will be permanently removed and 0.1 acres of Lake Galena shoreline will be filled with stone riprap for a flood protection berm.

### **Fate and Effect of Parameters Proposed for Increased Loading.**

The increase in suspended solids will be local and temporary. The proposed dredge pond will not affect the drainage below the ordinary high water mark (OWHM). Any discharge from the dredge

pond will need to be permitted and meet the effluent and water quality standards of 35 Ill. Adm. Code Parts 302 and 304. The applicant has outlined procedures to comply with WQS before discharge into Lake Galena during future dredging operations.

Onsite wetland mitigation is proposed to be greater than a 1.5:1 ratio for a total 3.3 acres of wetland replacement. At the end of the 5-year monitoring period for wetland mitigation, the applicant anticipates greater than 80% native hydrophytic vegetation and no un-vegetated area greater than 1 square meter. Also, an additional 3.5 acres of existing wetlands are planned to be enhanced in-place and must meet wetland enhancement performance standards. A comprehensive wetland mitigation plan was included in the application.

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

The existing marina has experienced significant flooding over the years. The proposal uses the best available technology to curtail future flooding problems. This will decrease cost due to flood damage/repair and allow for additional expansion and use of the marina.

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

Various other alternatives were evaluated. However, these alternatives were eliminated from further consideration because of availability of adequate space, additional impacts on existing wetlands and greater impact on jurisdictional waters of the U.S.

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

IDNR sent a consultation terminated determination on April 01, 2015 and concluded that adverse effects to threatened or endangered species are unlikely from the project.

### **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 antidegradation review summary was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the impacted waters will 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 project will improve use and safety associated with water activities on Lake Galena. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.