

IEPA Log No.: **C-0287-15**
CoE appl. #: **MVS-2015-346**

Public Notice Beginning Date: **March 9, 2016**
Public Notice Ending Date: **March 30, 2016**

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: Tristar Properties, LLC – 13397 Lakefront Drive, Suite 100, Earth City, MO 63045

Discharge Location: Near Edwardsville in Section 30 of Township 4N, Range 8W of the 3rd P.M. in Madison County.

Name of Receiving Water: County Ditch

Project Description: Proposed stream realignment and installation of double box culvert.

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 Tristar Properties, LLC
IEPA Log No. C-0287-15
COE Log No. MVS-2015-346
Contact: Diane Shasteen (217) 558-2012
Public Notice Start Date: March 9, 2016

Tristar Properties, LLC (“Applicant”) has applied for Section 401 water quality certification for impacts of approximately 505 linear feet (LF) of County Ditch, a tributary of Cahokia Canal. The impacts include a West Side crossing which would require the 390 LF realignment of County Ditch to the west and placement within an 8’ X 9’ by 210 LF double, concrete box culvert. The West Side culvert will include concrete wing walls and graded stone placed on the upstream and downstream ends of the culvert to prevent scour and erosion for a total impact of 505 LF. The project will also include an East Side crossing structure which will carry a secondary road within the development. This structure will consist of an 8’ X 9’ by 155 LF double concrete box culvert with wing walls and graded stone resulting in total impacts of 285 LF. Additionally, banks along 1,190 LF of County Ditch will be re-sloped to 3:1 and accumulated sediments will be removed. Three outfall structures, impacting 20 LF each, will be installed with graded stone placed around each structure to prevent scour. The proposed plan includes approximately 652 acres which will be developed with associated warehouses, roadways, stormwater detention ponds, and infrastructure. All impacts except for those associated with the west side crossing and realignment are covered by Section 401 certifications granted for U.S. Army Corps of Engineers’ Nationwide Permits #7, #14 and #41. The proposed project is located immediately northeast of the intersection of Interstate 255 and Interstate 270 in Sections 24 and 25, Township 4 North, Range 9 West, and Sections 19 and 30 Township 4 North, Range 8 West, Edwardsville, Madison County. The purpose of this project is to construct a large scale commercial development, including multiple warehouses with associated infrastructure and parking. Ponds of varying sizes will be constructed across the site for stormwater detention. The impacts to 0.17 acres of jurisdictional waters will be mitigated through maintenance work of approximately 1,400 LF of County Ditch including re-sloping the banks and removing accumulated sediment and the establishment of a 1,175’ X 25’ riparian corridor (0.68 acres) along the southwestern side of County Ditch.

Information used in this review was obtained from the applicant in a document entitled, Wetland Delineation and Section 404/401 Permit Application (Revised) Gateway Commerce Center East-Phase III, Edwardsville, Illinois dated June 2015, Supplemental Project Information dated August 21, 2015, and County Ditch Mitigation Summary dated February 11, 2016.

Identification and Characterization of the Affected Water Body.

SCI Engineering (SCI) completed two field studies in May 2012 and December 11, 2014 to determine if wetlands or other waterbodies were located in the project area. One forested wetland, totaling 0.63 acres, was identified in the east central portion of the project area adjacent to County Ditch where the ditch enters the site from the south. Vegetation present within the wetland area consisted of Silver Maple (*Acer saccharinum*), Pin Oak (*Quercus palustris*), American Elm (*Ulmus americana*), and White Panicle Aster (*Symphyotrichum lanceolatum*). SCI described the wetland as moderate quality with a marginal amount of natural habitat. Plans for the proposed project will avoid impacts to the existing wetland on site.

A total of seven agricultural ditches and one perennial tributary (County Ditch) were identified within the site. According to the USACE, the agricultural ditches, existing as vegetated swales, erosional gullies or channels with inconsistent bed and bank, did not meet the definition of jurisdictional waterbodies. Approximately 3,550 LF of County Ditch (no Segment Code), a tributary to Cahokia Canal (IL_JN-02), bisects the central portion of the site in a northwest to southeast direction. Currently, the County Ditch Drainage and Levee District actively maintains the ditch in an effort to reduce sediment buildup and provide adequate flow of stormwater from the surrounding areas. County Ditch 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 3.65 square miles in the northwest portion of the site where West Side crossing structure is proposed. 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 small 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 and the fact that the ditch is actively maintained, no additional biological characterization is required.

Cahokia Canal (IL_JN-02) 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, Cahokia Canal has been assessed by Illinois EPA and is listed as not supporting Aquatic Life and Aesthetic Quality uses. Causes for Aquatic Life impairment are Alteration in stream-side or littoral vegetative covers, Changes in Stream Depth and Velocity Patterns, Iron, Loss of Instream Cover, Manganese, Dissolved Oxygen, Total Phosphorus, Sedimentation/Siltation, and Total Suspended Solids. Bottom Deposits is the cause of impairment listed for Aesthetic Quality use. Fish Consumption and Secondary Contact uses have not been assessed. Cahokia Canal 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. Cahokia Canal is not designated as an enhanced water pursuant 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 during this project include possible increases in suspended solids due to the stream realignment and culvert installation within the 505 LF section of County Ditch. The Applicant has proposed Best Management Practices (BMPs) including a stormwater pollution prevention plan (SWPPP) to be incorporated into the design of the project to reduce the potential for sediment to leave the site and prevent degradation on-site and downstream. The SWPPP will include measures for silt and sediment control such as utilization of silt fencing, sequential and limited vegetation removal, temporary sediment basins, and temporary and permanent revegetation.

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 County Ditch and downstream regulated waters.

Mitigation for the impacts to 0.17 acres of headwater stream impacts will include maintenance work of approximately 1,400 LF of County Ditch including re-sloping the banks (3:1) and removing accumulated sediment and the establishment of a 1,175' X 25' riparian corridor (0.68 acres) along the southwestern side of County Ditch. Mitigation credits required for the impacts of the proposed project were calculated using the Illinois Stream Mitigation Method. A total of 935 mitigation credits would be necessary according to this method. The Applicant has proposed stream maintenance for approximately 1,400 LF of County Ditch including the re-sloping of banks and removal of accumulated sediments. Approximately 74 trees will be planted post construction to provide a riparian corridor, 1,175' X 25' (0.68 acres), along the southwestern side of County Ditch. The proposed stream maintenance will generate 945 stream mitigation credits.

Purpose and Social & Economic Benefits of the Proposed Activity.

The proposed project will create a large scale commercial development, including multiple warehouses with associated infrastructure and parking. The proposed project, located at a major intersection of two interstates and within one of the largest business distribution parks in the St. Louis region, offers high visibility and access for potential customers. The project development would provide job opportunities to local citizens, both during construction and operation phases, and provides benefits to the city, county, and state in the form of property taxes. Additional commercial capacity is required in the area based on strong interest from major retailers looking for suitable sites in the area and the fact that a commercial facility built recently in the same area was leased by retailers before completion of the project.

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

The Applicant considered two other site locations in the area for the commercial development along with a No Build alternative (Alternative 1). The site location alternatives consisted of a 57 acre parcel along Illinois 255 north of the proposed project site in Edwardsville and a 95 acre parcel located along Interstate 270 near the interchange with Interstate 55/70 in Glen Carbon. Several limiting factors exist that prevent site development at these properties including inadequate lot size, possible water resources present, and lack of existing commercial development.

The Applicant considered multiple layouts and designs during the planning stage, particularly the location and methods for crossing County Ditch. Several changes were made to the size and layout of the project in efforts to design a commercial development plan that minimizes impacts

to jurisdictional waters of the state and is economically feasible. The Applicant submitted additional alternatives to impacts to County Ditch along with the No Build alternative.

Alternative 1: No Build

- Limits the opportunity to create new jobs, new commerce, and benefits to the region in the form of property taxes
- Does not provide the additional commercial capacity required in the market
- Avoids all impacts to jurisdictional waterbodies
- County Ditch bisects the proposed site resulting in a segregated, disconnected development
- Avoidance of County Ditch would result in the following:
 - Limits access to portions of development increasing emergency response times
 - Leaves the eastern two-thirds of the site undeveloped due to a lack of access
 - Substantial economic loss rendering project unfeasible

Alternative 2: Con-span culvert

- Open-bottom culvert would allow natural substrate to remain in place
- Minimizes overall impact to the tributary
- Benefits of natural substrate bottom reduced due to top and sides of channel being covered
- Costs associated with alternative outweigh the marginal benefits to the channel

Alternative 3: Bridge over tributary

- Construct bridge over the length of the tributary to allow for road crossing
- Bridge piers placed above OHWM to avoid impacts
- Significant expense to design and construct bridge to convey heavy truck traffic
- Costs associated with alternative outweigh the marginal benefits to the channel

Alternative 4: Box Culvert- Preferred Option

- Install two box culverts within County Ditch
- West end culvert impacts 505 LF, East end culvert impacts 285 LF
- Only viable option to connect the proposed road with Gateway Commerce Drive due to road configuration
- Avoids impacts to 1,570 LF of County Ditch
- Allows for increased development of property
- Allows for the creation of premium, highly visible commercial lots with close proximity to the high traffic roadway

Alternative 4 provides the only viable option for the proposed project. This alternative allows for the creation of lots on the eastern two-thirds of the site with minimal environmental impacts. 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 access to the proposed commercial development.

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 large scale commercial development 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 stormwater detention ponds to help reduce discharge rates and sedimentation into County Ditch. Mitigation for impacts to County Ditch will include stream maintenance for 1,400 LF and establishment of a riparian corridor on the southwestern side of County Ditch. A total of 945 mitigation credits will be generated based on the proposed 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 in October 2014 to the Illinois Department of Natural Resources resulted in the identification of two threatened or endangered species, Illinois chorus frog (*Pseudacris streckeri*) and the ornate box turtle (*Terrepenne ornata*) residing in the area of the proposed development. Additionally, the proposed project is adjacent to an IDNR-owned property that serves as a mitigation site for the Illinois chorus frog and provides habitat for the ornate box turtle. IDNR concluded that the proposed project is likely to have an adverse impact on these two species and recommended several measures to minimize adverse effects during construction including a recommendation to apply for an Incidental Take Authorization (ITA) in accordance with *17 Ill Adm. Code Part 1080*. IDNR's Endangered Species Consultation was completed on November 3, 2014. The Applicant submitted a Conservation Plan for the two listed species. IDNR approved the avoidance, minimization, post-construction monitoring, and mitigation proposed by the Applicant on March 1, 2016.

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 accessed, highly visible large scale commercial development, including multiple warehouses with associated infrastructure and parking. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.