

IEPA Log No.: **C-0318-15**
CoE appl. #: **2015-00433**

Public Notice Beginning Date: **July 14, 2016**
Public Notice Ending Date: **August 15, 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
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: 157 LaGrange / Smithe Family Orland Park, LLC, 9440 Enterprise Drive, Mokena, IL 60448

Discharge Location: Section 16, T36N, R12E of the 3rd P.M. in Cook County within Orland Park

Name of Receiving Water: Unnamed Wetlands.

Project Description: Retail Development.

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
157 LaGrange LLC/Smithe Family Orland Park LLC – Unnamed Wetlands – Cook County
COE Log #LRC-2015-433
IEPA Log #C-0318-15
Contact: Brian Koch (217/558-2012)
July 14, 2016

The Applicant has applied for Section 401 water quality certification for impacts associated with a proposed retail development at 156th Street and LaGrange Road in Orland Park, Illinois, specifically located in Section 16, Township 36 North, Range 12 East of the Third Principal Meridian. The proposed development would impact 2.24 acres of jurisdictional wetlands due to construction of restaurants, retail stores, a medical office, parking facilities and associated infrastructure. Storm water management for the site would be designed to drain through depressed parking lot bioswales and into an onsite mechanical BMP device. Runoff would then drain to a large naturalized regional storm water detention basin owned by Orland Park. The BMPs and detention basin would aid in filtering suspended solids and assimilating nutrients prior to discharge. Comprehensive soil erosion and sediment control practices, use of rubber roofs or roofs with elastomeric coatings, use of oil/grit separators, and implementation of chloride reduction strategies would be also be implemented to further reduce pollutant loadings from the proposed project.

Two onsite wetlands would be permanently impacted by the fill activities associated with the project. Wetland 1 (1.0 acres) is an isolated, non-jurisdictional emergent wetland located on the eastern portion of the property and is dominated by Eastern cottonwood, reed canary grass, and common reed. The wetland was found to possess a Native Mean C Value of 1.9 and an FQI of 6.3. No compensatory mitigation is proposed for this non-jurisdictional wetland. Wetland 2 (2.24 acres) is a jurisdictional emergent wetland located in the western portion of the property and is dominated by common reed and Eastern cottonwood. The wetland was found to possess a Native Mean C Value of 1.4 and an FQI of 3.1. Mitigation for impacts to the jurisdictional wetland would be provided at a 1:1 ratio (2.24 acres of compensatory mitigation) through the purchase of certified wetland credits from the Lily Cache Wetland Mitigation Bank, a wetland bank within the same watershed (Des Plaines).

Identification and Characterization of the Affected Water Body.

The unnamed jurisdictional wetland to be permanently impacted by the proposed activity is a General Use water with zero 7Q10 flow. The wetland has not been assessed under the Agency's 305(b)/303(d) program and has not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*. The wetland is not enhanced in regards to the dissolved oxygen water quality standard.

Downstream waters to be potentially impacted by stormwater runoff from the proposed development include Marley Creek (Segment GGB-01) and Hickory Creek (Segment GG-04). Segment GGB-01 of Marley Creek is a General Use water with zero 7Q10 low flow. It has not been assessed under the Agency's 305(b)/303(d) program. It is not listed as a biologically significant stream but has been given a C integrity rating in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*. It is not enhanced in regards to the dissolved oxygen water quality standard. Segment GG-04 of Hickory Creek is a General Use water body with a 7Q10 low flow of 2.3 cfs. It is listed on the draft 2014 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for aquatic life use (causes = chloride, dissolved oxygen, and

phosphorus (total)). It is not listed as a biologically significant stream but has been given a C integrity rating in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*. It is enhanced in regards to the dissolved oxygen water quality standard.

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

Pollutant load increases that would be associated with this project are limited to a potential increase in suspended solids during construction activities. Impacts to the uses of downstream waters due to suspended solids are not anticipated. Construction of the project would permanently fill 2.24 acres of jurisdictional wetlands and 1.0 acres of isolated wetlands, which would remove the existing uses of these waters.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids would be local and temporary. Use of erosion control measures and BMPs on site, and the subsequent routing of stormwater runoff into a large naturalized regional storm water detention basin, would aid in filtering suspended solids and assimilating nutrients prior to discharge to downstream waters. The permanent loss of wetland habitat would be offset with compensatory mitigation through use of certified wetland credits from an accredited mitigation bank within the same watershed.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of project is to develop a successful restaurant/retail/medical office project in the LaGrange Road Retail Corridor which would satisfy unmet demands for these services in the region. Along with the valuable services provided by the future tenants, the project would provide jobs during and after construction and provide increased property tax revenues and retail sales tax revenues to the region.

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

The construction of the proposed project would follow guidelines set forth by the Agency and USACE which would ensure that BMPs are properly employed to minimize environmental impacts. Although unavoidable impacts are necessary to meet the goals of the project, impacts to wetlands have been minimized to the greatest practical extent. A reconfiguration of the project on the proposed site is not possible given the location of the jurisdictional wetland and the space limitations if this wetland were to not be filled. A summary of alternatives considered by the Applicant was provided in the initial permit application and a detailed, supplemental analysis was also provided in the May 25, 2016 submittal by Christopher B. Burke Engineering, LDT, which included a May 12, 2016 CBRE document entitled *Alternative Site Analysis* for the subject project. Ten alternative locations were assessed by the consultant, with most being rejected due to unfavorable locations with much lower traffic counts compared to the targeted location. Additionally, while the majority of these alternative locations are currently known to have lesser amounts of wetlands on site, the consultant notes that formal on-site delineations of these locations would likely determine that greater amounts of wetland areas exist than what is presently delineated by U.S. Fish and Wildlife Service maps. Of the ten

alternative site locations, sites 7 and 10 were deemed as being practicable alternative sites that warranted further consideration. However, upon review of all environmental, demographic, and economic considerations, the least environmentally damaging practicable alternative was determined to be the Applicant's preferred site.

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

The IDNR EcoCAT system was consulted on June 15, 2015. It was immediately determined that protected resources are not in the vicinity of the project location. Consultation was immediately terminated in the June 15, 2015 automated report from IDNR.

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 would result in the attainment of water quality standards; that all existing uses of the jurisdictional wetland would be compensated with mitigation; 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 would benefit the community at large by providing valuable services, jobs, and increased tax revenues to the region. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.