

IEPA Log No.: **C-0042-17**
CoE appl. #: **2017-103**

Public Notice Beginning Date: **December 27, 2017**
Public Notice Ending Date: **January 17, 2018**

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: Contegra Construction Company, LLC, 22 Gateway Commerce Center Drive W, Suite 10, Edwardsville, IL 62025

Discharge Location: Section 23, T4N, R8W of the 3rd P.M. in Madison County within Edwardsville

Name of Receiving Water: Unnamed Wetlands and tributary.

Project Description: Commercial development, Theatre View in Edwardsville.

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
Contegra Construction Company – Unnamed Wetlands and tributary – Madison County
IEPA Log # C-0042-17
CoE #2017-103
Contact: Abby Brokaw 217/782-3362
December 27, 2017

Contegra Construction Company (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the proposed Theatre View development located north of Center Grove Road and South Plum Street within the City of Edwardsville, Illinois. More specifically, the proposed project is located within Northwest ¼ of Section 23, Township 04 North, Range 08 West of the 3rd Principle Meridian, Madison County, IL.

The Applicant seeks authorization to construct commercial development including four commercial buildings, associated parking, access roads and a detention pond. The work will require site filling and grading, tree clearing, piping of a stream channel, construction of a detention pond and construction of the buildings. Tree clearing has been completed on upland sites prior to the submittal of the project application.

The site currently exists as a mixed scrub-shrub/forested tract bound by Illinois Highway 159 and a recreational trail to the east; newly-constructed mixed retail, commercial and light industrial properties to the south; a construction equipment and material yard to the west; and Governor’s Parkway to the north. Site delineation identified a scrub-shrub wetland in the southwestern area of the site; an intermittent tributary draining across the site from south to north; a 0.39-acre pond in the southeastern corner; a 0.02-acre emergent wetland within the northern portion of the site; and a 0.65-acre wetland in the southern end of the site.

Identification and Characterization of the Affected Water Body.

The unnamed intermittent tributary identified on-site is a General Use unnamed tributary of Cahokia Creek with a 7Q10 flow of 0 cfs. The unnamed tributary of Cahokia Creek 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 was it given an integrity rating in that document. The unnamed tributary of Cahokia Creek, a tributary to Waterbody segment, IL_JQ-05, has not been assessed and is not listed in the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List. The unnamed tributary of Cahokia Creek is not subject to enhanced dissolved oxygen standards.

Field exploration identified an emergent wetland, a scrub-shrub wetland, and a small pond on-site. The proposed project will impact 490 linear feet of the tributary, 0.39-acre of the pond, and 0.66-acre of wetland. Additionally, 0.02-acre of emergent wetland will be impacted by grading and fill activities associated with a detention pond proposed to be located within the northern portion of the site.

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

Total suspended solids (TSS) are anticipated as a result of on-site grading, piping and fill activities. The proposed project’s discharge loading will be temporary and present only during active construction. Impacts to the uses of downstream waters due to suspended solids are not anticipated. Project construction would permanently pipe 490 linear feet of the unnamed tributary and permanently fill 0.39-acre of pond and 0.66-acre of wetland. The proposed detention pond to be located in the northern portion of the site will impact 0.02-acre of emergent wetland. Grading and fill activities will permanently remove the use of the existing wetlands on-site and the unnamed tributary will be piped to drain off-site near the proposed detention basin. The Applicant will use appropriate erosion control measures during construction to reduce the potential for unintentional sedimentation and sediment runoff to adjacent, regulated waters.

Fate and Effect of Parameters Proposed for Increased Loading.

Compensatory mitigation will be required for the project. The Applicant has requested to purchase stream and wetland credit from mitigation banks outside the service area, because on-site mitigation is not a viable option due to the size and shape of the project site. An increased mitigation ratio will be required due to the utilization of mitigation banks outside of the projects service area such that the Applicant will purchase 1.94 wetland credits from the Eberhardt Wetland Mitigation Bank located in Madison County, Illinois, for impacts to the 0.02-acre emergent wetland, 0.66-acre scrub-shrub wetland and 0.39-acre pond.

Impacts to the unnamed tributary result in a purchase requirement of 1,493.03 stream credits from the Little Muddy Stream and Wetland Mitigation Bank located in Franklin and Perry Counties, Illinois. However, the Little Muddy Bank only has a remaining stream credit totaling 1,163.5, so the remaining approximately 330 stream credits will be converted to wetland credits at approximately 0.33 acres/credits. Additional credits are required because the project is not in the service area of the Eberhardt Bank, so the total wetland credit purchase for the stream offset is 0.5 acres/credits.

In total, the Applicant will purchase 2.44 wetland credits from the Eberhardt Bank and 1,163.5 stream credits from the Little Muddy Bank.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of project is to create a successful commercial development to meet demands for services in the area. Along with the valuable services provided by the future tenants, the project may increase construction and commercial/retail employment opportunities and may increase tax revenues (property and retail sales).

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

Three alternative plans were identified to avoid and minimize environmental impact:

Option 1: No Impact

- Leaving the existing tributary, wetlands and small pond fragments as they are, which renders the site undevelopable
- Selecting another site location is not practical or economically feasible

Option 2: Residential Development Plan

- Includes adding an apartment complex in addition to a single commercial building structure and associated parking
- Increases impacts to unnamed tributary on-site; impacts to wetlands and on-site pond would be the same as Option 3
- Additional economic variables including capital requirements, property tax variables, and market absorption make this development plan a much higher economic risk

Option 3: Commercial Development

- Construction of 4 commercial buildings and associated roadways, parking, detention basin and additional infrastructure
- Results in impacts to wetlands, on-site pond and tributary
- Most economically viable option

The Applicant's proposed plan (Option 3) includes environmental impacts that are unavoidable. The construction of the proposed project will follow conditions set forth by the Agency and USACE. The least intrusive alternative would be to not complete the project. This is not an acceptable alternative given the need to increase economic development in the area. Impacts to site wetlands and streams will be mitigated through the purchase of wetland and stream credits.

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

During the second USACE public notice and comment period expiring November 10, 2017, several entities commented on the proposed project. A letter dated September 8, 2017 from the IDNR-SHPO states that no historic properties are affected by the project. USEPA commented through an email, dated November 9, 2017, requesting alternative analysis demonstrating the selection of the least environmentally damaging alternative. The Applicant submitted a report entitled Analysis of Alternatives and Wetland Mitigation Plan, dated November 15, 2017, which included several project alternatives reviewed during project planning, as well as a detailed mitigation plan. The USFWS presented in a letter dated November 14, 2017, that although eight endangered or threatened species have a current range that includes the project area, no designated critical habitat is in the project area at this time and the project is unlikely to adversely affect any federally listed species. An email from IDNR, dated November 14, 2017, states that the IDNR EcoCAT program did not indicate any resources of concern, including State-listed threatened and endangered species within the proposed project area. The Applicant acknowledges that if any species of concern or critical habitats are encountered during project development or construction, on-site activity will cease and IDNR will be contacted.

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 by providing new commercial development. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.

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