

IEPA Log No.: **C-0104-15**
CoE appl. #: **2013-00733**

Public Notice Beginning Date: **September 26, 2017**
Public Notice Ending Date: **October 17, 2017**

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: Illinois Department of Transportation, 201 West Center Court,
Schaumburg, IL 60196-1096

Discharge Location: Section 1, T35N, R11E of the 3rd P.M. in Will County within New Lenox

Name of Receiving Water: Marley Creek, unnamed tributaries to Marley Creek and unnamed wetlands.

Project Description: U.S. Route 6 over Marley Creek.

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

Illinois Department of Transportation – Marley Creek and tributaries, Unnamed Wetlands – Will County

COE # LRC-2013-733

IEPA Log# C-0104-15

Contact: Scott Twait (217/558-2012)

September 26, 2017

The Illinois Department of Transportation is proposing to reconstruct U.S. Route 6 from Haas Road to Spring Meadows Drive, a distance of 0.89 miles, and provide a left turn lane at Spring Meadows Drive. The proposed work includes the replacement of two bridges over Marley Creek. The western bridge replacement would include raising the road elevation 5.2 feet over the existing bridge elevation and the eastern bridge would be raised 4.5 feet above existing road elevations. The bridges are being raised because the western bridge is overtopped by storm events larger than the 2-year storm and the eastern bridge is overtopped by storm events larger than the 17.5-year storm.

The construction will permanently impact 2.49 acres of wetland and temporarily impact 0.23 acres of wetland. The impacts to wetlands are the result of the raised roadway elevation. When the road is raised, the embankment on either side of the road must be enlarged to create a stable slope from the edge of the road to the adjacent ground elevations. Several wetlands are located along the edge of the roadway and would be impacted as a result of this enlarged embankment.

Wetlands 3 and 6 will be partially impacted. The remaining portions are not viable to the extent that these wetlands are considered completely impacted. The other wetlands proposed to be impacted will be partially impacted. The remaining portions are considered viable due to a sufficient area of wetland remaining and maintenance of existing hydrology to support the wetland.

An existing culvert conveys flow in tributary W2 under the road from north to south before entering Marley Creek. The new bridge at Marley Creek will be lengthened and allow tributary W2 to flow beneath the bridge rather than through a culvert before entering Marley Creek.

Identification and Characterization of the Affected Water Body.

Marley Creek is classified as a General Use Water. Marley 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 is it given an integrity rating in that document. Marley Creek, Waterbody Segment, GGB-01, is not listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List since it has not been assessed. Marley Creek is not subject to enhanced dissolved oxygen standards.

The unnamed tributary of Marley Creek is classified as a General Use Water. The unnamed tributary of Marley 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 is it given an integrity rating in that document. The unnamed tributary of Marley Creek, tributary to Waterbody Segment, GGB-01, is not listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List since it has not been assessed. The unnamed tributary of Marley Creek is not subject to enhanced dissolved oxygen standards.

A list of wetlands to be impacted and the proposed mitigation is shown in the table below:

| Wetlands | Impacts (ac) | Mitigation Ratio | Mitigation Required |
|------------------------|--------------------------------------|------------------|---------------------|
| Site 3 | 0.07 | 1.5:1 | 0.11 |
| Site 5 | 0.05 | 3.0:1 | 0.15 |
| | 0.07 | 3.0:1 | 0.21 |
| | 0.53 | 3.0:1 | 1.59 |
| | 0.54 | 3.0:1 | 1.62 |
| | 0.14 | 3.0:1 | 0.42 |
| Site 6 | 0.27 | 3.0:1 | 0.81 |
| Site 7 | 0.08 | 3.0:1 | 0.24 |
| Site 8 | 0.14 | 1.5:1 | 0.21 |
| Site 9 | 0.02 | 1.5:1 | 0.03 |
| Site 10 | 0.24 | 3.0:1 | 0.72 |
| Site 11 | 0.10 | 1.5:1 | 0.15 |
| Site 14 | 0.01 | 1.5:1 | 0.02 |
| Site 16 | 0.10 | 1.5:1 | 0.15 |
| W2 | 0.03 (160 feet) | 1.5:1 | 0.05 |
| W1 | 0.10 | Temporary | N/A |
| | 0.13 | Temporary | N/A |
| | 0.02 | 1.5:1 | 0.03 |
| W5 | 0.02 (225 feet) | 1.5:1 | 0.03 |
| W3 | 0.06 (512 feet) | 1.5:1 | 0.09 |
| Total (Jurisdictional) | 2.49 – Permanent 0.23 - Temporary | | 6.63 |

| Wetlands | Area (ac) | FQI | Native Mean C | HQAR | Wetland/Waters Type |
|----------|-----------|------|---------------|------|-----------------------------------|
| Site 3 | 0.07 | 19.9 | 3.1 | No | Wet meadow |
| Site 5 | 8.16 | 27.2 | 3.3 | Yes | Wet floodplain forest |
| Site 6 | 0.27 | 21.4 | 3.5 | Yes | Wet meadow |
| Site 7 | 0.29 | 19.3 | 3.6 | Yes | Wet floodplain forest |
| Site 8 | 0.65 | 12.8 | 2.4 | No | Wet floodplain forest |
| Site 9 | 0.02 | 9.9 | 2.6 | No | Wet meadow |
| Site 10 | 0.35 | 20.1 | 3.3 | Yes | Wet floodplain forest |
| Site 11 | 0.2 | 12.2 | 2.7 | No | Wet floodplain forest |
| Site 14 | 0.7 | 3.1 | 1.0 | No | Farmed wetland/wet meadow |
| Site 16 | 1.89 | 14.4 | 2.5 | No | Wet floodplain forest |
| W2 | 0.07 | N/A | N/A | No | Unnamed tributary of Marley Creek |
| W1 | 2.02 | N/A | N/A | No | Marley Creek |
| W5 | | N/A | N/A | No | Unnamed tributary of Marley Creek |
| W3 | | N/A | N/A | No | Unnamed tributary of Marley Creek |

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

This construction will necessitate the unavoidable permanent impact of 2.49-acre of wetland and 0.23-acre of temporary impact to wetland and Waters of the U.S. under the U.S. Army Corps of Engineers' jurisdiction. The impacts to the wetlands are due to the required roadway profile raise which requires unavoidable fill.

The impacts to Marley Creek will be temporary. The project crosses Marley Creek at two separate locations, for a total of 0.3 acres of total impact.

Fate and Effect of Parameters Proposed for Increased Loading.

The applicant is proposing to mitigate through the purchase of 6.40 acres of credit from a Corps approved wetland mitigation bank located within the watershed.

Purpose and Social & Economic Benefits of the Proposed Activity.

The proposed project is to enhance safety and mobility of traffic across the bridge by replacing both structures. Reconstruction of the bridges over Marley Creek will decrease the flooding problems in the road corridor. The widening of the bridges and proposed left run lane are expected to reduce crashes.

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

The applicant evaluated avoidance and minimization of impacts to the wetlands. A retaining wall was considered in an effort to reduce wetland impacts from the embankment widening associated with the raised roadway elevation, but it was deemed cost prohibitive and not feasible. Steeper side slopes were utilized for the embankment to reduce wetland impacts.

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

In accordance with the MOU by and between IDNR and IDOT, an EcoCAT was submitted on July 5, 2017. The State-listed Northern Long-eared bat was identified in the vicinity of the project. If suitable habitat trees are found within the project area, these trees shall be clearly flagged and/or marked and shall not be cut between April 1 – October 14. As per the August 7, 2017 memorandum, consultation under Part 1075 is terminated.

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 the draft permit was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving stream 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 activity will benefit the community at large by providing enhanced safety and mobility of traffic across the bridge by replacing both structures. Comments received during the 401 water quality certification public notice period will be evaluated before a final decision is made by the Agency.