

IEPA Log No.: **C-0158-17**  
CoE appl. #: **2017-577**

Public Notice Beginning Date: **April 25, 2018**  
Public Notice Ending Date: **May 25, 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:** Ballegeer Excavating, Inc., 8901 North 1800 Avenue, Geneseo, IL 61254

**Discharge Location:** Sections 15 and 16, T17N, R1E of the 4<sup>th</sup> P.M. in Henry County near Colona

**Name of Receiving Water:** Green River

**Project Description:** Green River bank stabilization.

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  
David and Francis Ballegeer – Green River – Henry County  
Log # C-0158-17  
COE # CEMVR-OD-P-2017-577  
Contact: Abby Brokaw 217/782-3362  
April 25, 2018

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David and Francis Ballegeer (“Applicant”) have applied for an after-the-fact 401 Water Quality Certification for impacts associated with bank stabilizing work completed at four different sites along 1.5 miles of the Green River near 21501 Ballegeer Lane in Colona, Illinois. The project sites are in Henry County within Sections 15 & 16, Township 17 North, Range 1 East. The after-the-fact permit application was submitted in accordance with the March 28, 2017, Order issued by Judge Sara Darrow in *Quad City Waterkeeper, Inc. v. David G. Ballegeer, et. al.*

Over the last 25 years, the Applicant lined the bank of the Green River with approximately 2,763 linear feet of concrete rubble. The most recent activity occurred in the winter of 2012. The purpose of the concrete armor is to reinforce the toe of a 35 to 45-year-old manmade levee which was consistently eroded by ice flows and high-water events. The fill material involved less than one cubic yard per linear foot along the river bank, with a total of less than approximately 2,763 cubic yards. The fill material consisted of repurposed concrete, from which visible rebar and asphalt has been removed. Ongoing project maintenance includes the replenishment of lost material and the removal of any additional rebar and/or asphalt as it becomes exposed. The Applicant placed the fill material along the shoreline and toe of the banks to minimize impact to the receiving stream. Revegetation has occurred at the four sites, amongst the concrete rubble.

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

The project impacted the Green River (IL\_PB-09), a General Use Water, at a point where 48.5 cfs of flow exists upstream during 7Q10 low-flow conditions. The Green River 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*, or given an integrity rating in that document. The Green River, Waterbody Segment IL\_PB-09, is listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for aquatic life use with the cause listed as unknown. The Green River is not subject to enhanced dissolved oxygen standards.

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

The pollutant load increases would have included a possible increase in total suspended solids. This increase, a normal and unavoidable result of bank stabilization work, would have occurred at the point of construction activity. Benthic habitat was likely disturbed in the construction area, but localized impacts to aquatic life uses were probably short-term.

No wetland impacts resulted from the placement of the bank armor, per a Certified Wetland Determination, dated January 17, 2013. However, 0.15 to 0.3 acres of emergent wetlands may have been impacted 10 to 15 years ago when two farm lanes and work pads were established for the removal of accumulated sediments from the upstream end of a river meander.

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

The increase in suspended solids may have been local and temporary. Although the benthic habitat was likely disturbed by the construction activities, it is anticipated to recover and improve over time due to the new shoreline protection. Mitigation is not proposed for this project.

In 2013, post-stabilization work, a USFWS qualitative mussel survey was conducted in this area of the Green River to assess protected mussel species in the project area. Based on the published report, no protected mussel species appeared in the project area when the shoreline stabilization work was conducted.

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

The purpose of the project was to stabilize and protect the north bank of the Green River on the Ballegeer property from ongoing erosion and ice jams. The completed project also serves to protect certain portions of the City of Colona from flooding.

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

#### *Option 1: Do nothing*

- Continued erosion of shoreline and flooding of Applicant's property and possibly the City of Colona

#### *Option 2: Shoreline stabilization – repurposed concrete*

- Stabilize shoreline with repurposed concrete and ongoing removal of visible rebar and/or asphalt

#### *Option 2: Shoreline stabilization – quarry stone*

- Stabilize shoreline with quarry stone
- Cost prohibitive and impractical

#### **Conclusion:**

The Applicant completed Option 2 during or prior to the winter of 2012. The Applicant is now applying for an after-the-fact permit to follow conditions set forth by the Agency and USACE.

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

On March 7, 2018, an IDNR EcoCAT consultation was initiated for the project area. The consultation for Project #1808505 was terminated because the Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location. On November 30, 2017, IDNR found that no historic properties are/were affected and found no objection to completing the project as planned. Miami Tribe (letter dated November 15, 2017) of Oklahoma and Osage Nation (letter dated January 9, 2018) have no further concern about 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 assessment was written. We tentatively find that placement of the concrete and removal of the exposed rebar/asphalt resulted 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 were incorporated into the activity; and that this activity provided erosion control for the shoreline. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.