IEPA Log No.: **C-0050-19**
CoE appl. #: **LRL-2019-92**

Public Notice Beginning Date: **December 30, 2019**
Public Notice Ending Date: **January 20, 2020**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification for Discharge of Dredged or Fill Material

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: Village of Dieterich – P.O. Box 243, Dieterich, IL 62424

Discharge Location: Near Dieterich in NW 1/4 of Section 13 of Township 7-North, Range 7-East of the 3rd P.M. in Effingham County.

Name of Receiving Water: Dieterich Creek

Project Description: Proposed straightening of Dieterich Creek to address flooding issues.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge dredged or fill material 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 contact Darren Gove at email darren.gove@illinois.gov or phone no. 217/782-3362.

DRG:C-0050-19_401 PN and FS_24Jan19.docx

Fact Sheet for Antidegradation Assessment
For Village of Dieterich
IEPA Log No. C-0050-19
COE Log No. LRL-2019-92
Contact: Angie Sutton 217/558-2012
Public Notice Start Date: December 30, 2019

The Village of Dieterich ("Applicant") has applied for a 401 Water Quality Certification for impacts associated with straightening Dieterich Creek in Section 13, Range 7 East, Township 7 North**,** Effingham County, Illinois. The project site is located along South Loda Street between Planters Street and East Virginia Street extending just north of East Virginia Street in Dieterich. The project will involve excavation of 378 linear feet (LF) to connect upstream and downstream points of Dieterich Creek and fill in the existing meandering creek to reduce flooding during heavy rain events in the area. Additionally, 225 LF downstream of the connection will be shifted five feet to the west away from South Loda Street. The newly excavated creek will be graded, stabilized with rip rap and seeded. The left descending bank will be stabilized and sloped with rip rap while the right descending bank will be excavated five feet to the west. Three rock cross vanes will also be constructed as part of the project. One will be within the new channel, a second will be placed at the downstream connection point and a third will be at the most downstream point where the project terminates. 929 feet (0.71 acres) of the existing creek will be filled with 363 cubic yards (CY) of fill from the newly excavated channel and 6097 CY of common fill dirt (hauled from an offsite location). 95 LF (0.02 acres) of the Unnamed Tributary to Dieterich Creek will also be filled with 154 CY of hauled in fill dirt while a new unnamed tributary is excavated to connect the upstream section to the new main channel of Dieterich Creek. This new section of the unnamed tributary will be 148 feet long and roughly 20 feet wide with similar construction and stabilization as the main channel. Once the existing creek and tributary are filled, those areas will be graded and seeded for use as green space. No mitigation is proposed for this project at this time.

Information used in this review was obtained from the application documents dated April 30, 2019, April 1, 2019 and January 18, 2019.

Identification and Characterization of the Affected Water Body.

Dieterich Creek has 0 cfs of flow during critical 7Q10 low-flow conditions. Dieterich Creek is classified as General Use Water. Dieterich 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. Dieterich Creek, Waterbody Segment IL_COC-10, is listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for Aquatic Life Use with cause listed as unknown. Dieterich Creek is not subject to enhanced dissolved oxygen standards.

The unnamed tributary of Dieterich Creek has 0 cfs of flow during critical 7Q10 low-flow conditions and is classified as General Use Water. The unnamed tributary to Dieterich 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 to Dieterich Creek, tributary to Waterbody Segment, IL_COC-10, 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 to Dieterich Creek is not subject to enhanced dissolved oxygen standards.

The USGS Illinois Streamstats basin characteristics program gives a watershed size of 0.14 square miles for the unnamed tributary of Dieterich Creek. According to the Illinois State Water Survey, the unnamed tributaries of Dieterich Creek in the area of the proposed stream realignment discharge is likely to be

7Q1.1 zero flow streams. In this region of Illinois, 7Q1.1 zero flow streams are streams with a watershed area of 3 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 headwater 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, no additional biological characterization is required.

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

The pollutant load increases that would occur from this project include some possible increases in total suspended solids. These increases, a normal and unavoidable result of straightening Dieterich Creek, is expected to occur in 0.73 acres of the existing channels. Impacts are expected to be short-term and temporary due to relocation and associated improvements. The existing waterway would be permanently filled once the channel is relocated. Impacts are expected to recover and improve with the proposed realignment of the waterway. The proposed project will improve flood storage and reduce flooding in the area.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in total suspended solids would be temporary and short-term increases**.** Although the existing stream is to be filled in, it is expected that the relocated stream will provide better flood control to the area due to the proposed improvements. Proposed impacts have been minimized to the maximum extent possible for the applicant to achieve their purpose. Banks will be stabilized and sloped with rip rap and seeded, and rock cross vanes will be constructed at various points within the water way. Additionally, the right banks along South Loda Road will be shifted five feet away from the road.

Purpose and Social & Economic Benefits of the Proposed Activity.

The proposed creek realignment is 485 LF and will have a gradient of 0.0035 feet to reduce flooding during heavy rains and alleviate the flooding issue in the Village of Dieterich.

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

The option to do nothing is not a feasible long-term solution for alleviating the issue of flooding within the Village of Dieterich and does not serve the purpose and need of the project.

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

An EcoCAT endangered species consultation was submitted to the Illinois Department of Natural Resources on April 1, 2019 and found no record of State-listed threatened or endangered species in the vicinity of the project location. There is also no record of INAI sites, dedicated Illinois Nature Preserves or registered Land and Water Reserves. IDNR has concluded that adverse effects are unlikely, and the consultation has been terminated provided the following recommendations are followed:

- Avoid in-stream modifications that will increase flow velocities within Dieterich Creek; increased velocities have adverse effects on aquatic communities including habitat loss, increased water temperature from loss of shading, increased turbidity, increased erosion and scour and restricted fish migration due to increased water velocities.

- Execute a salvage authorization the Department's Fisheries Division to salvage imperiled aquatic life from the abandoned portion of the stream pursuant to Fish and Aquatic Life Code [515 ILCS 5/1-150] and 17 ILL. Adm. Code 860. The request for a salvage authorization should be made at least 30 days prior to project implementation. The project should be implemented in a way as to avoid and minimize the taking of aquatic life.

The project was reviewed for cultural resources and determined to be in compliance with the Illinois State Agency Historic Resources Preservation Act.

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 would 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 would benefit the Village of Dieterich by providing a long-term solution to alleviate flooding during heavy rain events. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.