

The Illinois Environmental Protection Agency Log No.: **C-0050-20**

U.S. Army Corps of Engineers Log No.: **LRC-2019-202**

Public Notice Beginning Date: **July 8, 2020**

Public Notice Ending Date: **July 23, 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 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

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification for activities that would result in discharge of dredged or fill material into the waters of the United States associated with a federal permit application under Section 404 of the Federal Water Pollution Control Act Amendments of 1972 received by the U.S. Army Corps of Engineers.

Title 35 Illinois Administrative Code Section 395.202 requires that the IEPA issue a public notice for such applications. The public notice period will begin and end on the dates indicated in the above section. 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 or send them via email to the IEPA contact address provided below. Commenters must provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The Agency Log Number must appear on each comment page.

Name and Address of Applicant: Illinois Department of Transportation – 201 West Center Ct., Schaumburg, Illinois 60196-1096

Name of Receiving water: Kishwaukee River, one unnamed tributary of the Kishwaukee River and adjacent wetlands

Discharge Location: The affected waterbodies are located near Lakewood in Section 4 and 9 of Township 43-North, Range 7-East of the East 3rd P.M. in McHenry County. More specifically, the activity would occur immediately east and west of IL Route 47 starting just south of Foster Road and extending north to Hawthorne Way.

Project Description: The Illinois Department of Transportation (IDOT) is proposing improvements to IL Route 47 at the Kishwaukee River in the Village of Lakewood and in unincorporated McHenry County, Illinois. IDOT is proposing to improve safety and increase mobility along Illinois Route 47 by replacing the aging, structurally deficient existing bridge over the Kishwaukee River. The proposed bridge is anticipated to be located immediately east of the existing bridge over the Kishwaukee River, due to needed construction and traffic staging. This will require a realignment of the existing roadway. In addition, a wildlife crossing, bioswales, drainage ditches, and a compensatory floodplain storage basin are proposed

as part of the project. Adverse impacts to aquatic resources include construction related discharges to an unnamed tributary to the Kishwaukee River, the Kishwaukee River and seven (7) wetlands.

Approximately 0.25 acres of impacts to the unnamed tributary are caused by the proposed realignment. A total of 0.06 acres of permanent impact are proposed to the Kishwaukee River as a result of placement of a wildlife passage box culvert immediately to the south of the bridge structure. No piers will be placed within the waterway as the new bridge's design calls for a single span structure. A total of 2.41 acres of permanent impacts to 7 wetlands are proposed as a result of the new bridge. The compensatory mitigation that is proposed for the 2.72 acres of permanent impacts to the unnamed tributary, the Kishwaukee River and 7 wetlands includes in-basin wetland mitigation bank credit purchases at a ratio of 1.5:1.0 for a total of 4.08 mitigation credits. The project is expected to have a construction duration of approximately of 1 year or less.

Identification and Characterization of Receiving Water: The proposed discharge would occur within an unnamed tributary of the Kishwaukee River, 7 wetlands adjacent to the existing roadway and within the Kishwaukee River Segment ID IL_PQ-13. The unnamed tributary is considered a General Use Water and has not been assessed by the Agency due to its small watershed area (<0.1 sq. mile) and is not listed as a Biologically Significant Stream. The Kishwaukee River Segment ID IL_PQ-13 is present on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List as not supporting Aquatic Life and Fish. The causes of impairment include alteration in stream-side or littoral vegetative covers, mercury, dissolved oxygen, polychlorinated biphenyls, and sedimentation/siltation. The sources of impairment include channelization, source unknown, and crop production (crop land or dry land). In addition, Segment IL_PQ-13 is listed as fully supporting Aesthetic Quality and has not been assessed for Primary Contact Recreation. Neither the unnamed tributary nor Segment IL_PQ-13 of the Kishwaukee River is 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 receiving waters are not subject to enhanced dissolved oxygen standards according to 35 IAC 302. Appendix D Section 302.206(d). Seven wetlands were identified in the application as impacted by the proposed activities. The impacted wetlands are categorized as marsh, scrub-shrub marsh/farmed, scrub-shrub, forested, and wet meadow. None of the impacted wetlands are considered High Quality Aquatic Resources.

Agency Conclusion regarding Antidegradation: The Agency finds that this activity has no potential to adversely impact designated uses of the water body associated with the project as detailed under 35 Ill. Adm. Code 302.105(a). The water body has not been designated as an Outstanding Resource Water under 35 Ill. Adm. Code 302.105(b). The Antidegradation provision affecting High Quality waters in 35 Ill. Adm. Code 302.105(c) are met given that all existing uses will be maintained, and all water quality standards will be met. The nature of any additional loading of pollutants will be temporary, therefore, pursuant to Subsection (b) of 35 Ill. Adm. Code 302.105, no further review is necessary and no Antidegradation assessment according to 35 Ill. Adm. Code 302.105(f) is warranted.

The application, 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.

