

IEPA Log No.: **C-0306-20**
CoE appl. #: **CEMVR-OD-P-2019-1372**

Public Notice Beginning Date: **January 15, 2021**
Public Notice Ending Date: **January 29, 2021**

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: Ozinga Materials, LLC – 19001 Old LaGrange Road, Mokena, IL
60448

Discharge Location: Near Lacon in NW 1/4 of Section 25 of Township 30-North, Range 3-West of the
3rd P.M. in Marshall County.

Name of Receiving Water: Unnamed Wetlands

Project Description: Proposed construction of a Clean Construction and Demolition Debris (CCDD)
Facility within a former quarry along the Illinois River.

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 Francisco J. Herrera at email francisco.herrera@illinois.gov or phone no. 217/782-3362.

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Fact Sheet for Antidegradation Assessment
For Ozinga Materials, LLC
IEPA Log No. C-0306-20
COE Log No. CEMVR-OD-P-2019-1372
Contact: Angie Sutton 217/558-2012
Public Notice Start Date: January 15, 2021

Ozinga Materials, LLC (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the conversion of a former quarry into a Clean Construction and Demolition Debris (CCDD) facility in Lacon, Marshall County, Illinois. The project site is located at 933 Illinois Route 26 in Section 25, Range 3 West, Township 30 North. The CCDD facility will be used to accept clean fill material, namely concrete, brick, rock, stone and dirt. Materials will be tested and certified prior to being accepted as fill. This project will consist of placement of 115,000 cubic yards (CY) of clean fill to construct perimeter berms in the North CCDD and South CCDD facility areas which will be filled with 640,000 CY of CCDD. The project will impact 0.71 acres of wetland in the South CCDD facility. Mitigation for impacts to the wetland will be provided through the purchase of 1.42 credits at a 2:1 ratio, from the Northern Illinois Wetland Mitigation Bank. The facility will provide a unique opportunity for CCDD disposal due to direct access on the Illinois River and in turn, reduce vehicle traffic from project locations to the site by utilizing barge deliveries from demolition sites. This project is expected to meet the existing demand for CCDD disposal facilities within Illinois.

Information used in this review was obtained from the application documents dated October 20, 2020, April 24, 2020, January 3, 2020, December 17, 2019, October 30, 2019, October 29, 2019, and July 31, 2019.

Identification and Characterization of the Affected Water Body.

Within the approximately 79-acre project site, two areas qualified as Waters of the US (Areas 1 and 2) and one former gravel pit qualifies as a wetland (Area 5). Areas 3 and 4 were identified as former gravel pit areas. Area 1 is the Illinois River with wetland fringe located along the river shoreline, and Area 2 is the 27.64-acre former gravel pit. The gravel pit (Area 2) is located in the center of the property which is now connected to the Illinois River and qualifies as Waters of the U.S. The 2 other former gravel pit areas (Areas 3 and 4) were identified on the property but they do not qualify as Waters of the U.S. Area 5 is a former gravel pit located south of Area 2 and meets criteria to qualify as a wetland. The wetland is 0.71 Acres and was observed to contain hydrophytic vegetation, hydric soils, and standing water was present. The jurisdictional areas that exist within the project area are Areas 1, 2 and 5.

Dominant species within Area 5 consisted of silver maple (*Acer saccharinum*) and sandbar willow (*Salix interior*). 100% of the dominant species are hydrophytic with soil consisting of sand and gravel, and the hydrology of Area 5 consisted of inundation to a depth of 1 inch.

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 the placement of the berm and CCDD fill, may occur in the area of construction. The wetland in Area 5 will be

completely filled in. Clean fill will be used for construction of the berms in both the North and South CCDD areas with a total fill of 115,000 CY of clean fill, and 164,000 CY of CCDD. The Area 5 wetland will be completely filled in with clean fill prior to any placement of CCDD materials, and as a result no CCDD material will be placed within any Waters of the U.S.

The Illinois EPA TMDL webpage updated 9/1/2019 does not list this facility as having a WLA as part of any completed or ongoing TMDL.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in total suspended solids would be local and temporary. Construction will include employment of erosion control methods such as a silt fence, erosion control blanket and rock-lined swales. A Stormwater Pollution Prevention Plan (SWPPP), prepared on September 9, 2019, is included with the application documents. Mitigation for loss of the wetland function will be provided at a 2:1 ratio with the purchase of 1.42 credits from the Northern Illinois Wetland Mitigation Bank. No other mitigation will be required as there will be no further impacts to jurisdictional waters.

Purpose and Social & Economic Benefits of the Proposed Activity.

The proposed project would reclaim a portion of the former quarry for use as a CCDD facility. The facility would have Illinois River access and allow for barge delivery of CCDD from Ozinga facilities along the Illinois, Des Plaines and Chicago Rivers or at the source of the fill material provided it is next to a waterway. This project would provide an answer to the high demand for CCDD facilities as many source sites are predicted to have a large amount of excavated fill material, and other disposal sites are near capacity. The reduction in truck traffic as a result of using barge traffic, would be beneficial as trucks and drivers are expected to be in short supply due to the increase in infrastructure improvement needs. The facility will provide benefits to the local economy by providing jobs, increasing the tax base, meeting the demand for a cost-effective facility and providing a great deal of potential capacity while still meeting CCDD regulatory requirements. The location on the Illinois River provides an opportunity for efficient, accessible transport of CCDD material.

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

Ozinga Materials and Logistics (OML) has identified 8 upland sites along the Illinois River north of the proposed Lacon site. These 8 sites appear to meet some of the project requirements and alternative evaluation factors in that they are former or active mining sites along or near the Illinois River. Three of the sites are owned by OML and 5 are owned by others. Ozinga owned sites include the following:

- OML Rock Creek, 3500 Channahon Road, Joliet, IL 60436. This site is an active limestone and materials terminal and because of this, the site is not a feasible alternative.

- OML Channahon Yard 547, 25039 W. Eames Street, Channahon, IL 60410. This site is an active sand and gravel mine and because of this, the site is not a feasible alternative.
- OML Henry/Port of Henry, 1440 Country Road 1500 East, Henry, IL 61537. This site is an active sand and gravel mine, an active terminal, and will expand the existing port facility. Because of these factors, this site is not a feasible alternative.

The five other sites are non OML owned sites and include the following:

- Tri-Con Materials/Lyons Lake Offload, PO Box 304, Princeton, IL
- LaFarge Aggregate/Utica Stone, Route 178 at North 27th Road, Utica, IL
- Unimin Corporation, 402 Mill Street, North Utica, IL
- US Silica Company, 701 Boyce Memorial Dr., Ottawa, IL
- US Silica Company, Route 71 at North 2401st Road, Ottawa, IL

All 5 of the above listed facilities are active mines, under ownership by non-OML mining/aggregate producers, and are not available for use as a CCDD facility by OML. The facility is ultimately proposing an on-site alternative that eliminated any discharges to Waters of the US.

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

An EcoCAT endangered species consultation submitted on January 3, 2020 to the Illinois Department of Natural Resources resulted in identification of the Indiana Bat (*Myotis sodalis*), Banded Killifish (*Fundulus diaphanus*), and Decurrent False Aster (*Boltonia decurrens*). To avoid potential impacts to these species, IDNR recommends the following:

Indiana Bat:

- No tree clearing between April 1st and November 1st
- If this cannot be done, a bat habitat assessment should be conducted to determine if habitat trees are present
- If habitat trees are found, they should be clearly marked and not cut between April 1st and November 1st.
- All non-suitable trees may be cut at any time
- Suitable trees are defined as greater than 3 inches diameter breast height (DBH), with exfoliating bark, holes cracks and crevices
- If these dates cannot be accommodated, habitat assessments results should be submitted to USFWS for further review

Decurrent False Aster:

- IDNR encourages avoiding disturbance to this population
- Species is landowner's property and fate of population lies with the landowner
- A survey for this species is recommended to avoid impacts if possible

- If development plans are pursued in this parcel , IDNR recommends seed collection and translocation to conserve genetic material
- Written permission from the landowner must be obtained from any secondary parties in order to relocate or legally disturb a listed plant

Banded Killifish:

- IDNR recommends strict adherence to all erosion control and water quality BMPs during construction and throughout the lifecycle of the project

Given these recommendations are adopted, IDNR has determined that impacts are unlikely.

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 area by providing barge transport of CCDD which reduces the amount of traffic on the roads and carbon emissions. The CCDD is considered clean fill and would not require disposal in a landfill. This project will also create new jobs in the area. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.