Illinois Environmental Protection Agency
Bureau of Water, Permit Section
(IEPA)

1021 North Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276, 217/782-3362

The IEPA has issued a Public Notice of a request for a Clean Water Act Section 401 water quality certification that would allow the issuance of a federal permit for the discharge of pollutants to waters of the State.

Public Notice Beginning Date:	**Public Notice Ending Date:**
Friday, June 3, 2022	Friday, June 17, 2022

Agency Log No.: C-0089-22

Federal Permit Information: This civil works project is under the jurisdiction of Chicago District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: Wolverine Pipeline Company, Thomas Slosson - 8075 Creekside Drive, Suite 210, Portage, MI 49024

Discharge Location: In Section 2 of Township 34-North and Range 14-East of the East 3rd Principal Meridian in Will County. Additional project location information includes the following: 20343 Vollbrecht Road, Chicago Heights, IL 60411

Name of Receiving Water: Unnamed Wetlands

Project Description: After-the-fact inspection of an underground petroleum pipeline.

Construction Schedule: April 12, 2022 to April 19, 2022

The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters must provide their name and address along with comments on the certification request. The IEPA Log number must appear on each comment page. Commenters may include a request for public hearing. Only hearing requests and comments that pertain to Clean Water Act Section 401 authority will be considered. This authority provides consideration of whether the permit or license would be consistent with Sections 301, 302, 303, 306, or 307 of the CWA, as well as "any other appropriate requirement of State [or tribal] law". Requests for additional comment period must provide a demonstration of need. The final day of comment acceptance will be on the Public Notice Ending date shown above, unless the IEPA grants an extended notice period.

The attached Fact Sheet provides a detailed description of the project and the findings of the IEPA's antidegradation assessment.

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 see the contact information below.

Name: Francisco Herrera Email: Francisco.Herrera@Illinois.gov Phone: 217/782-3362

Post Document. No. C-0089-22-06032022-PublicNoticeAndFactSheet.pdf

The applicant has already completed the project and is leaving the work completed in place, so the review of the plans is after-the-fact for the proposed work. The project site, referred to as the Vollbrecht Road Casing Vent Repair site, is near 20343 Vollbrecht Road, and can be found in Township 35N, Range 14E, Sections 13 and 14 in Chicago Heights, Cook County, Illinois.

The applicant performed emergency temporary excavation of Wolverine's LK-KA line segment and casing vents east and west of where it crosses Vollbrecht Road to assess pipeline integrity as a result of third-party damage from a downed power line. A portion of the temporary excavation overlapped with wetlands. Due to the emergency nature of the Project, an after-the-fact permitting pathway was discussed and agreed upon with ILEPA and USACE. As such, the Project was initiated on 4/12/22 and the area was backfilled on 4/19/22. Temporary dredging and equivalent backfill occurred in 0.01 Acres (Ac) of emergent wetland. Best Management Practices (BMPs) to minimize impacts were employed, and after backfilling and grading were completed, the disturbed areas were seeded and stabilized.

Identification and Characterization of the Affected Water Body.

A wetland delineation was completed by Environmental Resources Management Michigan, Inc. on April 12, 2022. Results of the field wetland/waterbody assessment indicated that the area immediately surrounding Vollbrecht Road Casing Vent Repair site exhibited palustrine emergent (PEM) wetland characteristics. The delineated wetland area (Wetland 1) appears to be part of a wetland complex that extends east, as well as west, and south of the ROW at this location.

The results of the Floristic Quality Assessment (FQA) indicated the mean C value and FQI for Wetland 1 in the area that would be impacted by the anomaly repair excavation was 1.86 and 4.91, respectively. Any C value greater than 3.5 generally indicates the site could have floristic qualities consistent with natural areas. Since the results exhibited a C value of 1.3, the wetland vegetation in this area presents a low floristic value and indicates that the area is likely not considered natural. This is supported by the presence of multiple invasive species within the area analyzed. Dominant vegetation present in the project area included White Mulberry *(Morus alba)*, Kentucky Bluegrass *(Poa Pretensis)*, and Poison Hemlock *(Conium maculatum)*.

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 excavation and backfill, may occur as temporary increases in turbidity and total suspended solids within areas of standing water in the wetland.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids, from the excavation and backfill was expected to be local and temporary. No mitigation is proposed for this project as total impact to waters of the U.S. totals 0.01 and this is less than the threshold of 0.1 acres requiring mitigation. Although the wetland was disturbed by the construction activities, it is anticipated to recover and improve over time due to the employment of BMPs. BMPs used to minimize the unavoidable impacts included straw wattles for sediment retention, filter bags for dewatering, timber matting to minimize soil disturbance, and soil segregation to improve

restoration success. The temporarily excavated area was backfilled and returned to original grade upon project completion and disturbed areas were seeded with a native wetland seed mix and stabilized with straw mulch. The area is expected to revegetate and be restored in approximately six months. Overall, proposed impacts were minor and temporary and resulted in no permanent habitat loss.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of the project is to allow for temporary excavation of the pipeline segment to assess pipeline integrity due to possible third-party damage.

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

The following alternatives were evaluated:

Replace Section of Potentially Damaged Pipeline – This alternative involved replacing the section of pipeline where the potential damage was located and the construction of new casing vents outside the wetlands as opposed to inspection and repair of the location in question. This would have minimized temporary wetland impacts from excavation. However, this alternative was not chosen as the preferred option due to anticipated costs and time required to construct a new pipeline compared to excavation at the location in question to inspect and repair.

Excavation of Vents with Equipment Staged on the Roadway – This alternative involved excavation of the pipeline and casing vents east and west of the Volbrecht road crossing using equipment staged only from the roadway. The option would have minimized temporary wetland impacts from the placement of temporary timber matting. However, this alternative was not chosen as the preferred option due to the emergency nature of the work and the associated time required to obtain specialty equipment that could complete the work while staying within the roadway boundary.

No Action Alternative – Under this alternative, no pipeline excavation would have been completed there would be no associated temporary wetland impacts. The no action alternative was rejected as it would not have allowed Wolverine to assess and maintain pipe integrity in compliance with the relevant federal regulations as overseen by the Pipeline and Hazardous Materials Safety Administration (PHMSA).

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

A USFWS IPaC report generated on April 11, 2022 identified the following federally protected species that could potentially exist in the project area:

Northern long-eared bat *(Myotis septentrionalis)* – Threatened
Piping Plover *(Caradrius melodus)* – Endangered
Red Knot *(Calidrus canutus rufa)* – Threatened
Eastern Massasauga *(Sistrurus catenatus)* – Threatened
Hine's Emerald Dragonfly *(Somatochlora hineana)* – Endangered
Eastern Prairie Fringed Orchid *(Platanthera leucophaea*) – Threatened
Leafy Prairie Clover *(Dalea foliosa)* – Endangered

The results of the IPaC report determined that the listed species would not be affected due to absence of suitable habitat in the project area. Additionally, where the Northern long-eared bat is concerned, no appropriate habitat was identified, and no trees were cut.

On April 11, 2022, the IDNR EcoCAT review was initiated for the project area (Project #2211851). The Department found that the Northern long-eared bat may be in the vicinity of the project area. The Department evaluated the information and concluded that adverse effects are unlikely. The consultation was terminated on April 11, 2022.

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 and TMDL load allocations; 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 allowing for emergency excavation to assess pipeline integrity as a result of third-party damage from a downed power line. Comments received during the NPDES permit public notice period will be evaluated before a final decision is made by the Agency.