

**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:

Thursday, February 24, 2022

Public Notice Ending Date:

Thursday, March 10, 2022

Agency Log No.:C-0140-21

Federal Permit Information: Federal permit/license no. CEMVR-OD-P-2021-0858 is under the jurisdiction of Rock Island District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: Spring Creek Development Group, David Anderson - 330 Spring Creek Road, Rockford, IL 61107

Discharge Location: In Section 2 of Township 44-North and Range 2-East of the East 3rd Principal Meridian in Winnebago County. Additional project location information includes the following: Northeast of the intersection of highway 39 and E Riverside Blvd, near Loves Park, IL 61114

Name of Receiving Water: Unnamed Wetlands

Project Description: Permanent impact of 0.95 acres of wetlands caused by the proposed construction of a detention pond.

Construction Schedule: Beginning Jul 2021 and ending Dec 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.

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Post Document. No. C-0140-21-02242022-PublicNoticeAndFactSheet.pdf

Spring Creek Development Group has applied for a 401 Water Quality Certification for impacts associated with a proposed regional, consolidated detention pond in Outlot B to serve the future plat of the Business Park and Spring Creek Lakes. The proposed project area is located in Section 36, Township 45 North, Range 2 East, Winnebago County, Illinois. The project will consist of development of a regional detention area that includes a berm area. The berm area will impact wetlands but with construction of the detention pond, wetlands will also be created. The detention pond will be constructed in two phases with 0.8 acres (Ac) of wetland impacts occurring during the interim phase, and 0.15 Ac of impacts occurring in the future. Impacts for the detention berm will total 0.95 Ac. The basin design will include a larger wetland totaling 10.08 Ac as an offset. Development of the detention pond will provide compliance with the City Stormwater Ordinance by making stormwater detention available for the adjacent lots. Proposed mitigation for these impacts includes creation of an onsite wetland area totaling 10.08 Ac and purchasing wetland credits at a 1:1 ratio from the Afton South Prairie Wetland Bank.

Information used in this review was obtained from the application documents dated July 14, 2008, April 29, 2021, May 28, 2021, June 16, 2021, and January 26, 2022

Identification and Characterization of the Affected Water Body.

The entire 530-acre site underwent a wetland delineation on February 25, 2005 and April 9, 2008 by Hey and Associates, Inc., and the 13.73 Ac business park was delineated separately by Cedar Corporation on April 16, 2021 for site planning purposes.

The 2008 study revealed two wetlands totaling 16.85 Ac, of which 16.58 Ac were considered jurisdictional and given the designation of Wetland 1. A Floristic Quality Assessment of Wetland 1 was conducted where results indicated a low-quality flora for the wetland, with a native mean C of 2.5 and a native FQI value of 12.7. Methodology presented in *Plants of Chicago Region* (Swink and Wilhelm, 1994) proposes that an area with a native mean C greater than 3.5 or a native FQI greater than 35 suggests a sufficient floristic quality to be of at least marginal natural area quality. Results indicate that the wetland is degraded. Data Point 1 of the wetland was described as shallow marsh and degraded wet meadow. Dominant plant species included Narrow-leaved cattail (*Typha angustifolia*), Yellow Nutsedge (*Cyperus esculentus*), River Bullrush (*Scirpus fluviatilis*), and Dark Green Rush (*Scirpus atrovirens*). Data Point 5 of the wetland was described as degraded wet meadow along a drainageway. Dominant plant species included Box Elder (*Acer negundo*) and Reed Canary Grass (*Phalaris arundinacea*).

The 2021 study found that wetlands were primarily located offsite to the east and consisted of one 0.02 Ac wetland resource on site. The business park property consists of three parcels under agricultural production. Portions of the site were left unplanted for the 2020 growing season. There were two areas of wetland concern reviewed. One area was in the location of a swale-like feature that travels offsite to a waterway, and the second was within the field, riparian to the waterway. The wetland area onsite is part of a much larger wetland complex to the east which was included in the 2008 delineation.

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

The pollutant load increases that would occur from this project include some possible local increases in total suspended solids. These increases are a normal and unavoidable result of construction and grading

that may occur in the wetland and in and around the area of construction. Existing benthic habitat of the wetland would be permanently removed by fill activities however, there is no noted aquatic habitat in the construction area. Additionally, the identified wetlands to be impacted with this project area currently actively farmed and have been for several years.

Fate and Effect of Parameters Proposed for Increased Loading.

The existing wetland would be permanently filled by the construction activities. Mitigation will be required for the 0.95 acres of wetland and a wetland mitigation ratio of 1:1 for the wetland impacts has been requested by the applicant. The construction of the basin will result in a 9 Ac open water feature that will provide natural habitat enhancement. Mitigation will be accomplished by purchasing wetland mitigation credits from Afton South Prairie upon approval from USACE. The project itself will eliminate topsoil erosion and fertilizer impacts to the waterway associated with the wetland by removing this area from crop production. Additionally, the basin will provide a 1' deep to 3' deep wet sump/pond to capture and filter nutrients from the industrial development and upstream land that remains in crops currently. The project will also protect Spring Creek from receiving direct stormwater discharge which would be in violation of the City Stormwater Ordinance.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of development of the detention pond is to provide compliance with the City Stormwater Ordinance by make stormwater detention available for the adjacent lots. The project will create a consolidated single-point naturalized area while at the same time, promote additional property for development and provide employment opportunities.

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

The Applicant has provided the following alternatives:

Alternative 1 – No Action:

This option was deemed not feasible or possible at this time. Development planning has been occurring for a decade with lots having been platted since 2011. Development is moving forward in an orderly manner.

Alternative 2 – Avoidance:

This option studied alternatives to avoid impacts to the wetland area, including shifting the detention area to the north into an upland area. The development site drains in a generally straight west to east direction. Because the wetland lies immediately east of the southern 2/3 of the site, this shifting of the basin would allow direct runoff from the site to avoid the required stormwater detention. Because some capture of the entire site is required by the City of Loves Park, this would not be approved.

Alternative 3 – Minimize:

Shifting of the south “finger” of the detention area onto the development was also looked at as an alternative. It was determined after review that the detention would not fit with the development as the buyer did not want to lose the required land. This would not allow the buyer’s project to move forward. There would still be some resulting impact with this option but would have been a nationwide permit vs. individual. This option was not chosen.

Final Alternative – 1-Acre Impact:

This option would align with the original 2011 plan and the developer’s idea to consolidate stormwater management at various locations within the business park by pursuing a wetland-style basin. This

proposed final alternative is a more efficient and effective way to manage stormwater. The basin would incorporate currently undeveloped areas to the north of the proposed development site. The first phase of the project will create a 1' wetland sump that will transition to a 3' maximum depth for an open water pool area. This design allows for a smaller basin footprint which lacks a bottom slope, some sedimentation capacity, and limits the amount of "overdig" usually common in a full wet pond design. This preferred option will impact the wetland with placement of fill for construction of the berm area, however more wetland is ultimately being created with the proposed excavation.

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

On June 16, 2021 (Project #2114784), the IDNR EcoCAT review was initiated for the project area. The review identified protected resources that may be in the vicinity of the proposed project area. IDNR evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under Title 17 Ill. Admin. Code Part 1075 was terminated.

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 City of Loves Park by creating a consolidated single-point naturalized area while at the same time, promoting additional property for development and providing employment opportunities. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.