

**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:

Friday, January 20, 2023

Public Notice Ending Date:

Thursday, February 9, 2023

Agency Log No.: C-0282-22

Federal Permit Information: Federal permit/license no. LRC-2022-609 is under the jurisdiction of Chicago District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: Village of Orland Park, Khurshid Hoda - Director of Engineering Programs and Services, 14700 S. Ravinia Avenue, Orland Park, IL 60462

Discharge Location: In Section 16 of Township 36-North and Range 12-East of the East 3rd Principal Meridian in Cook County. Additional project location information includes the following: Between 151st Street and 161st Place Street East of La Grange Road, Orland Park, IL 60462

Name of Receiving Water: Tinley Creek

Project Name/Description: Tinley Creek Streambank Stabilization - the purpose of the project is to protect adjacent residential properties from loss of property due to severe erosion and to protect infrastructure that discharges to and runs along Tinley Creek.

Construction Schedule: Beginning Jun 2023 and ending Jun 2025

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-0282-22-01202023-PublicNoticeAndFactSheet.pdf

The Village of Orland Park (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with streambank stabilization to the east and west banks of Tinley Creek, in Orland Park. The project will involve various improvements to 1.37 miles of Tinley Creek between 151st Street and a point approximately 850 feet south of Crystal Creek Drive. These proposed improvements will stabilize the streambank erosion, reduce sediment entering the stream, reduce sediment that flows downstream, and protect infrastructure that discharges to and runs along Tinley Creek. The proposed project site is located in Township 36 North, Range 12 East, Section 14, in Cook County, Illinois. The proposed project will provide streambank stabilization along up to 8,050 linear feet (LF) along both the east and west banks of Tinley Creek. The specific needs of each stretch of the creek have been addressed in the stabilization measures based on severity and height of the erosion, proximity to residential structures and fences, and flow velocities in the creek. Funding is mostly provided by the Metropolitan Water Reclamation District of Greater Chicago (MWRD) with other aspects of the project funded by the Village of Orland Park. The project includes bank reshaping with stone toe protection, gabion basket bank protection, and stone toe protection. Improvements also include a section of sheet pile wall that is approximately 60 linear feet long. Stabilization along the west bank includes:

- 995 LF of gabions
- 57 LF of sheet pile
- 2,905 LF of grading with stone toe
- 1,335 LF of stone toe only
- 195 LF of supplemental stone
- 119 LF of native vegetation stabilization only
- 2,444 LF does not require any stabilization

Stabilization along the east bank includes:

- 1,036 LF of gabions
- 2,936 LF of grading with stone toe
- 902 LF of stone toe only
- 163 LF of supplemental stone
- 134 LF of native vegetation stabilization only
- 2,879 LF does not require any stabilization

Tree removal will occur where required to install the stabilization features with tree replacement and native vegetation plantings where possible. The project will involve minimal fill material discharge to 0.45 acres (Ac) of Waters of the U.S. (WOUS) and minimal adverse environmental effects. It is expected that mitigation will be provided by the improvements to water quality and aquatic habitat as a result of the proposed project. This project will not permanently impact any wetlands or WOUS.

Information used in this review was obtained from the application documents dated June 9, 2022, June 15, 2022, September 19, 2022, September 20, 2022, and December 21, 2022.

Identification and Characterization of the Affected Water Body.

Tinley Creek has 0 cfs of flow during critical 7Q10 low-flow conditions. Tinley Creek is classified as General Use Water. Tinley 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. Tinley Creek, Waterbody Segment IL_HF-01, is listed on the 2020/2022 Illinois Integrated Water Quality Report and Section 303(d) List as fully

supporting aesthetic quality and aquatic life uses. This segment of Tinley Creek is not subject to enhanced dissolved oxygen standards.

Tinley Creek is a perennial stream with a slightly meandering channel that has been channelized in several locations due to single-family and multi-family residential developments. The stream has minimal sinuosity between Quail Hollow Drive and Teebroke Drive and is channelized south of 86th Ave. There have been a few minor attempts at bank stabilization by residents, but most of the banks are eroded to some degree. The vegetation ranges from wooded with minimal ground cover to mowed turf grass but the existing vegetation has done little to stabilize the banks.

A wetland and stream delineation was conducted by V3 Companies (V3) on May 31, 2022, for the 21 Ac survey area within the Tinley Creek watershed. One WOUS (Area 1) and one emergent wetland (Area 2) were delineated in the project area. In total, 4.902 Ac of wetland/WOUS lies within the project area.

Area 1 is a 4.882 Ac area that consists of Tinley Creek with pockets of low-quality fringe wetlands that are divided into six segments based on the occurrence of road crossings. Area 1 has a Native Mean C and FQI of 2.42 and 12.36, respectively, indicating a non-high-quality aquatic resource (HQAR). Dominant vegetation throughout the 4 vegetated data points consisted of cottonwood (*Populus deltoides*), sugar maple (*Acer saccharinum*), crack willow (*Salix fragilis*), honeysuckle (*Lonicera maackii*), dogwood (*Cornus alba*), green ash (*Fraxinus pennsylvanica*), low smartweed (*Persicaria longiseta*), riverbank grape (*Vitis riparia*), buckthorn (*Rhamnus cathartica*), elderberry (*Sambucus nigra*), reed canary grass (*Phalaris arundinacea*), box elder (*Acer negundo*), panicked aster (*Symphotrichum lanceolatum*), fowl manna grass (*Glyceria striata*), small flowered buttercup (*Ranunculus abortivus*), water blinks (*Montia fontana*), and virginia creeper (*Parthenocissus quinquefolia*). Although one data point (X02) failed to satisfy wetland vegetation criterion, Area 1 (Tinley Creek) qualifies as Waters of the U.S. (WOUS) with wetland.

Area 2 is a 0.02 Ac wetland located on top of a hillslope on the west side of Area 1. Area 2 has a Native Mean C and FQI of 2.83 and 6.94, respectively, indicating a non-HQAR. Dominant vegetation consisted of buckthorn (*Rhamnus cathartica*), fowl manna grass (*Glyceria striata*), panicked aster, (*Symphotrichum lanceolatum*), and riverbank grape (*Vitis riparia*). Area 2 (wetland) qualifies as a emergent wetland that falls under USACE jurisdiction.

Two additional areas were studied during the delineation of the project area. However, these areas (Area 3 and Area 4) were upland areas that failed hydrology and soils criteria and were not considered wetlands. Area 4 satisfied the vegetation criteria only.

Area	On-Site Acreage	Mean C/FQI	USACE Jurisdiction? (Y/N)
1A	0.712	2.42/12.36	Y
1B	0.53		
1C	2.18		
1D	0.52		
1E	0.07		
1F	0.87		
2	0.02	2.83/6.94	Y
Total	4.902		

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 placement of fill in Tinley Creek may occur as a result of streambank improvement activities. Discharge will consist of clean construction materials. Sediment impacts to downstream water resources during construction are expected to be temporary. Due to the existing sources of impairment present in Tinley Creek, the proposed action of streambank stabilization will not result in new pollutant discharge and will improve existing impairments that have been identified by the IEPA and MWRD for Tinley Creek, such as bank destabilization.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in total suspended solids would be local and temporary. The work area will employ various best management practices (BMPs) and erosion control measures. Some of those methods include the use of erosion control blankets, seeding, silt fences, and construction and tree protection fences. Erosion and sediment control plans to be used during construction are included in the engineering plans. No other impacts to wetlands or Waters of the United States will occur as a result of the project. Once completed, the bank stabilization will result in improved downstream water quality due to decreasing sediment loads. Overall, the proposed project will have a positive effect on Tinley Creek as the streambanks will be stabilized. No mitigation is proposed for this project as the project itself is compensation for any impacts proposed and impacts to the waterway will not be permanent.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of this project is to protect private properties along Tinley Creek from loss of property due to severe erosion and undercutting and to protect infrastructure that discharges and runs along Tinley Creek. In addition, the project will reduce the amount of sediment entering into Tinley Creek and assist to reduce the amount of sediment that flows downstream.

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

The proposed action will not impact wetlands or Waters of the U.S. and will result in reduced sediment loads, leading to improved water quality in Tinley Creek. There are no practicable alternatives available that will result in a reduced pollutant load to Tinley Creek.

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

An EcoCAT endangered species consultation was submitted on June 9, 2022 (Project #2214174) to the Illinois Department of Natural Resources. The consultation indicated that according to the Illinois Natural Heritage Database, the Northern Harrier (*Circus cyaneus*) and the Short-Eared Owl (*Asio flammeus*) may be in the vicinity of the project location. The Department evaluated this information and concluded that adverse effects are unlikely. The consultation under 17 Ill. Adm. Code Part 1075 and 1090 was terminated.

A Section 7 consultation was conducted on June 9, 2022, in order to determine whether any federal or state listed species or habitat are likely to be adversely impacted by the project. It was determined that the following federally listed species may occur within the boundary of the proposed project: Northern Long-eared Bat (*Myotis septentrionalis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Eastern Massasauga (*Sistrurus catenatus*), Hine's emerald dragonfly (*Somatochlora hineana*), Monarch

butterfly-candidate (*Danaus plexippus*), Eastern prairie fringed orchid (*Platanthera leucophaea*), and Leafy-prairie clover (*Dalea foliosa*). A review of T & E species potentially present in the project area review, USFWS coordination, and the field survey found that there is no habitat in the project area that would support the above-listed species.

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 community by protecting adjacent residential properties from loss of property due to severe erosion and to protect infrastructure that discharges to and runs along Tinley Creek. Additionally, the project will reduce the amount of sediment entering into Tinley Creek and assist to reduce the amount of sediment that flows downstream. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.