

**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:**

Wednesday, October 2, 2024

**Public Notice Ending Date:**

Tuesday, October 22, 2024

**Agency Log No.: C-0146-24**

**Federal Permit Information:** Federal permit/license no. LRC-2024-166 is under the jurisdiction of Chicago District, Regulatory Branch U.S. Army Corps of Engineers

**Name and Address of Discharger:** Panattoni Development Company, Inc, John Pagliari - 6250 N. River Road, Suite 4050, Rosemont, IL 60018

**Discharge Location:** In Section 13 of Township 37-North and Range 10-East of the East 3rd Principal Meridian in Will County. Additional project location information includes the following: 17205 West Davey Road, Lemont, IL 60439

**Name of Receiving Water:** unnamed tributary of Des Plains River

**Project Name/Description:** 17205 West Davey Road, Lemont, IL - proposed development of a warehouse building and associated infrastructure

**Construction Schedule:** Beginning Oct 2024 and ending Mar 2026

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-0146-24-10022024-PublicNoticeAndFactSheet.pdf

Panattoni Development Company, Inc. has applied for a 401 Water Quality Certification for impacts associated with proposed development of a warehouse facility and associated infrastructure in Section 13, Township 37 North, Range 10 East, Will County, Illinois. The project site is located at 17205 Davey Road in Lemont. Construction will occur in 19.94 Ac of the 22.75 Ac project site. The proposed project will impact 0.429 acre of wetland and waters of the United States. Waters impacts equal 1,173 feet of stream length covering 0.345 acre of waters impact and 0.084 acre of wetland impact. The existing stream and its associated wetlands will be filled in with a yet to be determined amount of clay fill. The northern portion of the stream will be routed through the development area by piping. Mitigation will be provided by the purchase of 2010 stream mitigation credits from the McHenry County Conservation District, and 0.13 Ac of wetland mitigation credits from Land and Water Resources at the Mill Creek Site.

This project is authorized under Nationwide Permit 39; however, the U.S. Army Corps of Engineers has requested an Individual 401 certification as the project exceeds the 300-foot length restriction.

Information used in this review was obtained from the application documents dated April 24, 2024, March 15, 2024, March 18, 2024, May 1, 2024, May 10, 2024, June 10, 2024, June 12, 2024, and July 29, 2024.

### **Identification and Characterization of the Affected Water Body.**

The wetland delineation performed on May 5, 2023, and April 10, 2024, identified one stream/wetland (WOUS 1) and seven fringe wetlands associated with WOUS 1 (1A- 1G) in the 22.75 Ac project area. The study area is located south of Davey Road, east of Marmon Drive in Woodridge, Will County, Illinois. The northern half of the study area is comprised primarily of agricultural land currently used as a horse pasture. The area is dominated by various grasses most of which have been grazed, mowed, or trampled.

A mature oak woodland with degraded understory of which appears to be grazed as well. Native shrubs exist in the study area as well as patches of open spaces within the woodland that contain grasses, ivy and some spring ephemerals.

Within the study area, WOUS 1 is a 1677 LF (0.524 Ac.) stream and is identified as an unnamed tributary to the Des Plaines River. Impacts are proposed to 1173 LF (0.345 Ac) of the stream.

The unnamed tributary to the Des Plaines River has 0 cfs of flow during critical 7Q10 low-flow conditions. The unnamed tributary to the Des Plaines River is classified as General Use Water. The unnamed tributary to the Des Plaines River is not listed as a biologically significant streams 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 unnamed tributary to the Des Plaines River, tributary to Waterbody Segment IL\_G-03, is not listed on the 2018 Illinois Integrated Water Quality Report and Section 303(d) List since it has not been assessed. The unnamed tributary to the Des Plaines River is not subject to enhanced dissolved oxygen standards.

At the time of the site visit, the stream was found to be unvegetated with eroded embankments and multiple equine crossings from the adjacent pastureland. North of the site a new culvert was installed off-site under Davey Road. A wood fence crosses the stream but did not appear to have any effect on stream flow or form. A tributary culvert is located at Wetland 1G. The riparian slope above the ordinary high-water mark (OHWM) primarily consisted of a mix of scrub-shrub and non-wetland grassy vegetation (i.e.,

pastureland). The abrupt change from unvegetated streambed to vegetated stream bank/riparian area was a result of erosion on the bank. The OHWM north of the woodland and adjacent to the pastureland was specified by debris lines/litter at and above the OHWM, water-staining on fixed objects at the OHWM, undercutting of embankments at or above the OHWM, bent over vegetation at or below the OHWM, and impressions along the embankment. The stream corridor south of the pastureland and within the woodland was unvegetated. The streambed transitioned from mud/rock to rock/cobble to bedrock from where the tree line met pastureland to the southern limits of the study area. The stream embankments became more stable following the transition to cobble/bedrock and the upland slopes steeper in topography. The riparian environment consisted of dense stands of honeysuckle with deciduous trees.

The USGS Illinois StreamStats basin characteristics program gives a watershed size of 0.39 square miles for the unnamed tributary of the Des Plaines River. According to the Illinois State Water Survey, the unnamed tributary of the Des Plaines River in the area of the proposed development, discharge is likely to be 7Q1.1 zero flow streams. In this region of Illinois, 7Q1.1 zero flow streams are streams with a watershed area of 1 square mile or less. These streams will exhibit no flow for at least a continuous seven-day period nine out of ten years. Aquatic life communities in these headwater streams are tolerant of the effects of drying. Depending on the rainfall received before biological surveys, either a very limited aquatic life community, or no community at all would be found. Given this flow regime, no additional biological characterization is required.

Narrow fringe areas of wetland vegetation (Wetlands 1A-1G) were observed in these various locations along both banks of WOUS 1. The dominant wetland vegetation consisted of reed canary grass (*Phalaris arundinacea*), panicled aster (*Aster simplex*), goldenrod (*Solidago* sp.) and switchgrass (*Panicum virgatum*). Several positive wetland hydrology indicators were observed including flowing water approximately 4 to 6 inches deep, saturated soils along the lower channel banks, and the presence of drift lines and sediment deposits.

All of the fringe wetlands associated with WOUS 1 will be permanently impacted by the proposed project. Impacts shown in the table below include both the wetlands as they are fringe wetlands, as well as the stream.

Wetland ID	Total Area (Ac)	Impacted Area (Ac)	Mean C/ FQI
1A	0.005	0.005	
1B	0.007	0.007	
1C	0.033	0.033	
1D	0.005	0.005	
1E	0.002	0.002	
1F	0.008	0.008	
1G	0.024	0.024	
WOUS 1	0.608	0.345	2.54/13.42*
<b>Total</b>	<b>0.608</b>	<b>0.429</b>	

\* Floristic Assessment was done for the stream in combination with its fringe wetlands

### 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 filling the unnamed tributary to the Des Plaines River are expected be permanent due to fill placement in 1173 LF of the existing channel.

The northern portion of the creek will be rerouted through the project area through piping and then discharged into the channel. Currently runoff is not being filtered prior to reaching the creek. The proposed project will involve capture and treatment of surface water runoff onsite into a naturalized stormwater basin where it will be filtered prior to discharge into the creek. This stormwater capture and treatment will result in a reduction in pollutant loading to the receiving stream.

The applicant states that “All excavated material will be tested and disposed of as required under federal, state and local laws. No earthen materials will leave the site untested.”

### **Fate and Effect of Parameters Proposed for Increased Loading.**

Impacts to WOUS 1 are proposed to be mitigated by purchasing stream or wetland mitigation credits from a USACE approved site. Mitigation will be provided by the purchase of 2010 LF stream mitigation credits from the McHenry County Conservation District, and 0.13 Ac of wetland mitigation credits from Land and Water Resources at the Mill Creek Site. The project itself will reduce erosion and subsequent sedimentation of the creek channel downstream both on and off site.

The stormwater basin will provide treatment to site runoff prior to reaching the creek. Currently the creek is experiencing damage to the shoreline and erosion of the shoreline is entering the stream. The project will provide captured and filtered surface water runoff prior to discharge to the creek. The project will preserve 504 linear feet of stream length and 0.179 acre of waters. Additionally, the project will preserve 2.85 acres of mature oak-hickory forest along the preserved stream corridor in the southwest corner of the property. The highest quality portions of the woodland and creek habitats located on site are being preserved. The areas will be restricted from future development.

A stormwater pollution prevention plan will be implemented for the site during construction to minimize sedimentation into the receiving streams. Additionally, a soil erosion and sediment control plan provides Best Management Practices (BMPs) which include avoidance of waterways and wetlands to the maximum extent possible and stabilization of the waterway before, during, and after in-channel work. BMPs include revegetation/reseeding, erosion control blankets, silt fences, sediment traps, rip rap placement at pipe outlets, and various other good housekeeping measures. Low pressure equipment and crane matting will be used to minimize the impact to the lawn and shoreline areas during construction.

### **Purpose and Social & Economic Benefits of the Proposed Activity.**

The proposed project will construct a large commercial distribution facility that will provide jobs and improve the area’s tax base as well as to provide a facility to help distribute products throughout the Chicagoland Area.

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

Several design alternatives were evaluated reducing those down to 3 alternatives and the no build alternative which are outlined below:

No Build Alternative: This alternative looked at not building the distribution center. However, it does not promote employment and anticipated tax benefits and was therefore not considered further.

Alternative 1: This alternative looked at developing the property in its entirety. However, after evaluation, it was determined that this alternative would not be feasible due to the topography of the south

half of the property. Impacts to woodlands and the creek also proved to be an issue which would result in permitting becoming more difficult and designs more costly and complex.

Alternative 2: This alternative looked at balancing out grading and on-site stormwater with various designs. Several alternative designs to accomplish this were considered but all viable designs impacted more than 0.5 Ac of WOUS and therefore determined to be impractical due to permitting restrictions and requirements. Several alternative designs that avoided the wetland/waters were considered as well but found not to be viable due to the small size of the building in relation to other costs.

Alternative 3 (Preferred Alternative): This alternative consists of a smaller building located on the flatter ground of the site with the proposed detention basin located down the slope. Impacts to WOUS were reduced to less than 0.5 Ac. This reduced footprint saves a portion of the mature woodland and the bedrock creek bed. Building and infrastructure costs are also reduced with this proposed design alternative.

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

An EcoCAT endangered species consultation was submitted to the Illinois Department of Natural Resources on March 18, 2024 (Project # 2411832) and identified protected resources that may be in the vicinity of the proposed action. The Department evaluated the information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

However, the Department recommends the following conservation measures:

- Any necessary tree removal to occur between November 1st and March 31st to avoid impacts to bats and birds.
- Implement and maintain good housekeeping practices during and after construction to prevent trash and other debris from inadvertently blowing or washing into nearby natural areas.
- Implement and maintain Soil erosion and sediment control BMPs. Use wildlife-friendly plastic-free blankets to prevent the entanglement of native wildlife.
- Implement a long-term invasive species management program to avoid the spread of invasive species.
- Consider native plantings in the landscape design, when feasible.
- Any required night lighting should follow International Dark-Sky Association (IDA) guidance to minimize the effect of light pollution on wildlife.

The Information for Planning and Consultation (IPaC) species list contains a total of 8 threatened or endangered species. The listed species include:

- Northern Long-eared Bat (*Myotis septentrionalis*)
- Whooping Crane (*Grus americana*)
- Eastern Massasauga (=rattlesnake) (*Sistrurus catenatus*)
- Hine's Emerald Dragonfly (*Somatochlora hineana*)
- Monarch Butterfly (*Danaus plexippus*)
- Eastern Prairie Fringed Orchid (*Platanthera leucophaea*)
- Lakeside Daisy (*Hymenoxys herbacea*)
- Leafy Prairie-clover (*Dalea foliosa*)

There were no critical habitats within the project area. However, the U.S. Fish and Wildlife Service (USFWS) determined that the proposed project "May Affect" the Northern Long-Eared Bat. A Bat

Habitat Assessment (BHA) was also completed by Christopher B. Burke Engineering, Ltd. (CBBEL) on April 24, 2024, for the project area. CBBEL reported the following upon completion of their BHA:

“The typical timeframe for cutting down trees or structure removal to avoid take of I-bat, NLEB and TCB is between October 1 through March 31. However, the Illinois Department of Natural Resources prefers October 15 through March 31 (IDNR 2017). We understand that there is a forested area associated with the stream and southwestern slope that will be preserved. CBBEL observed approximately 30 potential bat trees in that area. No GPS locations were taken in the proposed preserved woodland. Photos of the area are on Exhibit 2. We suggest fencing off or visibly marking any remaining saved potential habitat trees (on the southwest site of the property) so they do not get accidentally cut down.”

### **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 Chicagoland Area by providing jobs and improving the area’s tax base. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.