

**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, April 12, 2024

Public Notice Ending Date:

Thursday, May 2, 2024

Agency Log No.: C-0244-23

Federal Permit Information: Federal permit/license no. LRC-2022-00214 is under the jurisdiction of Chicago District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: Lemont Park District, Louise Egofske - 16028 127th Street, Lemont, IL 60439

Discharge Location: In Section 20 of Township 37-North and Range 11-East of the East 3rd Principal Meridian in Cook County. Additional project location information includes the following: Park entrance will be located at northern terminus of Stephen Street and intersection with Industrial Park Drive, Lemont, IL 60439

Name of Receiving Water: Unnamed wetlands

Project Name/Description: Athens Stephen Street Park in Lemont - The Lemont Parks District proposes to turn the current unoccupied site into a 15-acre public use space consisting of playgrounds, an amphitheater, walking trails, parking, and open space. The park will also be used for the creation, restoration, and preservation of wetlands.

Construction Schedule: Not identified

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-0244-23-04122024-PublicNoticeAndFactSheet.pdf

The Village of Lemont has applied for a 401 Water Quality Certification for impacts associated with the development of approximately 14.14 acres (Ac) of a 26.8 Ac site located north of Industrial Park Drive and South of the Chicago shipping canal in Lemont. The proposed project area is located in Township 37 North, Range 11 East, Section 20, in Cook County, Illinois. The project will involve converting the property into a public use space with the creation of a playground, 2400 square foot amphitheater, roughly 2100 feet of walking trails, a 1 Ac parking lot, and 4.5 Ac open green space.

The entire 26.8-acre site was originally part of a bulk oil and chemical storage and distribution facility, with the majority of the site having been used for tank storage. There is one gravel and asphalt road on the site that runs the length of the northern boundary along the shipping canal. There are several highly degraded asphalt lots on the property. The site was officially closed in 1992 with the final tank storage areas being removed in 1998. The site was identified as the project location based on factors which include development of a degraded property as restoration of the area is more beneficial to the community and surrounding environment. Other factors include the increasing need for public use space as a result of expansion within the Village, and proximity to downtown and residential areas.

This project will permanently impact 4.39 Ac of wetlands on the project site. The proposed project will create greenspace which will include creation of wetland areas and upland buffers totaling 4.45 Ac.

Information used in this review was obtained from the application documents dated January 2022, July 21, 2023, and January 5, 2024,

Identification and Characterization of the Affected Water Body.

A wetland delineation was conducted in October 2021 by GRAEF scientists on the 60 Ac study area. The site is currently vacant and composed of large impervious basins and berms, historically created as storage bins.

Eight wetlands (W-1 to W-8) totaling 8.39 Ac were identified within the project area. Wetlands W-1, W-2, and W-4 will be completely impacted, and wetlands W-3 and W-5 will be partially impacted. Total wetland impacts are expected to occur in 4.39 Ac. There are no impacts expected in wetlands W-6, W-7, and W-8.

| Wetland | Size in Project Area (Ac) | Size Impacted (Ac) | FQI/MeanC |
|--------------|---------------------------|--------------------|-----------|
| W-1 | 1.06 | 1.06 | 4.6/2.7 |
| W-2 | 1.11 | 1.11 | 4.6/2.7 |
| W-3 | 4.3 | 1.98 | 7.8/2.8 |
| W-4 | 0.13 | 0.13 | 9.2/6.5 |
| W-5 | 0.26 | 0.11 | 4.0/1.8 |
| Total | 6.86* | 4.39 | |

*Total does not include Wetlands 6-8 which will not be impacted

There are a total 8.39 acres of wetland on the project site. A total of 4.39 acres of wetlands will be permanently impacted. Wetlands 1 (1.06 acres), 2 (1.11 acres) and 4 (.13 acres) will be completely impacted as part of the proposed project. Wetland 3 is 4.3 acres in size, of which 1.98 acres will be permanently impacted and wetland 5 is .26 acres in size, of which 0.11 acres will be impacted. The initial review of the project shows that the remaining wetland areas of both wetlands 3 and 5 should retain

hydrology to maintain functionality after the proposed project is constructed. The remaining Wetlands 6-8 will not be impacted.

It was determined that the wetlands onsite would not have formed without manmade intervention. The increase in runoff from Lemont Road and amount of impermeable surfaces both on and around the project site increased the amount of water that was collected and retained onsite, which ultimately allowed hydric conditions to form.

A Floristic Quality Assessment was conducted where results indicated a low-quality flora for the wetland, with an average native FQI value of 5. 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. The existing wetlands that will be impacted are of poor quality due to deterioration from invasive and/or non-native species. There are also areas of soil contamination resulting from the site's use as an industrial site. A total of 4.43 acres of wetland will be created on the project site.

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 wetland improvements are expected to occur within the site. 4.39 Ac of wetlands will be permanently filled. Wetlands impacted are of low quality and expected to be improved overall with the construction of compensatory wetland mitigation on site. No fill associated with wetland areas will be toxic pollutants. Topsoil will be locally sourced from a neighboring location to aid in restoration of the original soil profile. The soil will be a combination of hydric and non-hydric soils.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in total suspended solids fill be local and temporary. Mitigation will consist of creating 4.45 Ac of higher quality wetlands at a 1:1 ratio onsite. The mitigation ration was determined by site history, current site condition, and future site use. The proposed project provides a greater environmental benefit to the site as opposed to leaving the site untouched through the removal of a low quality, invasive wetland and creation of a high quality mitigation area adjoining a large, preserved wetland complex. The proposed project addresses and corrects sources of contamination as well as preserves beneficial changes into the future. These include improved water quality, the elimination of invasive plant species, and the reintroduction of native plant species. A plan for Best Management Practices (BMPs) has been incorporated into the proposed project design and include channeling contaminated runoff from entering the site, grading of the area toward a Runoff Treatment Control Device, establishing a native vegetation buffer strip, designation of low or no impact areas, and employment of a restricted chemical and substance use zone. Stormwater from the new access improvement will not discharge into adjacent waters of the U.S. This will be achieved by collection of runoff in a trench drain to bypass the wetland and discharged into rip rap outside the wetland. Permanent stabilization will be done once work reaches final grade designs and native plant species will be used to establish vegetative cover on exposed soils. BMPs are included in the site design to maintain the existing hydrology, to slow and dissipate energy of stormwater runoff from new impervious areas, reduce soil erosion and control sediment, increase water quality filtration, and infiltration, and provide a sustainable native vegetative cover.

The designated mitigation sites will surround the public use areas to the north, south, and west, creating a U-shape around the public use area. Two separate mitigation sites will be created within the Preferred Site, One located on the northern boundary of the site along the shipping canal, and the other located along the southern boundary of the site. One mitigation site will extend north across approximately two thirds of the Property, while the other remains relatively linear.

The proposed project will impact 4.39 total acres of wetland. All wetlands onsite are classified as permittee responsible, wetland creation credits per ACOE approval which require a 1:1 credit match. The combined acreage of Mitigation Sites One and Two is 4.45 acres.

Purpose and Social & Economic Benefits of the Proposed Activity.

The Village is addressing increases in population, economic development, community involvement, and a potential safety concern. Not only does a public use space achieve the goal of addressing all of these variables, but it does so in a generally cost-effective way.

The project is also expected to improve conditions at the Preferred Site. After its abandonment in 1991, the Property reverted to a lower quality habitat area with some contamination (due to prior use as a chemical and oil storage facility). Converting the Property to a public park and natural area will be beneficial to both community and the surround environment by removing the sources of contamination and allowing it to be utilized safely and productively by both people and the natural environment.

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

Alternative sites were reviewed and considered based on project size, proximity to target population, proximity to an airport, rail, or major highway, proximity to electric line, portable water or sewer main, and proximity to river, stream or other waterway.

Onsite environmental impacts were identified and evaluated during the analysis process and include linear feet of impacts and loss of function to streams, acres of impacts and loss of function to wetlands, impacts within a floodplain, federal endangered resources, cultural resources, and impacts to mature trees and forest areas.

The Applicant has provided the following alternatives:

No Action Alternative:

This alternative would not meet the project need and basic purpose. Because of the current condition of the site, it is not safe or practical for the residents of the community of Lemont to use the site as is. Contamination of the site makes this location undesirable for wildlife habitat and water filtration and storage.

Preferred Site Alternative (41.676947, -88.004036):

This alternative is described as the proposed project site. The land is available for acquisition and is of adequate size situated approximately 0.5 miles from the target population. Wetland impacts on the Preferred Site would have considerably less of an environmental impact overall. The 4.39 Ac of wetlands be displaced, but mitigation for 4.43 acres of wetlands is planned and though the preferred alternative has the larger environmental impacts, it is actually a net gain for both the amount of wetlands onsite and overall quality. Therefore, based on the above analysis, the preferred alternative is the least environmentally damaging practicable alternative (LEDPA) that would meet the overall project purpose.

The following off-site alternatives were provided and were analyzed using the alternative site criteria referenced above:

Site One (16701 135th Street, Lemont, IL 60439):

It was determined that Site One did not meet the required criteria to be a practicable site. The main characteristic making it an unsuitable alternative is the proximity to the target population. It is located 3.7 miles away with no sidewalks, trails, or bike lanes, limiting the number of residents that can access it. Even if pedestrian access could be added, there would be concerns about constructing a park along two relatively major, busy roadways. The 29.45 Ac site would be large enough to facilitate the proposed project goals, but the cost would be more than half of the total budget for this project. Finally, costs associated site development such as tree removal could increase. Removal efforts would need to be done with more specialized equipment

vs standard grading equipment. Because of the existing riverine habitat, development in or around Site One would increase costs associated with additional permitting and regulatory requirements, which has the potential to limit the amount of development that can occur. While it is noted that the Preferred Site has wetlands that will be impacted, the overall cost associated with obtaining that site offsets the cost of impact requirements.

Site Two (14840 W 139th St Homer Glen, IL 60491):

It was determined that Site Two did not meet the required criteria to be a practicable site. The characteristics that make this site an infeasible alternative include the location being in the village of Homer Glen. It is also 3.8 miles away with no sidewalks, trails, or bike lanes, limiting the number of residents that can access it. The 18.2 Ac site would be large enough to facilitate the proposed project goals, but even though the layout made this site the most desirable in terms of site development, the cost to obtain it is not feasible. Due to existing wetlands and riverine habitat onsite, any development to these areas would increase project costs due to additional permitting and regulatory requirements. While it is noted that the Preferred Site has wetlands that will be impacted, the overall cost associated with obtaining the site offsets the cost of impact requirements.

Site Three (16601 135th St Lemont, IL 60439):

It was determined that Site Three did not meet the required criteria to be a practicable site. The site is located directly east of Site One but has more characteristics that make it an unfeasible alternative. Though it is slightly closer at 3.6 miles away, pedestrian access is still an issue. The cost to acquire Site Three is approximately \$450,000 which would be just under one-fourth of the cost of Site One. This would be within the project budget, yet still around an eighth of the overall cost. Development costs would also increase due to the number of larger trees requiring removal and specialized equipment use. The smaller size and long, linear layout would make designing a park space to fit and operate with a large number of people extremely difficult. Due to existing riverine habitat onsite, any development to these areas would increase project costs due to additional permitting and regulatory requirements, potentially limiting development onsite. While it is noted that the Preferred Site has wetlands that will be impacted, the overall cost associated with obtaining the site offsets the cost of impact requirements.

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

On October, 20, 2022, an IDNR EcoCAT review was initiated for the project area. The Illinois Natural Heritage Database shows protected resources may be in the vicinity of the project location and due to the project scope and proximity to protected resources, recommends actions be taken to avoid adversely impacting listed species and protected natural areas in the project vicinity.

The following recommendations were made:

“Black-billed Cuckoo (*Coccyzus erythrophthalmus*)

To avoid impacts to the nesting and fledging seasons of Black-billed Cuckoo and Black-crowned Night-Heron, the Department recommends the following:

- All vegetation clearing work should be done between August 16th and March 1st.
- If the date restriction cannot be accommodated, the Department recommends a bird survey and habitat assessment be performed by a qualified biologist in the proposed development area. Results should be forwarded to the Department for a final determination on impacts to any listed bird species.

Osprey (*Pandion haliaetus*)

There are no known occurrences of Osprey using the project area as a nesting site. However, the Department recommends the following to ensure impacts to Osprey are avoided:

- Tree clearing within the project area should occur from October 1st through March 31st to avoid the prime nesting season for this species.

- If the date restriction cannot be accommodated, the Department recommends an Osprey nest survey and habitat assessment be performed by a qualified biologist in the proposed development area. Results should be forwarded to the Department for a final determination on impacts to Osprey.
- Please consider including Osprey nesting platforms in the final design to aid in the recovery of this species. Nest platform designs used with success previously by the Department may be provided upon request.

Blanding's Turtle (*Emydoidea blandingii*)

To avoid impacts to Blanding's Turtles, the Department recommends the following:

- Construction should occur during the turtle's inactive season from approximately November 1st to March 1st, if feasible.
- If the above dates cannot be accommodated, exclusionary fencing should be installed, or at a minimum, to partition off any wetland areas before the active season (March 1st - November 1st). Exclusionary fencing should be trenched into the ground (a minimum of 4 inches) and inspected daily for Blanding's Turtles. Fencing should be installed with turn-arounds at open ends and at any access openings needed in the fencing, in order to redirect animals away from openings.
- All on-site personnel should be educated about this species and be instructed to stop work immediately and contact the Department (Brad Semel, Natural Heritage Division, 815-675-2386 ext. 216) if they are encountered in the project area. Fliers with photos of adult and juvenile Blanding's Turtles, and life-history information, should be distributed to personnel.
- Excavations should be inspected daily for trapped wildlife and safely covered overnight. Soil or other potential turtle nesting medium stockpiles should also have exclusionary fencing installed around the perimeter to discourage turtle nesting and potential harm.
- If erosion control blanket is to be used, the Department also recommends that wildlife-friendly plastic-free blanket be used around wetlands and adjacent to natural areas, if not feasible to implement project wide, to prevent the entanglement of Blanding's Turtles and other native wildlife.

Northern Long-eared Myotis (*Myotis septentrionalis*)

Due to the location of the proposed project and records of Northern Long-eared Myotis in the area, the Department recommends:

- If tree clearing is required, no tree clearing occur between the dates of April 1st and October 31st.
- If these dates cannot be accommodated, a bat habitat assessment should be conducted in the project area by a qualified biologist to determine if habitat trees are present. Suitable habitat trees are defined as trees greater than 5 inches diameter breast height (DBH) with exfoliating bark, holes, cracks and/or crevices.
- If suitable habitat trees are found within the project area, these trees should be clearly flagged and/or marked and left undisturbed between April 1st and October 31st. All non-suitable trees may be cut at any time. Suitable habitat trees may potentially be cut during this time period if a qualified biologist determines the tree is not occupied by listed bat species and upon further coordination with the Department.

Please note that due to the federal status of the Northern Long-eared Myotis, and its potential occurrence in the project area, coordination with the U.S. Fish and Wildlife Service may be necessary and is separate from this consultation and Illinois State regulations.

Hine's Emerald Dragonfly (*Somatochlora hineana*)

The proposed project falls outside of the U.S. Fish and Wildlife Service designated Critical Habitat, and the wetland delineation conducted in January of 2022 by the applicant did not indicate suitable habitat for Hine's Emerald Dragonfly. However, the Department recommends the following:

- Identify and map streamlet and flowage areas and assess quality of potential larval habitat in the proposed project area.
- Results should be forwarded to the Department for final determination of impacts.

Please note that due to the federal status of the Hine's Emerald Dragonfly, and its potential occurrence in the project area, coordination with the U.S. Fish and Wildlife Service may be necessary and is separate from this consultation and Illinois State regulations.

Black Partridge Woods Nature Preserve and Black Partridge Woods & Waterfall Glen INAI Sites

The Department has determined that direct impacts to Black Partridge Woods Nature Preserve and Black Partridge Woods & Waterfall Glen INAI Sites are unlikely. However, the Department recommends the following to prevent indirect impact to natural areas in the project vicinity:

- Any required night lighting should follow International Dark-Sky Association (IDA) guidance to minimize the effect of light pollution on wildlife; including shielding fixtures so no light travels upward, using “warm-white” or filtered LEDs (CCT < 3,000 K) to minimize blue emission, and avoiding over-lighting.
- Post construction invasive species control for 3 years should be considered by the project proponent.
- Good housekeeping practices should be implemented and maintained during and after construction to prevent trash and other debris from inadvertently blowing or washing into nearby natural areas.

Given the above recommendations are adopted the Department has determined that impacts to these protected resources are unlikely. The Department has determined impacts to other protected resources in the vicinity of the project location are also 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 Lemont community and the surrounding wetland areas by improving previously deteriorated wetlands and providing a public use space to the developing community and its growing population. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.