

IEPA Log No.: **C-0185-18**
CoE appl. #: **MVS-2018-351 (P-3087)**

Public Notice Beginning Date: **September 24, 2019**
Public Notice Ending Date: **October 9, 2019**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification for Discharge of Dredged or Fill Material

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Plocher Construction – 2808 Thole-Plocher Road, Highland, IL
62249

Discharge Location: Near Edwardsville in Section 17 of Township 4-North, Range 7-West of the West
3rd P.M. in Madison County.

Name of Receiving Water: General use water bodies

Project Description: Proposed construction of a commercial development.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge dredged or fill material into the waters of the State associated with a Section 404 permit application received by the U.S. Army Corps of Engineers. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The certification and notice number(s) must appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

The application, Public Notice/Fact Sheet, comments received, and other documents are available for inspection and may be copied at the IEPA at the address shown above between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

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 contact Darren Gove at email darren.gove@illinois.gov or phone no. 217/782-3362.

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Plocher Construction (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the construction of a commercial area and access road in Section 20, Township 4 North, Range 7 West, Madison County, Illinois near the junction of Interstate 55 and Illinois Route 143 in Edwardsville. The project will consist of constructing commercial lots and associated infrastructure on the site to bring in-demand amenities such as a fueling station, hotels and restaurants. This will necessitate filling in a man-made lake and nearby wetland with clean fill as well as building a north/south road to provide access to the south, eventually connecting to the current construction of an 83-acre sports complex just to the south of the project site. The construction of the road will require building a crossing over an unnamed tributary to Little Mooney Creek. The impacted areas on the site will include a 7.12 acre borrow pond and 0.66 acres of wetlands, as well as 360 feet of an unnamed tributary to the Little Mooney Creek located just west of the project site. Proposed mitigation for these impacts includes creating 2 onsite ponds totaling 7.12 acres and purchasing 0.66 acres of wetland credits.

Information used in this review was obtained from the application documents dated April 16, 2018, May 4, 2018, June 21, 2018, and August 17, 2018.

Identification and Characterization of the Affected Water Body.

The unnamed tributary to Little Mooney Creek has 0 cfs of flow during critical 7Q10 low-flow conditions. The unnamed tributary to Little Mooney Creek is classified as a General Use Water. The unnamed tributary to Little Mooney 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. The unnamed tributary to Little Mooney Creek, a tributary to Waterbody Segment IL_JQCB, is not listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List since it has not been assessed. The unnamed tributary to Little Mooney Creek is not subject to enhanced dissolved oxygen standards.

The existing pond onsite is a 7.12-acre borrow pond that has a culvert providing input near the northeast corner and overflow at the southwest area. A wetland area on the eastern site boundary provides additional pond hydrology. Aerial photos reveal that the pond appears to have been drained in 2011 and reconfigured to include 2 islands that did not exist prior to 2011. Vegetation around the pond includes common reed, tall fescue, and sedge species. The existing wetland is located at the southeastern corner of the onsite borrow pond and is approximately 0.66 acres. Drainage swales in surrounding agricultural fields and overland flow from the nearby interstate most likely provide the hydrology for the wetland. Hydric soil, surface water draining toward the borrow pond, and vegetation consisting primarily of reed canary grass were present in the wetland area. The intermittent tributary to Little Mooney Creek is located in the northwestern portion of the site for 935 linear feet and drains off-site to the northwest and receives hydrologic input from surrounding agricultural fields via a farmed swale. This tributary contained surface

water at the time of the site study and possessed a riparian corridor 10 feet in width extending from either bank. Vegetation included eastern cottonwood, American sycamore, silver maple, bush honeysuckle and multi-flora rose. In addition to the identified wetland and waterbody features, multiple drainage swales exist in the adjacent farmland that were either farmed or consisted of vegetation. The swales, most likely man-made to drain the surrounding farmland, are likely not considered Waters of the United States by the USACE due to their likely man-made nature in addition to the lack of a defined bed and bank and ordinary high water mark (OHWM).

The USGS Illinois Streamstats basin characteristics program gives a watershed size of 0.09 square miles for the unnamed tributary of Little Mooney Creek. According to the Illinois State Water Survey, the unnamed tributary of Little Mooney Creek in the area of the proposed project, is likely to be a 7Q1.1 zero flow stream. In this region of Illinois, 7Q1.1 zero flow streams are streams with a watershed area of 5 square miles 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.

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 are a normal and unavoidable result of construction and grading that may occur in the pond, wetland and waterbody in and around the area of construction. The existing benthic habitat of the onsite pond and wetland would be permanently removed by fill activities, while the intermittent tributary will be avoided as much as possible in order to provide minimal impact.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in total suspended solids where the intermittent tributary is concerned, is anticipated to be minimal and would be local and temporary. The existing wetland and pond would be permanently filled by the construction activities. Mitigation for stream impacts due to road crossing construction will not be required. Mitigation will be required for the 0.66 acres of wetland and the 7.12-acre onsite pond. A wetland mitigation ratio of 1:1 for the wetland impacts is required and will be accomplished by purchasing wetland mitigation credits from a wetland bank. The onsite pond impact mitigation is proposed to be accomplished by constructing 2 new ponds on site that will be equal in acreage to the existing onsite pond.

Purpose and Social & Economic Benefits of the Proposed Activity.

This project will bring in-demand amenities such as a fueling station, hotels and restaurants to the area and support growth and local traffic associated with the development of a large sports complex. Commercial development at the site will also include a roadway that will link with

development of a sports park to the south and ultimately Goshen road, providing interstate access directly from the park and project site.

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

The Applicant has provided the following alternatives:

Option 1 – Do Nothing:

This option results in no change to all features identified on the site. Due to site inaccessibility, the current owner would likely abandon the project. The connecting road from Illinois Route 143 south to Goshen Road in conjunction with the development of the City of Edwardsville's Plummer Family Sports Park, would most likely still be constructed as the road would allow access to Illinois Route 143 from the sports complex.

Option 2 –Develop without impacting the existing surface water:

This option attempts avoidance of all impacts to jurisdictional wetlands and waterbodies by realigning the planned access road and shifting all construction and associated infrastructure to the south away from the in-demand frontage. Leaving the total 7.78 acres (360LF tributary, 7.12-acre pond and 0.66-acre wetland) of surface water undisturbed would break up development. This segmentation of the project would limit size, accessibility, and economic viability. This alternative is not feasible due to segmentation of the site and inaccessibility from Highway 143. The access road will likely still be constructed at some point, to complete access to the City of Edwardsville's sports complex between Highway 143 to the north, and Goshen Road to the South.

Option 3 –Complete avoidance of the onsite pond:

This option took into consideration a plan to change shape, size, and layout of the proposed buildings in the plan to avoid the pond within the development area. This would shift the development away from the highway frontage along the northside of the property and in turn, extend the project entrance further from the highway and interstate exchange. Although this alternative may result in no impact to the onsite pond, impacts to the 0.66-acre wetland, and the 360 linear feet of the unnamed tributary would still occur as they would be necessary for the creation of developable space within the site to make the project economically viable. This option was not considered due to the location away from in-demand highway frontage and the limits it would place on available land for development.

Option 4 (Proposed plan) –Meet purpose and need of project with mitigation to environmental impacts:

This was the option chosen for this project. The plan consists of constructing a hotel, restaurants and a convenience store, including roadways, parking and other associated infrastructure. Primary access to the site will be available via a new roadway which will run north to south from Illinois Highway 143 to the proposed road extending north from Goshen road, also serving as access to Plummer Family Sports Park. Two new ponds will be constructed on the project site serving not only as amenity features but mitigation for the discharge of fill material into the existing onsite pond. The wetland will be filled in as well, with mitigation of the wetland in the

form of purchasing wetland credits from a wetland mitigation bank. Also impacted, will be the 360 LF of the unnamed tributary onsite with placement of a culvert to accommodate low-flow conditions and high flow events. This culvert will allow for construction of a road crossing for which stream impacts mitigation will not be required.

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

On May 4, 2018, Illinois Department of Natural Resources, Division of Ecosystems and Environment, issued a no objection letter for this project following an Illinois Endangered Species Protection Act and Illinois Natural Areas Preservation Act compliance review pursuant to Title 17 Ill. Admin. Code Part 1075.

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 Edwardsville by bringing in-demand amenities such as a fueling station, hotels and restaurants and support growth and local traffic associated with the development of a large sports complex. Commercial development at the site will also include a roadway that will link with development of a sports park to the south and ultimately Goshen road, providing interstate access directly from the park and project site. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.