

IEPA Log No.: **C-0117-18**
CoE appl. #: **MVS-2018-436**

Public Notice Beginning Date: **October 29, 2019**
Public Notice Ending Date: **November 19, 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: East County Enterprises– 2041 Goose Lake Road, Suite 2A,
Sauget, IL 62206

Discharge Location: Section 6 of Township 1-North, Range 9-West of the 3rd P.M. in St. Clair County.

Name of Receiving Water: Unnamed wetlands

Project Description: Permanent impact to 2.96 acres of wetlands caused by the proposed construction of a mixed-use development with a commercial retailer, a diner, and a fast food establishment with associated parking and infrastructure.

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 Francisco J. Herrera at email francisco.herrera@illinois.gov or phone no. 217/782-3362.

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Rich Sauget Sr. (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the construction of a new commercial development in Section 6, Township 1 North, Range 9 West, St. Clair County, Illinois near the southeast corner of Interstate 255 and Mousette Lane (North Tract) in Sauget. The project will consist of constructing a commercial retailer, diner, fast-food establishment and associated infrastructure and parking to accommodate increased visitors to the area and travelers along Interstate 255. This will necessitate grading and filling in a wetland that exists in the central portion of the site. The impacted area is 2.96 acres of emergent wetland which is expected to be completely and permanently impacted. Proposed mitigation is the purchase of 4.44 acres of wetland credits from Eberhardt Wetland Mitigation Bank located in the American Bottoms in Granite City, IL. The mitigation ratio will be 1.5:1 to offset impacts to the moderate-quality emergent wetlands on the project site.

Information used in this review was obtained from the application documents dated September 26, 2019, January 31, 2019, July 12, 2018, May 23, 2018 and May 21, 2018.

Identification and Characterization of the Affected Water Body.

This existing wetland is located in the central portion of the 7-acre project site within a depression that is surrounded by higher areas. A silt fence is in place on each side of the wetland constructed to keep fill from piles on the northwest and southeast borders, from entering the wetland. Hydrology to this 2.96-acre emergent wetland is provided by run-off of surrounding farm fields and Interstate 255. The wetland delineation done for this site found the impacted 2.96 acres to be of moderate quality. It consists of drift deposits, true aquatic plants, aquatic fauna and mucky soil. Dominant vegetation is cattail (*Typha* spp.), Carolina foxtail (*Alopecurus carolinianus*) and Virginia winged rockcress (*Sibara virginica*). An additional wetland indicator is the presence of hydric soil. A man-made drainage ditch runs along the southern boundary of the site from east to west under I-255 to a location offsite. The drainage ditch has a steep berm on both banks with no riparian corridor and was determined to be non-jurisdictional during the permitting process for development by Love’s Travel Centers just south of the project site in 2017. Construction of the drainage ditch was to provide runoff drainage in conjunction with Wirth Middle School and Mousette Lane to the east of the 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 the grading and filling of the wetland, are expected to occur during construction activities. Some solids can be expected to enter the drainage ditch just south of the construction area and potentially travel downstream but impacts to the waterway are expected to be local and temporary. Impacts to the wetland will be permanent with grading and filling activities associated with construction. 42,000 cubic yards of soil fill material will be used to fill the wetland.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in total suspended solids would be local and temporary in association with the drainage ditch but impacts to the wetland will be permanent. Due to the size and location of the proposed project, it is not feasible to mitigate on site. 2.96 acres of moderate-quality wetlands in the project area will be impacted but will be mitigated at a ratio of 1.5:1 with the purchase of 4.44 acres of wetland mitigation credits. Both on and off-site mitigation was considered, but the option of purchasing mitigation credits was chosen in order to ensure the wetland function and value are replaced and that the mitigated wetland is one of value. Credits will be purchased from the Eberhardt Wetlands Bank, LLC. This mitigation bank of 74.19 acres of wetland habitat is located in Granite City, Illinois in Madison County.

Purpose and Social & Economic Benefits of the Proposed Activity.

The proposed project would provide in-demand land use near the Gateway Grizzlies GCS Credit Union Ballpark and Interstate 255. This project would develop and construct a mixed-use commercial area at the southeast intersection of Interstate 255 and Mousette Lane, which provides access to highly desirable highway frontage and the developing Sauget business area. With the development of a Love's Travel Center on the parcel southwest of the project area and the St. Louis Downtown Airport located to the west, the proposed project would allow for a reduction of commuting, thus enhancing local traffic patterns.

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

The Applicant has provided the following alternatives:

Option 1- No Action:

This option results in leaving the emergent wetland in its current state. Avoiding all wetland impacts would mean no development would occur within the 7-acre project site. No development would mean revenue reduction for East County Enterprises as well as a loss of employment opportunities (both construction and full-time).

Option 2- No Impact to Wetland/Partial Development:

This option would avoid all wetland impacts. Because the wetland is in the center of the project area, and access is limited to Mousette Lane on the eastern border, this option would fragment the proposed construction. The western portion of the site would also not be developed and with the avoidance of the wetland, cause 4.34 developable acres to be lost. This would reduce the amount of usable space to 2.66 acres within the 7-acre site. Parking space availability would be decreased as well. This option was not chosen as it would limit available developable space, and economic feasibility as well as the ability to generate revenue.

Option 3- Alternative Sites:

This option considered other sites for development to avoid impacts to all 2.96 acres on the project site. The Village of Sauget only covers approximately 4.59 square miles which consists

of an airport, industrial areas, industrial and sewage treatment plants, business park complexes and residential developments. Due to the size and makeup of Sauget, the only suitable places left to develop all possess wetlands and waterbodies that would need to be considered in any plans for development. One area considered was within Sauget Business Park northwest of Interstate 255 and the project area but was not located within the proximity of Love's Travel Center which is a primary driver of the project development and proposed location. All other potential sites lack direct frontage and interstate access and would likely not carry the traffic to support a commercial establishment. The proposed project property is also currently owned by East County Enterprises. This option was not chosen as it would not allow for any sites, without wetlands or waterbodies, proximity to the Interstate 255 interchange and proximity to existing and proposed development in the area.

Option 4 – Preferred Alternative:

The preferred alternative was chosen due to the ownership of the property by the client, location relative to the existing Interstate 255 interchange, and proximity to existing and proposed development in the area. This option fully impacts the 2.96 acres of wetlands onsite with proposed development of the commercial area, roadways and associated infrastructure. The applicant has considered multiple alternatives and chosen the preferred alternative while considering both environmental and project impacts, however avoidance and minimization is not an option due to projected property and development costs. Mitigation to the adverse impacts to the wetlands will be provided at a ratio of 1.5:1 by purchasing wetland mitigation credits in an approved wetland mitigation bank.

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

On January 31, 2019 the IDNR EcoCAT review was initiated for the project area. The review did not identify any protected resources that may be in the vicinity of the project area. IDNR terminated the consultation request on January 31, 2019.

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 Village of Sauget by providing in-demand land use near the Gateway Grizzlies GCS Credit Union Ballpark and Interstate 255. This area will include a retail strip mall, diner and fast food restaurant to accommodate increased traffic in the area with the construction of the adjacent Love's Travel Center. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.