IEPA Log No.: **C-0519-10**
CoE appl. #: **2010-153**

Public Notice Beginning Date: **May 20, 2011**
Public Notice Ending Date: **June 20, 2011**

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

Section 401 Water Quality Certification to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

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

Name and Address of Discharger: Ag-Land FS, Inc. 1505 Valle Vista Pekin, IL 61554

Discharge Location: Sec. 28, T7N, R7E, 4th P.M., Peoria County

Name of Receiving Water: Illinois River

Project Description: Re-establish barge fleeting

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge 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 call Keith Runge at 217/782-3362.

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Fact Sheet for Antidegradation Assessment
RE: Ag-Land FS, Inc. County: Peoria
IEPA Log #C-0519-10
COE Log #2010-0153
Contact: Mark T. Books at 217/558-2012
May 20, 2011

Ag-Land FS, Inc. ("Applicant") has applied for Section 401 water quality certification for impacts associated with the construction of a revised barge mooring area for off loading liquid fertilizer and a buried pipeline for pumping the fertilizer to existing above ground storage tanks located approximately 4,000 feet north of the Illinois River. The project site currently includes two piers located approximately 70 feet from the river bank. There is currently an above ground piping system which was used to transport anti-freeze inland, until the pipeline was taken out of service in the late 1980's. The existing above ground piping system cannot be used to transport the Applicant's liquid fertilizer because of the corrosiveness that the fertilizer has on iron pipe. The existing barge mooring facility is designed to moor barges on the channel side (south) of the piers. The Applicant requested that they be able to reinstitute the former docking facility set up (on channel side of the river) but was denied by the USACE. The Illinois River Carriers Association (IRCA) recommended to the Applicant that the existing barge mooring facility be reconfigured so that a barge would dock along the inside of the existing barge mooring cell, on the bank side. In order for a barge to be able to dock on the inside of the existing barge mooring cell an area of the river 300' by 50' will need to be dredged approximately 9' deep. The dredging operation will remove approximately 11,000 cubic yards of material, which will be placed in an upland farm field. The project is located at Illinois River Mile 159.4 near Mapleton, Section 28, Township 7, Range 7 East.

Identification and Characterization of the Affected Water Body.

The Illinois River has a 7Q10 flow of 3,050 cfs at this location and is a General Use water. The Illinois River Waterbody Segment IL_D-31 is listed in the Illinois Integrated Water Quality Report and Section 303(d) List-2010 as impaired for fish consumption, and primary contact recreation. The potential causes of impairment are mercury and PCB's for fish consumption and fecal coliform bacteria for primary contact recreation. The Illinois River at this location is not an enhanced waterbody pursuant to the dissolved oxygen water quality standard. Using the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, the Illinois River, at this location, is not listed as a biologically significant stream nor has it received an integrity rating. The Illinois River has a drainage area of approximately 15,587 square miles at the project site.

The IDNR WIRT System does not list any threatened or endangered species residing in the project area.

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 suspended solids during the construction of the project. Erosion control measures will be utilized to minimize any increase in suspended solids. The existing shoreline habitat will be altered by this project. The Applicant has stated the following:

> "The project also involves clearing and grubbing the trees and shrubs along approximately 500 feet of river bank. The bank will be sloped to provide a 2:1 slope back from the newly excavated riverbed. The area to be cleared is approximately 0.1 acres. The newly sloped bank will be restored with vegetation consisting of low-profile native prairie grasses and wildflowers buffer

> mix. The seed mix will be stabilized with short-term biodegradable erosion control blanket…It is anticipated that approximately 0.27 acres of shoreline adjacent to the barge mooring area will be stabilized and enhanced…Clearing and grubbing activities will take place during the non-growing season (after September 20th and before April 1st) in order to minimize impacts to potential Indiana Bat habitats. Approximately 20 Populus deltoids (Eastern Cottonwood) and 5 Acer saccharium (Silver Maple) trees are expected to be removed during the shoreline grading construction"

The Applicant has also stated that the 25 mature trees that need to be removed for this project will be replaced with 50 trees. The mitigation ration for the shoreline clearing work is 2.7:1.

During August 2010 a mussel survey was conducted in the project area for the Applicant. The survey discovered that the mean density range of mussels where from two to 28 mussels per square meter. No threatened or endangered mussel species where found; however, based on the mussel survey finding the Applicant established a Mussel Mitigation Plan which consists of the following items:

- Mussels will be removed from the project area prior to commencing dredging operations.
- The relocation site will be selected and coordinated with IDNR and US FWS at a minimum of 15 days prior to initiating the relocation effort. The relocation work will also be conducted within 30 days of commencing dredging operations.
- All mussels within the area to be dredged and within a five feet buffer area are to be relocated.
- Removal of mussels will stop and consultation with the IDNR and US FWS will occur if any endangered or threatened mussels are discovered.
- Monitoring of the relocation site and a control site will occur every other year for a period of 6 years to evaluate relocation success rate.

Concerning the pipeline installation the Applicant has stated the following:

> "Given the conditions of the existing steel pipeline, AG Land F.S. has proposed to remove the existing damaged steel pipeline and supports and replace it with buried double walled high density polyethylene (HDPE) pipe…Other than scrub white mulberry bushes that have rooted within the pipeline easement no mature trees are expected to be impacted. Prior to trenching activities, the top six inches of top soil will be stripped and stockpiled onsite to preserve the existing seed bank. Subsequent to the pipe installation and compaction of granular pipe bedding material, the stockpiled top soil will be replaced and covered with erosion control matting where necessary…Ag Land F.S. proposed to restore wetlands along the existing above ground pipe easement by means of re-vegetating the area with the surrounding seed banks native to the immediate area".

Fate and Effect of Parameters Proposed for Increased Loading.
The increase in suspended solids will be local and temporary. Erosion control measures will be utilized to minimize any increase in suspended solids and prevent further impact to the stream. The Applicant has stated that the buried pipeline will be a double wall HDPE pipeline to ensure no leakage.

Purpose and Anticipated Benefits of the Proposed Activity.
The project will allow the Applicant to receive delivery of large quantities of liquid fertilizer by barge which is safer and cheaper than by other transportation methods.

Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.
The construction of the proposed project will follow conditions set forth by the Agency and USACE. Erosion control measures will need to be implemented to prevent additional impacts to the stream. The Applicant has reviewed three other alternatives to this proposed project; using the existing pipeline/docking system, building new above ground pipeline, and moving upriver to avoid the forested wetland impacts. The different Alternatives are discussed in more detail below:

- The existing steel pipeline material cannot transport liquid fertilizer. The existing pipeline has also sustained irreversible damage from multiple flooding events, collisions with drift material and trees collapsed onto the pipeline. As stated above the Applicant is not allowed to use the existing docking facility by the USACOE.
- Building a new above ground HDPE pipeline will subject the pipeline to the same flood dangers as described above.
- Moving the docking facility and pipeline upstream adjacent to an upland farmland area. The US Coast Guard has determined that a dock facility at this upstream location would present a navigational hazard to barge traffic because of the bend in the river; therefore, a barge facility would not be allowed to be built at this location.

Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities
In a report generated through IDNR's EcoCAT system dated May 6, 2011, the Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species in the vicinity of the project location; therefore, consultation was terminated.

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 antidegradation review summary was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving waters will be maintained; 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 will provide the Applicant the ability to receive product from a river delivery system. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.