

IEPA Log No.: **C-0268-10**
CoE appl. #: **2010-0620**

Public Notice Beginning Date: **July 1, 2011**
Public Notice Ending Date: **July 22, 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: City of Rockford, 425 E. State Street, Rockford, IL 61104

Discharge Location: Section 26, T44N, R1E of the 3rd P.M. in Winnebago County within Rockford

Name of Receiving Water: Keith Creek

Project Description: Riprap placement along approximately 765 feet of Keith Creek.

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 Thaddeus Faught at 217/782-3362.

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Fact Sheet for Antidegradation Assessment
City of Rockford – Keith Creek – Winnebago County
IEPA Log #C-0268-10
COE Log #2010-0620
Contact: Mark T. Books at 217/558-2012
July 1, 2011

The City of Rockford (“Applicant”) has applied for an after the fact Section 401 water quality certification for impacts associated with placement of 2 feet of riprap along the bottom of approximately 765 feet of a relocated stream channel. During the early part of 2009 the Applicant filled in approximately 1440 feet of Keith Creek and replaced it with approximately 765 feet of new creek channel. This work was completed under COE Log Permit# CEMVR-OD-P-2004-0903. Mitigation for this loss of 675 feet of stream was completed previously. Also, during this time the sides of the newly constructed creek channel were armored with riprap. The Applicant has stated the following concerning this project:

“The original plan for the project was to construct the new channel in the dry, place riffle structures and sow the native plant seeds. The channel was to remain dry until the plantings were mature enough to handle creek flows. Once the plantings were mature flow was to be diverted to the new channel and the original channel was to be abandoned. Because of delays in starting the project which were beyond the control of the City or contractor, and the need to open the road to traffic as soon as possible due to serious inconveniences to residents, businesses and the motoring public, flow to the new channel was required prior to planting the channel bottom and allowing the plants to mature to the point that they could withstand the flow velocities... Given the erodible nature of the soils, the need to armor the channel in lieu of native plantings arose to avoid substantial delays to the project and inconvenience to the public.”

The relocation of the creek was necessary due to the need to replace the existing bridge structure carrying Kishwaukee Street (IL Route 251) over Keith Creek. The project is located in Section 26, Township 44 North, Range 1 East in the City of Rockford. This current water quality certification application is for the riprap that was placed in the stream bottom during September and October of 2009.

Identification and Characterization of the Affected Water Body.

Keith Creek is a General Use Water with a zero7Q10 flow at the project location. Keith Creek, waterbody segment II_ PR-99, is listed in the Illinois Integrated Water Quality Report and Section 303(d) List-Daft 2010 as impaired for aquatic life and primary contact recreation. The potential causes of impairment are Arsenic, alteration in stream side vegetative cover, changes in stream depth and velocity patterns, Methoxychlor, Zinc and pH for aquatic life and fecal coliform bacteria for primary contact recreation. Keith Creek 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 creek at this location is not listed as a biologically significant stream nor has it received an integrity rating. Keith Creek has a drainage area of approximately 13.79 square miles at the project site. Biological characterization of Keith Creek has not been required because the project will not permanently alter the existing stream habitat conditions.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

The pollutant load increases that would have occurred from this project include some possible increases in suspended solids during the construction of the project.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids would have been local and temporary.

Purpose and Social & Economic Benefits of the Proposed Activity.

The Applicant has stated the following:

“Given the erodible nature of the soils, the need to armor the channel in lieu of native plantings arose to avoid substantial delays to the project and inconvenience to the public. If placement of the rip rap was not done, flash flooding from two large rain events during construction may have caused significant damage to the streambed as well as possibly undermining the culvert carrying Kishwaukee Street (IL 251) over Keith Creek. Undermining of the culvert would have caused significant damage to the culvert and the new roadway, again delaying the project and inconveniencing the public”.

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

The least intrusive alternative was to not install the rip rap within the creek bottom. This was not an acceptable alternative due to the erosion that was occurring.

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

In a letter from Tracy Evans dated June 23, 2011 the IDNR indicated that an initial report generated through their EcoCAT website indicated the presence of protected resources in the vicinity of the project location. Further review by the IDNR staff concludes that adverse impacts to the protected resources are unlikely; therefore, consultation is 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 benefit the community at large insuring the safety of Kishwaukee Street crossing over Keith Creek. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.