

Public Notice Beginning Date: **August 10, 2011**
Public Notice Ending Date: **September 9, 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
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Roy Mosser and Associates – Forsyth Professional Center, Suite #226, 241 West Weaver Road, Forsyth, IL 62535

Discharge Location: Near Decatur in NW 1/4 Section 28 of Township 16N, Range 3E of the 3rd P.M. in Macon County.

Name of Receiving Water:

Project Description: Expansion of Fitzgerald Road

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 James Blessman at 217/782-3362.

Fact Sheet for Antidegradation Assessment
For Roy Mosser and Associates
IEPA Log No. C-0822-10
COE Log No. CEMVR-OD-P-2010-1394
Contact: Mark Books; 217/785-6937
Public Notice Start Date: August 10, 2011

Roy Mosser & Associates (“Applicant”) has applied for Section 401 water quality certification for work associated with the expansion of Fitzgerald Road over an unnamed tributary to Long Creek in the city of Decatur. The project is located in Section 28, Township 16 North, Range 3 East. The new drainage structure will consist of a double 8 foot by 8 foot precast box culvert extending 96'-2" long. Approximately 89 cubic yards of Class A4 rip rap will be placed on the bed and banks up and downstream of the new structure. The total linear feet of stream impact is approximately 190 feet. Normal low flows will be maintained during construction by placing a culvert in the stream or by other applicable and appropriate water re-routing methods. The stream channel will be cleaned and reshaped upon completion of the project. Applicant will install downstream of the proposed culvert site an aggregate dike consisting of 20 cubic yards of rip rap to filter out any sediment leaving the culvert installation work site. This dike system will be removed after the culvert installation work is completed.

Identification and Characterization of the Affected Water Body.

The unnamed creek tributary to Long Creek is a General Use Water with a zero 7Q10 flow. The creek has not been evaluated by the Illinois EPA Surface Water Monitoring Unit. The 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 is not listed as a biologically significant stream nor has it received an integrity rating. The unnamed creek has a drainage area of approximately 2.5 square miles at the project site. The IDNR WIRT System did not list any threatened or endangered aquatic species residing in the project area. Biological characterization of the stream 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 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. Aquatic life uses in the portion of the creek that will be disturbed during construction may be negatively impacted, but in time, they will recover and support approximately the same community structure as is now found in the existing channel.

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. Construction for the proposed project will occur during a period of low flow to further minimize any impact. The Applicant has stated that downstream of the culvert installation an aggregate dike will be built to filter out any sediment leaving the culvert installation project area.

Purpose and Social & Economic Benefits of the Proposed Activity.

The Applicant has stated the following concerning the purpose for this project:

"In 2000 the developers of Southeast Plaza began Phase 1 of a several phase project to develop over 50 acres of property lying adjacent to Illinois Route 121...A part of the Master Plan which has been approved by the City of Decatur was to extend Fitzgerald Road easterly across the drainage way to provide access to the east side of the drainage way which is over 18 acres of property. The developer is now ready to extend the street to open up the 18 plus acres to residential development. Without the roadway extension the property is land locked and therefore undevelopable."

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

The construction of the proposed project will follow condition set forth by the Agency and USACE. Erosion control measures will need to be implemented to prevent additional impacts to the stream. The least intrusive alternative would be to not extend the roadway over the drainage way but this option would restrict the Applicant from accessing the 18 acres of the proposed residential development on the east side of the unnamed tributary. The Applicant also considered building a bridge over the tributary but this option was too cost prohibitive to complete.

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

In a report generated by IDOT's Natural Resources Unit dated May 13, 2010 states that there are no record of State-listed threatened or endangered species in the vicinity of the project location; therefore, this project was cleared for construction and 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 benefit the community at large by allowing residential development to occur which will provide jobs to the community. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.