

IEPA Log No.: **C-0114-15**
CoE appl. #: **LRL-2015-122**

Public Notice Beginning Date: **November 16, 2015**
Public Notice Ending Date: **December 7, 2015**

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: Illinois Department of Natural Resources / Abandoned Mined Lands
Reclamation Division – 503 E. Main, Benton, IL 62812

Discharge Location: Near Equality in Sections 19 and 20 of Township 9S, Range 8E of the 3rd P.M. in
Gallatin County.

Name of Receiving Water: unnamed lake and Cockerel Branch of Saline River

Project Description: Proposed reduction of a vertical slope adjacent to a waterbody.

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 Darren Gove at 217/782-3362.

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Illinois Department of Natural Resources (IL DNR) Abandoned Mined Lands Reclamation Division (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the abatement of a hazardous vertical rock cut wall which resulted from previous mining activities in 1965 and 1966. The project area is located at the south end of an agricultural field road off of Three Miles Carnahan Road near Equality, Sections 19 and 20, Township 9 South, Range 8 East, Gallatin County. The vertical rock cut wall, 1680’ in length, is located along the northern portion of a 8.3 acre, 30’ deep, man-made strip mine impoundment. For the majority of its length, the rock cut wall extends 10’ above the surface water elevation of the impoundment. The proposed reclamation project will excavate the rock cut wall to a stable bedrock slope of 4:1 from elevation 335 to elevation 355 or above along the entire 1680’ of the high wall. Approximately 50,300 CY of excavated rock will be placed 10’ below the normal pool elevation within the excavated mine pit. Prior to reclamation, the mine pit will be dewatered to a level that will allow the placement of the excavated rock to occur without impacts to the mine pit waters. Water released from the mine pit will flow through an unnamed tributary to Cockerel Branch at a controlled rate which will prevent the following: (1) downstream flooding, (2) erosion of the existing stream channels, (3) transportation of sediment outside the construction limits, and (4) damage to the aquatic life and its habitat. The placement of the excavated rock will increase the mine pit water surface area to 9.2 acres. The purpose of the project is to abate the hazardous vertical rock cut wall which poses a significant drowning hazard in that an individual falling into the impoundment would not have an easy way to exit the water without swimming to the west end of the impoundment. The abandoned mine has No Trespassing signs posted; however, there is no residence on the site to deter trespassing and children and teenagers from the Village of Equality have been known to visit the impoundment. The hazardous condition has been present for decades but only recently has a new landowner requested abatement and funding has been granted for reclamation. The COE has approved this work through the terms and conditions of 404 Nationwide Permit 37: Emergency Watershed Protection and Rehabilitation. The reclamation work will be funded by the Office of Surface Mining and completed by IL DNR Abandoned Mined Lands Reclamation Division under Title IV of the Surface Mining Control and Reclamation Act (30 CFR Subchapter R).

Information used in this review was obtained from the Applicant in a document entitled, Individual Permit, Joint Application Form for Illinois dated January 30, 2015 and revisions to the project dated March 11, 2015.

Identification and Characterization of the Affected Water Body.

The man-made strip mine impoundment and the ephemeral streams, unnamed tributary to Cockerel Branch and Cockerel Branch (no Segment Codes), to be impacted have not been assessed by Illinois EPA. The streams are not listed as biologically significant streams in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor are they given an integrity rating in that document. The

USGS Illinois Streamstats basin characteristics program gives a watershed size of 0.12 square miles for the combination of the strip mine impoundment, the unnamed tributary, and Cockerel Branch at this location. According to the Illinois State Water Survey, the unnamed tributary and Cockerel Branch are likely to be a 7Q1.1 zero flow streams. 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 would be 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, a normal and unavoidable result of the shoreline remediation and fill, may occur in the strip mine impoundment at the point of construction activity. Dewatering of the impoundment to desired water levels would occur before reclamation of the high wall begins; upon commencement of the reclamation project there will be no direct input from the strip mine impoundment to the unnamed tributary or Cockerel Branch. Impoundment water quality parameters reported including pH, total suspended solids, Boron, Iron, and Zinc were within water quality standards. Erosion control measures will be utilized during the high wall reclamation and all disturbed areas will be reseeded.

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 these disturbances and prevent further impacts to the strip mine impoundment or downstream waters.

Purpose and Social & Economic Benefits of the Proposed Activity.

Current hazardous conditions at the strip mine impoundment pose a significant drowning hazard for nearby residents, particularly children and teenagers who have been known to frequent the area. While No Trespassing signs are posted, there is no residence on the site to deter trespassing. The hazardous conditions have been present for decades, but recently a new landowner requested abatement and funding has been granted for the reclamation.

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

The only alternative to the proposed project considered was a “no action” alternative. This alternative was deemed impractical due to the hazardous conditions including the potential drowning risk at the previously mined site.

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

An IL DNR Comprehensive Environmental Review Process (CERP) consultation completed on May 26, 2014 resulted in no record of State-listed threatened or endangered species, protected natural areas, wetlands, or cultural resources in the vicinity of the project and consultation for IDNR Project #1410530 was terminated. USFWS has recommended that any tree clearing be minimized or avoided if possible and should not occur between April 1st and October 1st to reduce impacts to potential habitat for the Indiana bat (*Myotis soldalis*) and the northern long-eared bat (*Myotis septentrionalis*).

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 will 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 will abate a hazardous vertical rock cut wall reducing the potential drowning hazard and protecting the welfare of the residents of the surrounding area. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.