

IEPA Log No.: **C-0406-08**  
CoE appl. #: **2007-433**

Public Notice Beginning Date: **September 27, 2012**  
Public Notice Ending Date: **October 18, 2012**

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:** Mounds Production Company, 700 Industrial Park Road, Mounds, IL 62964

**Discharge Location:** Section 16, T5S, R1E of the 3<sup>rd</sup> P.M. in Pulaski County near Olmsted

**Name of Receiving Water:** Unnamed Tributary to Hodges Creek and Unnamed Wetlands

**Project Description:** Expansion of the LeFevre-Mager Mine #5

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  
Mounds Production Co. – Unnamed Tributary to Hodges Creek and Unnamed Wetlands – Pulaski County  
IEPA Log No. C-0406-08  
COE Log # LRC-2007-433  
Contact: Brian Koch at 217-558-2012  
September 27, 2012

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Mounds Production Company (“Applicant”) has applied for Section 401 water quality certification for impacts associated with the proposed expansion of their LeFevre Absorbent Clay Mine, located north of Olmsted. The proposed expansion area is needed to continue to supply raw materials to the Mounds Production Company, LLC plant located in Mounds, Illinois. The Applicant has been mining for Porter’s Creek Clay in this area for over 70 years. The total area to be affected by this surface mine expansion is 82 acres; however, only 5-10 acres will be actively mined at any given time. Mining will take place in phases over the course of 7-10 years. Each phase area that is mined will take about 14 months to 2 years to mine out before a new area is opened. Sections of the existing drainage way will be redirected temporarily and then will be returned to the approximate original landscape location as each area is mined out. The Applicant is requesting authorization to fill 4,630 feet of stream and 4.98 acres of wetlands (consisting of 2.76 acres of palustrine forested wetlands [“PFO”] and 2.22 acres of emergent wetlands). The mine expansion site is specifically located in Sections 15 & 16, Township 15 South, Range 1 East.

**Identification and Characterization of the Affected Water Body.**

The unnamed tributary (Creek) to Hodges Creek and the wetlands have a zero 7Q10 flow and are General Use Waters. The Creek and the wetlands have not been evaluated by the Illinois EPA Surface Water Monitoring Unit in the draft 2010 Illinois Water Quality Report. The Creek and the wetland are 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 and the wetland are not listed as a biologically significant stream nor have they received an integrity rating within the project area. The Creek watershed has a drainage area of approximately 221 acres at the project 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 suspended solids (“SS”) during the construction of the project. The proposed pollutant load increase for this assessment do not include any impacts or discharges from the mine site which will be covered under NPDES permit #IL0078964. The NPDES permit will cover any discharge of surface and mine discharges from mining activities. The proposed impact of the tributaries and wetlands will modify or eliminate the current habitat from the impact site. The tributaries portions that will not be completely impacted by the project will retain overall aquatic life use within the project site similar to the existing conditions through a reduction in use may occur at the impact site.

The Applicant used the *Illinois Stream Mitigation Guidance* to determine mitigation needs for these proposed mine impacts to the Creek (14,869 mitigation credits required), and to determine credits generated as a result of the proposed mitigation efforts (42,022 total mitigation credits generated). The Applicant proposes to construct 5,295 linear feet of stream to replace the 4,630 feet of stream impacted by this project. The Applicant has also stated the following concerning mitigation for this proposed mine expansion:

“The proposed mitigation for these impacts includes construction of 8.90 acres of hardwood forested wetlands in the re-meandered stream flood plains. We will establish 10.5 acres of forested hardwood buffer vegetation (buffers will be on both sides of the reestablished wetland corridors), and we will preserve 1.3 acres of high quality hardwood forested wetland. All this work will be carried out on the site impacted by the wetland loss. All reconstructed wetlands, preserved wetlands and established buffer acreage will be protected from future disturbance and development by deed restriction in the form of restrictive covenants.”

Wetland Description	Impact Acres	On-Site Mitigation Ratio	Mitigation Acres
Palustrine Forested Wetland	2.76	2.42:1	6.68
Emergent Wetland	2.22	1:1	2.22
Total	<b>4.98</b>		<b>*8.90</b>

\* All of the newly constructed wetlands will be forested wetlands.

The Applicant has stated the following statement concerning their mitigation goal:

“The intent is to increase wildlife habitat, improve flood storage, reduce non-native plant presence in the watershed, increase hardwood tree prevalence, and enhance aesthetic value.”

**Fate and Effect of Parameters Proposed for Increased Loading.**

The increase in SS will be local and temporary. Erosion control measures will be utilized to minimize any increase in SS and prevent further impact to the remaining streams. Mitigation for the stream and wetland impacts will be through the plan as described above. The proposed stream mitigation will reestablish and enhance the aquatic life use within the mitigation site. The overall habitat proposed by the mitigation plan including the in-stream work and the riparian corridors will provide for similar or increased aquatic life uses within the mitigation site area that currently exists.

**Purpose and Social & Economic Benefits of the Proposed Activity.**

This proposed mine expansion will continue to provide employment for 59 full time employees. The Applicant has stated that they have already laid off 37 employees do the uncertainty of obtaining their mine expansion approval. The Applicant has also stated the following concerning the purpose for this proposed mine expansion project:

“If the mine addition is not approved by Fall 2012, the remaining business, and associated 22 positions, would need to be moved to other Oil-Dri facilities. At current budget levels, this will mean at least a \$4 million dollar per year direct loss to the local economy.”

**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 be implemented to prevent additional impacts to the remaining streams and wetlands areas. The Applicant looked at two alternatives to this proposed project, the No-Impact Alternative and the No-Load Increase or Minimal Increase Alternative. These two options are described below in more detail:

- “No-Impact Alternative-There is no practical No-Impact Alternative that would allow Mounds Production Company (MPC) to continue to operate once reserves east of the main

drainage way and north of the tributary are exhausted... The Porter's Creek clay occurs in a limited number of locations in southern Illinois, and deposits in those locations are only viable where there is relatively little surface cover allowing the mineral extraction at relatively low costs."

- "No-Load Increase of Minimal Increase Alternative-The only minimal increase alternative would require changing from the current type of mine stripping using a dozer and tractor to an excavator-off road dump alternative. Under this scenario, MPC would place a culvert crossing in the main drainage way, use an excavator shovel to remove the overburden which would then be hauled to the previous mine area to place on areas needing reclamation. These changes would reduce the amount of clay reserves that Oil-Dri has a contractual right to mine. Also, these changes would at least triple stripping costs and could potentially lead to plant closure and transfer of the business out of state."

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

In a letter from Tracy Evans dated September 19, 2012, IDNR stated that an initial report submitted through the EcoCAT website indicated the potential presence of protected resources in the vicinity of the project location. The letter further states that the IDNR has evaluated this information and concluded that adverse impacts to the protected resources are unlikely; therefore, consultation is terminated.

The Illinois Natural History Survey indicates that several sites in the project corridor may have the state-listed Spotted Dusky Salamander present. To address this issue, the Applicant has created a conservation plan to protect this animal and has received an IDNR Incidental Take Authorization permit as specified in the August 29, 2012 letter from Joseph Kath.

### **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 mine activity will benefit the community at large by providing jobs, local and regional development. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.