

IEPA Log No.: **C-0137-09**
CoE appl. #: **2007-1927**

Public Notice Beginning Date: **January 31, 2013**
Public Notice Ending Date: **March 4, 2013**

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: Millennium Waste, Inc., 13606 Knoxville Road, Milan, IL 61264

Discharge Location: Section 8, T16N, R1W of the 4th P.M. in Rock Island County near Milan

Name of Receiving Water: Unnamed Tributaries to Mill Creek and Unnamed Wetlands

Project Description: Expansion of the Quad City Landfill.

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
Millennium Waste – Unnamed Tributaries to Mill Creek and Wetlands – Rock Island County
IEPA Log No. C-0137-09
COE Log No. CEMVR-OD-P-2007-1927
Contact: Brian Koch at 217-785-4116
January 31, 2013

Millennium Waste, Inc. (“Applicant”) has applied for Section 401 water quality certification for impacts associated with their proposed landfill expansion project. The project site is located near the City of Milan, in Section 8, Township 16 North, Range 1 West. Construction of additional landfill cells would result in land clearing, filling and grading activities on portions of the 108 acres parcel of land which would permanently remove two small unnamed tributaries of Mill Creek and their associated wetlands. The expansion activities would be conducted in two phases. Phase I impacts were scheduled to occur in years 2012/2013 and Phase II impacts were scheduled to occur in years 2013/2014. Completion of Phase I and II projects would result in impacts to a total of 4010 linear feet of stream channel and 2.03 acres of wetlands (1.0 acres of emergent wetlands, 1.032 acres of forested wetlands).

As mitigation for the impacts, the Applicant proposes to create 4,010 linear feet of new stream channel and riparian buffer onsite and purchase 2.55 acres of wetland mitigation credits at an offsite wetland mitigation bank within the same watershed. Mitigation ratios for the impacted aquatic resources would be 1:1 for emergent wetlands, 1.5:1 for forested wetlands, and 1:1 for stream impacts. The stream mitigation plan would follow that specified in the letter to Mark Books dated October 22, 2012. In short, a new ephemeral stream channel would be located outside of the solid waste boundaries along the northern and western perimeters of the landfill expansion. The stream would drain into an unnamed tributary of Mill Creek, the same tributary that the two unnamed tributaries to be impacted presently drain to. Native vegetation consisting of grasses and wooded species would be planted along 20-foot buffers on each side of the stream. The upper segment of the stream channel would be straight and lined with rip rap, whereas the middle and downstream segments would be meandered with a wider channel bottom. Stream mitigation commitments were calculated using the *Illinois Stream Mitigation Guidance*. A total of 13,919.8 stream mitigation credits are required from the proposed stream impacts, whereas the proposed mitigation plan would provide a total of 13,977.6 stream mitigation credits (an excess of required credits).

Identification and Characterization of the Affected Water Body.

The two unnamed tributaries of Mill Creek are General Use waters with zero 7Q10 flow. The northernmost tributary has a watershed area of 0.09 square miles, whereas the southernmost tributary has a watershed area of 0.19 square miles. Given their small size, these streams have not been assessed under the Agency’s 305(b)/303(d) program. The streams are not listed as biologically significant and have not been given an integrity rating in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*. The streams are not enhanced in regards to the dissolved oxygen water quality standard.

The unnamed wetlands within the project site are General Use waters with zero 7Q10 flow. The waters have not been assessed under the Agency's 305(b)/303(d) program and have not been given an integrity rating or been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication *Integrating Multiple Taxa in a Biological Stream Rating System*. The water bodies are not enhanced in regards to the dissolved oxygen water quality standard.

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 construction. The project would also permanently eliminate 2.032 acres of wetlands and 4010 linear feet of stream and associated riparian areas, thereby removing the aquatic life uses of these areas.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids would be local and temporary. Erosion control measures would be utilized to minimize any increase in suspended solids and prevent impacts to downstream waters. The permanent loss of streams and wetlands would be offset with compensatory mitigation. The stream mitigation area would be evaluated by a qualified wetland specialist to assess compliance with the approved performance standards. The wetlands and constructed stream channel and riparian buffers should support a similar or possibly enhanced community structure compared to that found in the existing streams and wetlands.

Purpose and Social & Economic Benefits of the Proposed Activity.

Expansion of the existing landfill is necessary for the Applicant to continue business operation after the airspace in the currently permitted Phase IV landfill is consumed. The current permitted disposal unit has a remaining capacity of approximately 3.8 million cubic yards and is anticipated to reach capacity within the first quarter of 2018. The expansion would benefit the community at large by providing continued waste disposal until the new landfill cells reach capacity, which is estimated at 31 years.

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

The Applicant evaluated alternatives in regards to site location but determined there are no practicable alternatives to the proposed project. Expansion to the north was the only practicable location given that two roadways are to the east, an unnamed tributary of Mill Creek is to the west (a higher order stream than those proposed to be impacted), and the owner of the parcel of land to the south was unwilling to sell his land.

Alternatives to minimize impacts to the onsite streams at the proposed site were also assessed. However, there is no practicable alternative to further minimize or avoid impacts to the streams. As required by Illinois landfill regulations, the landfill site must provide an all-weather access road to access the monitoring wells and must also possess a stormwater management system

capable of withstanding a 100-year storm event. Permanent impacts to the streams would be required in order accommodate both of these features, as there are no practicable alternative locations for these features. The proposed basin is located in the area of lowest elevation (near the southernmost stream), but there is no alternative location for a stormwater basin that could manage the required flow from the expansion. Likewise, permanent impacts to the northernmost stream are unavoidable given that the stream is located within the limits of the proposed solid waste boundary and perimeter road. However, the lowest reach of the northernmost stream would not be impacted by the proposed project.

The construction of the proposed project will follow conditions set forth by the Agency and USACE. Erosion control measures will be implemented to prevent or minimize impacts to downstream waters. The expansion unit area would be completely underlain by a composite liner system and leachate collection system, thus meeting the present regulatory requirements.

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

The IDNR EcoCAT system was consulted on August 27, 2012. It was immediately determined that no threatened or endangered species, Illinois Natural Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves are in the vicinity of the project location; consultation was therefore 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 would result in the attainment of water quality standards; that all existing uses of the streams and wetlands would be compensated with mitigation; 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 would benefit the community at large by providing additional waste disposal capacity. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.