

IEPA Log No.: **C-0084-18**
CoE appl. #: **CEMVR-OD-P-2015-1202-1**

Public Notice Beginning Date: **July 19, 2019**
Public Notice Ending Date: **August 9, 2019**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification for Discharge of Dredged or Fill Material

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: Winnebago Reclamation Services, Inc. – 5450 Wansford Way,
Suite 201, Rockford, IL 61109

Discharge Location: Near New Milford in Sections 6 and 31 of Township 42N and 43N, Range 2E of
the 3rd P.M. in Winnebago and Ogle County.

Name of Receiving Water: General Use Waters

Project Description: Proposed impacts to wetlands associated with construction and operation of soil
and subsoil stockpile locations.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge dredged or fill material 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 contact Darren Gove at email darren.gove@illinois.gov or phone no. 217/782-3362.

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Winnebago Reclamation Services, Inc. (“Applicant”), also known as Rock River Environmental Services, has applied for a 401 Water Quality Certification for impacts associated with a landfill expansion. The proposed project location is Section 31, Township 43 North, Range 2 East, Winnebago County, Illinois and Section 6, Township 42 North, Range 2 East, Ogle County, Illinois. The expansion includes establishing two stockpile areas, as well as a new entrance road, weigh station, and office with associated parking lots. The property is bordered by Interstate 39 to the east, Edson Road to the south, Lindenwood Road to the west, and agricultural fields to the north. The Applicant previously received local, state, and Federal authorizations to expand their existing landfill.

The proposed project establishes two stockpile areas to accommodate 5 million cubic yards of earthen material generated from a 222-acre landfill expansion. Currently, Stockpile Site 1 is a 90-acre agricultural field and Stockpile Site 2 is an 11-acre abandoned homestead. Approximately, 50 acres of the 90-acre Stockpile 1 site and 8-acres of the 11-acre Stockpile 2 site would be filled during the 20-year operation of the expanded landfill.

The stockpile project would result in 1.64 acres of unavoidable permanent losses to wetlands and 0.96 acres of temporary impacts. All existing wetlands are degraded and dominated by invasive plant species. The Applicant proposes to mitigate for permanent and temporary impacts to all jurisdictional wetlands by acquiring 1.64 acres of wetland bank credits from Northern Illinois Wetland Mitigation (WMB) and by restoring a wetland on-site (0.96 acres) as part of a larger previously proposed bioswale project.

The purpose of the proposed project is to provide uninterrupted waste services to local communities. The landfill stockpile construction was anticipated to begin in 2018 with completion by 2022. Information used in this review was obtained from the Joint Application dated April 12, 2018; supplemental information dated February 27, 2019; and USACE Public Notice dated May 9, 2018.

Identification and Characterization of the Affected Water Body.

Applied Ecological Services, Inc. (AES) identified 10 wetland areas (6.88 total acres) and delineated several wetland types on the agriculture field in July 2017. This project involves permanently filling 1.64 acres of wetlands and temporarily impacting 0.96 acres of wetland. Impacted wetlands are identified below.

Wetland 2 is an area of 1.28 acres with a varying width swale that eventually connects to the east-west running ditch along Edson Road. Wetland 2 contains several herbaceous wetland species scattered along the swale and hydrologically stressed soybeans. Primary wetland hydrology indicators include inundation and saturation and a secondary indicator includes geomorphic position. Wetland 2 exhibits all three wetland criteria. All 1.28 acres of Wetland 2 would be permanently impacted.

Wetland 8 is an isolated wetland ditch comprised of 0.23 acres that runs along the entire length of Edson Road within the road right-of way. A total of 0.01 acres of Wetland 8 would be permanently impacted.

Wetland 9 is a 0.35-acre, intermittent swale/wetland area located at Edson Road and flows north to join a larger intermittent stream. The unnamed intermittent swale tributary to Kilbuck Creek is a General Use Water with 0 cfs of flow during 7Q10 low-flow conditions. The unnamed tributary is not listed as a

biologically significant stream in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System* or given an integrity rating in that document. The unnamed tributary, tributary to Kilbuck Creek Waterbody Segment IL_PQB-03, is not listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List since it has not been assessed. The unnamed tributary is not subject to enhanced dissolved oxygen standards. Data confirmed the presence of hydric soils and numerous dominant hydrophytic plants in this area, including silver maple (*Acer saccharinum*), black willow (*Salix nigra*), sandbar willow (*Salix interior*), silky dogwood (*Cornus obliqua*), and reed canary grass (*Phalaris arundinacea*). This wetland area met all three wetland criteria. All 0.35 acres of Wetland 9 would be permanently impacted.

The USGS Illinois Streamstats basin characteristics program gives a of 0.47 square miles for the impacted wetlands 9 and 10. According to the Illinois State Water Survey, the unnamed tributaries of Kilbuck Creek to be impacted are likely to be 7Q1.1 zero flow streams. In this region of Illinois, 7Q1.1 zero flow streams are streams with a watershed area of 1 square mile or less. These streams would 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 and that much of the drainage areas for these streams include the landfill or agricultural fields, no additional biological characterization is required.

Wetland 10 is a 0.96-acre, intermittent stream/wetland area that is tributary to Kilbuck Creek. The General Use unnamed tributary to Kilbuck Creek has 0 cfs of flow during 7Q10 low-flow conditions. The unnamed tributary is not listed as a biologically significant stream in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System* or given an integrity rating in that document. The unnamed tributary, tributary to Kilbuck Creek Waterbody Segment IL_PQB-03, is not listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List since it has not been assessed. The unnamed tributary is not subject to enhanced dissolved oxygen standards. Data gathered confirmed the presence of hydric soils and numerous dominant hydrophytic plants in this area, including silver maple (*Acer saccharinum*), black willow (*Salix nigra*), sandbar willow (*Salix interior*), elderberry (*Sambucus canadensis*), silky dogwood (*Cornus obliqua*), purple meadow-rue (*Thalictrum dasycarpum*), giant goldenrod (*Solidago gigantea*), and reed canary grass (*Phalaris arundinacea*). This intermittent stream/wetland area met all three wetland criteria. All 0.96 acres of Wetland 10 would be temporarily impacted. The confluence of the unnamed tributary of Kilbuck Creek with Kilbuck Creek is approximately 0.25 miles from the project site.

Kilbuck Creek, Waterbody Segment IL_PQB-03, is a General Use Water with 3.9 cfs of flow during 7Q10 low flow conditions. Kilbuck Creek is not listed as a biologically significant stream in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System* or given an integrity rating in that document at the point of confluence with the unnamed tributary. Kilbuck Creek, Waterbody Segment IL_PQB-03, is not listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List as impaired; however, it has been assessed by the Agency and found to be fully supporting aesthetic quality and aquatic life uses. Kilbuck Creek is subject to enhanced dissolved oxygen standards.

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

Pollutant load increases from the proposed project would likely include increases in suspended solids during land grading and stockpiling activities. The proposed stockpiling activity would include filling of wetlands for construction of Stockpiles 1 and 2. All impacted wetlands are low-quality wetlands that have

been degraded by nearby agricultural use. Additionally, soil erosion control measures are to be in place prior to construction and there should be no loading increases above current levels from the agricultural land use.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids from proposed activities would be short-term and temporary. A total of 1.64 acres of wetlands permanently impacted and 0.96 acres of wetlands temporarily impacted. All existing wetlands are degraded and dominated by invasive species and wetlands would be replaced at a 1:1 ratio. A total of 1.64 credits would be purchased from the Northern Illinois Wetland Mitigation Bank. This wetland bank is within 20 miles of the impact site and is along the same receiving stream (Kilbuck Creek).

Wetland 10 (0.96 acres) would be temporarily impacted during the construction of the Stockpile 2 site. To convey offsite storm water around the expansion, a conveyance connection between Lindenwood Road and the permitted bioswale is needed. The intention of the wetland mitigation for the 0.96 acres of temporary impact is to restore emergent wetlands in portions of the swale bottom to help improve the water quality of the stormwater conveyed through the bioswale. The wetland will be mitigated at a 1:1 ratio and the continuation of the bioswale stormwater conveyance system that travels from the eastern end of the landfill expansion near 1-39 through this area. These actions would replace and greatly enhance the aquatic functions over current conditions, providing diverse wildlife habitat while also providing significant water quality benefits for Kilbuck Creek, the receiving stream.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of the project is to provide continued and uninterrupted solid waste services to the City of Rockford and communities within northern Illinois. The expansion would provide for an additional 20 years beyond the currently permitted solid waste disposal facility by providing approximately 38,843,000 tons of additional disposal capacity.

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

According to the 2011 update to the Winnebago County Solid Waste Management Plan, Winnebago County has reviewed various long-term disposal options and determined landfilling is currently the most appropriate method to manage solid waste. In assessing alternatives for siting of stockpile locations, numerous factors were considered, such as floodplains and wetland impacts. Numerous other alternative sites were evaluated within a one-half to one-mile buffer of the existing landfill and are discussed below.

1. Preferred Alternative Stockpile Location: The preferred stockpile alternative proposes impacts to 1.64 acres of low quality, agriculturally influenced wetlands. The stockpile sites meet the project purpose; provide for sufficient landfill excess soil stockpiling for the life of the landfill; routes haul roads to minimize wetland impacts; and retains the peripheral wetlands.
2. No Build Alternative: Although no wetland impacts would occur, this alternative prevents the expansion and continuance of services to the communities.

3. Closed and Capped Landfill: Stockpiling additional soils on the closed and capped landfill cells was deemed not practicable as the closed landfills are at their designed heights and slopes. Adding additional soils may negatively impact slope stability.
4. Stockpile Location South of Preferred Site: An ~80-acre agricultural field directly to the south of the preferred site has wetlands and saturated soils of comparable acreage to the preferred site. The landowner was not willing to sell this parcel.
5. Stockpile Locations East of I-39: The longer haul distance to these sites would result in increased greenhouse gas emissions and infrastructure (roadway) impacts from the haul trucks, as well as the distance causing a stockpiling cost increase of over \$10-\$15 million.
6. Stockpile Locations Between N. Kilbuck Road and Kilbuck Creek: These locations were determined to be impracticable because they are not owned by the Applicant, they are within the Kilbuck creek floodplain, federally listed species have habitat within the riparian corridor, and four separate landowners would need to sell their properties.
7. Stockpile Locations South of the East Expansion Unit and West of I-39: The alternative was not considered further, because wetland impacts would likely be similar or greater and neither of these two landowners are willing to sell their property.
8. Stockpile Location in Quarry North of the East Expansion Unit: An old quarry and associated lands north of the landfill's EEU was assessed as potential stockpile area; however, the site is too small, is adjacent to a USEPA Superfund site being remediated, and includes Illinois State Natural Area (Winqvist Prairie). The area also contains wetlands and has site access issues (e.g. high voltage powerlines between the EEU and the quarry).
9. Land north of East Expansion Unit: Although owned by the Applicant, there are extensive wetlands interspersed with agricultural lands that may provide Indiana and/or Northern long-eared bat habitat and old fields could potentially support Prairie Bush Clover (*Lespedeza leptostachya*) habitat. Additionally, a high voltage powerline bisects the land to the north making it less desirable for stockpiling.

The proposed project would follow conditions set forth by the Agency and USACE. The least intrusive alternative would be to not complete the project. This is not an acceptable alternative given the need to provide additional landfill capacity without impacting service to local communities. Wetland impacts were avoided and minimized to the extent practicable while achieving the purpose and need of the project.

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

On August 16, 2017, an IDNR EcoCAT consultation was initiated for Stockpile 1, Project #1801185, for with the Illinois Natural Heritage Database showing the following protected resources may be in the vicinity of the project location: Winqvist Prairie INAI Site and Winqvist Prairie Natural Heritage Landmark. On September 25, 2017, IDNR's Division of Ecosystem and Environment issued notification under an EcoCAT endangered species consultation that adverse effects from the Stockpile 1 project are unlikely and consultation has been terminated.

On September 26, 2017, an IDNR EcoCAT consultation was initiated for Stockpile 2, Project #1802569, with the Illinois Natural Heritage Database showing the following protected resources may be in the vicinity of the project location: Winqvist Prairie INAI Site, Winqvist Prairie Natural Heritage Landmark, and Prairie Bush Clover (*Lespedeza leptostachya*). On October 6, 2017, IDNR's Division of Ecosystem and Environment issued notification under an EcoCAT endangered species consultation that adverse effects from the Stockpile 2 project are unlikely and consultation has been terminated.

The USFWS database lists four federally listed species as potentially occurring in Winnebago and Ogle Counties, including the endangered Indiana bat (*Myotis sodalist*), the threatened Northern Long-Eared bat (*Myotis septentrionalis*), the threatened Eastern Prairie Fringed orchid (*Platanthera leucophaea*), and the threatened Prairie Bush clover (*Lespedeza leptostachya*). The proposed project offers very limited habitat structure for potential roost trees and offers no caves/mines for hibernation of the Indiana and Northern Long-Eared bat. However, tree removal would be restricted to the winter months. The proposed project is an active agricultural field, a small pasture/old field, and a riparian corridor along an intermittent stream that does not offer preferred habitat for Eastern Prairie Fringed orchid and Prairie Bush clover.

In 2017, the Illinois Historic Preservation Office (IHPO) reviewed the Stockpile 1 site and requested completion of a Phase I Archeological Survey. Midwest Archeological Research Services, Inc. completed a Phase 1 survey during the week of December 3, 2017, and in October 2017 identified two prehistoric archeological sites. Both sites were not eligible for nomination to the National Register of Historic Places due to lack of sufficient archeological material. In a letter dated December 28, 2017, IHPO confirmed they have no objection the undertaking proceeding as planned.

In 2013, the IHPO reviewed the Phase I survey documentation for the landfill expansion area that included Wetlands 9 and 10 and determined that no significant historic, architectural or archaeological resources are located within the proposed project area, and therefore they have no objection to the undertaking proceeding as planned. An updated letter was provided by IHPO on March 2, 2018.

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 benefit the community by providing adequate waste services. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.