

Hearing Officer Statements

Illinois Environmental Protection Agency (Illinois EPA) Hearing Officer

Section 401 Water Quality Certification for Winnebago Landfill

Public Hearing December 9, 2021

(Please press record). Good evening. The current time is _____ Central Time.

On behalf of the Illinois EPA Director, John Kim, welcome to tonight's online hearing. My name is Jeff Guy and I am the Agency hearing officer. We appreciate your attendance and look forward to receiving your comments after our opening remarks. If you have connection or audio issues, please attempt to reconnect.

This is an informational hearing in the matter of a Section 401 Water Quality Certification. The purpose of this hearing is to enable all interested persons an opportunity to provide comments to the Agency regarding this matter prior to making a final decision. This hearing is being recorded and will be posted on our webpage in the same place where the public notice and other pertinent documents have been posted for public review.

This hearing is being held pursuant to 35 Illinois Administrative Code Parts 164 and 395. These regulations are available on the Illinois Pollution Control Board website at pcb.illinois.gov. My responsibility as the hearing officer is to ensure that this hearing is conducted in a fair and orderly manner according to these regulations.

The proposed project establishes two stockpile areas to provide additional accommodation for the five million cubic yards of clean earthen material generated from the 222-acre landfill expansion. Winnebago Reclamation Services, Inc., also known as Rock River

Environmental Services, previously received local, state, and federal authorizations to expand its existing landfill. The Illinois EPA tentatively finds 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 for an extended period.

The Illinois EPA issues water quality certifications pursuant to Section 401 of the federal Clean Water Act. This certification must be granted or waived prior to issuance of any federal permit that authorizes a potential discharge of dredged or fill material to waters of the U.S. In making decisions to grant, grant with conditions, or deny certification requests, the Illinois EPA considers whether the federally-licensed or permitted activity will comply with applicable water quality standards, effluent limitations, new source performance standards, toxic pollutants restrictions, and other appropriate water quality requirements of state law.

A Section 401 Water Quality Certification granted by the Illinois EPA may contain conditions and monitoring requirements deemed necessary to assure compliance with water quality standards or other applicable requirements. Conditions placed in the certification become conditions of the federal permit. The certification request may be denied if the Illinois EPA determines that applicable water quality standards or other requirements would not be met. For more information on Section 401 Water Quality Certification, please contact Barb Lieberoff, Illinois EPA Office of Community Relations, at (217) 524-3038 or by email at barb.lieberoff@illinois.gov.

The Agency is holding a public comment period, including this public hearing, to provide an opportunity for the public to understand and comment on this proposed action. The Agency will evaluate public comments before a final decision is made. In addition to accepting oral comments this evening, the Agency is also accepting written comments during the public comment period. As indicated in the public notice, written comments must be received no later than 11:59 p.m. Central Time, Monday, January 10, 2022.

Written comments must be submitted to EPA.PublicHearingCom@Illinois.gov or to the Illinois EPA, attention Jeff Guy, Hearing Officer, P.O. Box 19276, 1021 North Grand Avenue, Springfield, Illinois 62974-9276. If a comment is emailed or mailed, please include “Winnebago Landfill” in the subject line. Written comments are given the same consideration as oral comments made during this hearing and may be submitted to us at any time during the public comment period. Although we will continue to accept written comments through January 10, 2022, tonight is the only time that we will accept oral comments.

Agency staff will answer questions this evening if those answers are readily available, but if the question calls for research or is too complicated for a quick answer, they will address your comments as part of the Summary and Agency Statement, which will be available to the public within 60 days after closing of the record. The Summary and Agency Statement will include a summary of all significant public comments (made during tonight’s hearing or submitted during the time the hearing record is open) in addition to a statement of the Agency’s final action. People that provide oral or written comments will be notified in regards to the availability of the Summary and Agency Statement, which will be posted on the Agency’s public notice webpage.

At this time, Agency staff will introduce themselves and provide information we believe is relevant to tonight's hearing. This will be followed by additional instructions from me on how we will be taking public comments.

Agency Statements

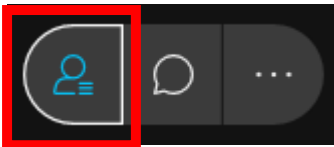
As the hearing officer, I intend to treat everyone in a respectful manner, and I ask that Illinois EPA staff and the public please do the same. Comments should be related to issues concerning the application for a Section 401 Water Quality Certification. Please do not argue or engage in prolonged discussions with Agency staff. If your comments fall outside of the scope of this hearing, I may ask you to proceed to another issue. In addition, I'd like to stress that we want to avoid unnecessary repetition. If anyone before you has already presented what is contained in your comments, please skip over those issues when you speak. If you have extensive comments, please consider giving only a summary of those comments and then submitting the entirety of your comments to the Agency before the end of the public comment period on January 10, 2022. While the record is open, all comments will be placed into the hearing record as exhibits.

During tonight's hearing, you have the opportunity to provide oral comments by raising your hand.

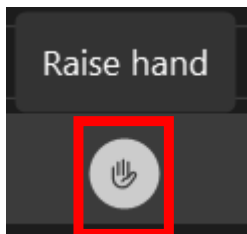
How to Use Raise Hand Feature (Computer)

To raise your hand if using a computer:

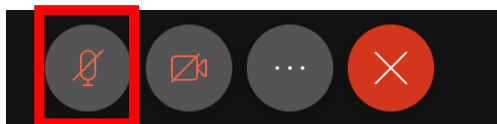
1. Ensure the Participants panel is open by selecting the Participants icon in the menu at the bottom of the screen.



2. When the Participants panel is open, your name and/or phone number is visible in the panel.
3. Hover over your name and/or phone number and select *Raise hand*.



4. Agency staff will call on you to speak when it is your turn.
5. When you speak, click unmute at the bottom of the screen (microphone icon) & provide your name and affiliation (if any).

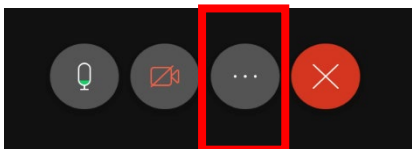


6. When you are finished speaking, please click unmute and lower your hand.

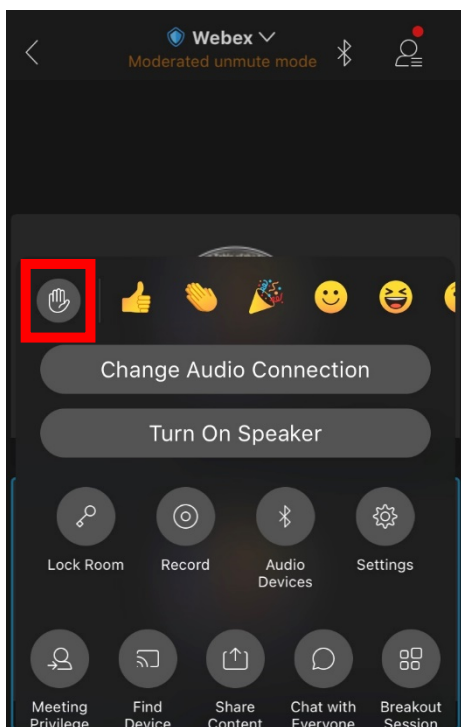
How to Use Raise Hand Feature (Smartphone)

To raise your hand if using a Smartphone:

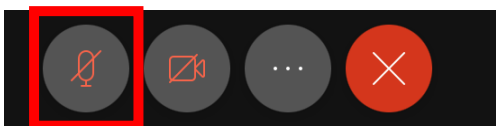
1. Select the options icon (three dots) in the menu at the bottom of the screen.



2. Select the Raise Hand icon.



3. Agency staff will call on you to speak when it is your turn.
4. When you speak, click unmute at the bottom of the screen (microphone icon) & provide your name and affiliation (if any).



5. When you are finished speaking, please click unmute and lower your hand.

How to Use Raise Hand Feature (Call-In)

If you called in and want to comment, select *3 to raise your hand. Agency staff will call on you to speak when it is your turn. When it is your turn to speak, please ensure to unmute yourself and provide your name and affiliation (if any). If you called in today, you can mute and unmute by selecting *6. The public comments session will begin now.

Public Comments

That concludes our public comment session. Thank you for your participation in tonight's online public hearing. If you did not present oral comments tonight but still wish to comment, please submit your written comments to the Agency as directed in the public notice, which can be accessed at the Illinois EPA public notice webpage. Written comments will be included in the hearing record and reviewed by the Agency as the Summary and Agency Statement is prepared.

Again, the public comment period ends at 11:59 p.m. Central Time on January 10, 2022. Please send your written comments to the attention of Jeff Guy, as indicated in the public notice. A repository of documents is available on the Illinois EPA public notice webpage and at the Illinois EPA office located at 1021 North Grand Avenue East, Springfield, Illinois 62974. You can obtain copies of these documents through a Freedom of Information Request to the Agency. This can be done through our website, or you can contact the Agency directly if you need help with this request.

On a final note, 35 Illinois Administrative Code Part 164 requires that the names and other identifying information of persons who have submitted written statements prior to the hearing be read into the hearing record. On March 18, 2021, a written public comment was emailed to the Agency by Shelby Best on behalf of Winnebago County Board Chairman Joseph Chiarelli. This written submission is included in the hearing record as Exhibit 6.

Again, thank you for your participation this evening. The current time is _____ Central Time and this public hearing is adjourned.

[Opening Statement by Darren Gove]

Good evening. The proposed activity is described in the application titled “Joint Application for the Winnebago Landfill’s East Expansion Unit Stockpiles Project” dated September 2021.

Winnebago Landfill consists of four separate disposal areas, the East Expansion Unit consisting of 222 acres of disposal area was approved for operation with Modification No. 5 to the Bureau of Land permit issued on December 28, 2018 and was granted CWA Section 401 certification for impacts to surface waters on February 9, 2017. As part of cell development in the East Expansion Unit, excess soil from the mass excavations has been stockpiled on an approximately 90-acre parcel south of Edson Road and immediately east of Kilbuck Road. As future cell development continues, excess soil will also be stockpiled within an approximate six-acre area at the southwest corner of the East Expansion unit. Discharges associated with the proposed activity include the placement of earthen fill material within areas classified as wetlands. The temporary stockpiles would result in the permanent loss of 1.64 acres of jurisdictional wetlands. The wetlands impacted by the project will be mitigated through purchase of mitigation credits at the Northern Illinois Wetland Mitigation Bank. Approximately 0.96 acres of additional wetlands will be temporarily impacted by the construction of the 6-acre soil stockpile North of Edson Road; however, the construction of a bioswale stormwater conveyance system with wetland features built into the swale’s sides and bottom will result in the replacement of 0.96 acres wetlands. Stormwater runoff from stockpiles 1 and 2 are both monitored under a separate Illinois EPA permit.

If the Agency determines that certification can be granted, the certification conditions determined necessary for the project to meet water quality standards would become part of the final Department of the Army permit.