

**Illinois Environmental Protection Agency
Bureau of Water, Permit Section
(IEPA)**

1021 North Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276, 217/782-3362

The IEPA has issued a Public Notice of a request for a Clean Water Act Section 401 water quality certification that would allow the issuance of a federal permit for the discharge of pollutants to waters of the State.

Public Notice Beginning Date:

Thursday, April 22, 2021

Public Notice Ending Date:

Thursday, May 6, 2021

Agency Log No.:C-0327-20

Federal Permit Information: Federal permit/license no. CEMVR-OD-P-2019-367 is under the jurisdiction of Rock Island District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: :Clinton Landfill, Bob Shoots - P.O. Box 347, Clinton, IL61727

Discharge Location: In Section 11 of Township 19-North and Range 2-East of the East 3rd Principal Meridian in DeWitt County. Additional project location information includes the following: 9550 Heritage Road, near Clinton, IL 61727

Name of Receiving Water: Unnamed Tributary, tributary to Salt Creek and Wetland

Project Description: Proposed expansion of the Clinton Landfill No. 3 facility to the permitted landfill boundaries.

Construction Schedule: Unknown at this time

The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their name and address along with comments on the certification request. The IEPA Log number must appear on each comment page. Commenters may include a request for public hearing. Only comments that pertain to Clean Water Act Section 401 authority as defined under 40 CFR part 121.3 will be considered. Part 121.3 defines the "scope of a Clean Water Act section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements". Requests for additional comment period must provide a demonstration of need. The last day that comments will be received will be the Public Notice Ending Date unless the IEPA grants an extended notice period.

The attached Fact Sheet provides a detailed description of the project and the findings of the IEPA's antidegradation assessment.

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 see the contact information below.

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Post Document. No. C-0327-20-04152021-PublicNoticeAndFactSheet.pdf

Antidegradation Assessment Review for a 401 Water Quality Certification for Clinton Landfill Expansion.

IEPA Log No. C-0327-20

DeWitt County

Contact: Angie Sutton 217-782-9864

Clinton Landfill, Inc. (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with a landfill expansion. The proposed project location is Section 11, Township 19 North, Range 2 East, DeWitt County. The 157.5-acre Clinton Landfill No. 3 is a permitted and operating municipal solid waste landfill. The landfill is being developed in phases with new construction phases occurring once every 3 years. The western half of the permitted landfill has been the portion that development and disposal has been limited to but the applicant is currently seeking to expand eastward into 90 acres immediately east of the partially developed facility. This is due to the expectation that the currently operated waste disposal unit will reach its usable solid waste disposal capacity within 2 years (2022). The expansion area contains a north-south intermittent drainage feature which includes a small wetland and associated tributary to Salt Creek. The project is expected to impact 0.005 acres (Ac.) of emergent wetland and 3346 linear feet (LF) of stream. The wetland will be graded and filled during construction, as well as the unnamed tributary to Salt Creek within the project area. Prior to grading, the headwaters of the unnamed tributary to Salt Creek will be routed to the west into another north-south drainage feature that is located immediately west of closed Clinton Landfill No. 2. This feature is also associated with an unnamed tributary to Salt Creek. Basic physical function of the tributary will be preserved, and the rerouting will prevent possible pollutants generated by construction activities from entering downstream and Salt Creek. Sediment Basin A is connected to the westernmost north-south drainage feature and will be expanded during construction activities. From here, treated stormwater is released at scheduled intervals and during precipitation events via culverts, and eventually to Salt Creek. Sediment Basin B exists on the south end of the project area and releases sheet flow into a dry field at scheduled intervals. Finally, Sediment Basin C will be constructed in the unnamed tributary to Salt Creek when the permitted landfill cells are developed. It will intermittently discharge into the unnamed tributary downstream. All three basins are NPDES permitted. A stormwater protection plan including BMPs will be prepared in order to minimize soil erosion, and pollutant and sediment runoff from disturbed areas to downstream areas. Compensatory mitigation proposed includes preservation and enhancement of an approximately 100-acre parcel on Clinton Landfill, Inc. (CLI) property immediately southwest of the Number 3 landfill facility, referred to as the Habitat Preservation Parcel. The proposed mitigation plan will provide long term protection of a high-quality woodland and floodplain associated with Salt Creek. 44.55 acres of the woodland habitat, 3.3 acres of wetland, over 7,000 LF and 6.6 acres of stream and waterbodies will be protected. The project is expected to accommodate the long term waste needs of the proposed service area of DeWitt County and the surrounding areas.

Information used in this review was obtained from the application documents dated November 8, 2017 and April 17, 2019, and the Joint Application dated July 28, 2020. Supplemental information dated February 2, 2021 and March 12, 2021 was also provided.

Identification and Characterization of the Affected Water Body.

Weaver Consultants Group. (WCG) identified one drainageway (Site 1), an Intermittent Stream totaling 3,346 LF, one wetland (Site 2), and an Emergent Wetland totaling 0.005 Ac., within the study area. Both features are expected to be permanently impacted.

The emergent wetland is adjacent to the unnamed tributary of Salt Creek in the central portion of the study area. The wetland consists of sparse herbaceous vegetation with no woody vegetation. The estimated FQI for the wetland is 6.1 with a Native Mean C of 2.3, indicating a low-quality vegetative community. Wetland hydrology was observed to be a concave surface and saturated soils at the surface. Hydric soils and a surface connection to the tributary were also observed. Dominant species were observed to be Silver Maple (*Acer saccharinum*), Giant Ragweed (*Ambrosia trifida*), and red raspberry (*Rubus idaeus*).

The unnamed tributary to Salt Creek, a tributary to Waterbody Segment IL_EI-06, is a General Use Water with 0 cfs of flow during 7Q10 low flow conditions. The unnamed tributary to Salt 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. The unnamed tributary to Salt Creek, a tributary to Waterbody Segment IL_EI-06, is not listed on the 2018 Illinois Integrated Water Quality Report and Section 303(d) List as impaired because it has not been assessed. The unnamed tributary to Salt Creek is not subject to enhanced dissolved oxygen standards.

The unnamed tributary to Salt Creek is an intermittent stream situated within the central portion of the study area. The tributary originates from an assumed underground drain tile and receives water from surface flow via a swale north of the feature. There was no observed flow during the August 2017 assessment, but a defined bed and bank were apparent, and flow was present during April 2017 initial observations. Marked differences were noted between the headwaters and confluence with Salt Creek with varying width and bank slope. Site 1 width varied from one foot near the headwaters to 15 feet wide downstream, and bank slopes ranged from gradual sloping to very step with steepest banks found in the central portion of the feature. Substrate within the stream included silt, sand, pebbles and cobble. The stream is also culverted in two locations in the central and southern portions of its reach. No spring and groundwater-fed pools were observed adjacent to Site 1. Dominant vegetative species observed included Mockernut Hickory (*Carya tomentosa*), Silver Maple (*Acer Saccharinum*), Morrow's Honeysuckle (*Lonicera morrowil*), Smooth Brome (*Bromus inermis*), Ragweed (*Ambrosia artemisiifolia*), and Common Nettle (*Urtica dioica*). According to INHS Prairie Research Institute Collections Database records, no specimens/records of amphibians, reptiles, annelids, crustaceans, fish, mollusks, insects, mammals, or plants were collected in the immediate vicinity of Site 1. The stream characterization included a USGS StreamStats survey which delineated the watershed area of Site 1 at the point of furthest downstream impacts to the stream channel. According to StreamStats, the watershed drainage area is approximately 0.3 square miles. Current land use surrounding Site 1 consists of farmland to the north and east. The plant community in the area has been naturally changing from shrub/savanna to forested habitat since the 1940's.

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

Pollutant load increases from the proposed project would likely include short-term and temporary increases in suspended solids during land grading and filling activities. Site 2 wetland will be completely graded and filled as well as Site 1 stream through the project area. Additional potential pollutant sources during and post-construction may include spills/leaks from equipment or vehicles, storage of construction materials and debris, and landscape materials, and leachate from solid waste disposal. Additionally, soil erosion control measures are to be in place prior to construction as well as sediment basin development. Current highly erodible and degraded stream banks will be eliminated resulting in a reduction of the current sediment load entering Salt Creek.

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 0.005 acres of wetlands and 3,346 linear feet of stream will be permanently impacted with existing downstream uses of the tributary being preserved as a result of construction of the landfill cells. Non-contact stormwater will be routed to detention/sediment basins which will eliminate deterioration of the existing aquatic community and potentially enhance water quality downstream. Current highly erodible and degraded stream banks will be eliminated resulting in a reduction of the current sediment load entering Salt Creek. The new stream channel will be on a shallower gradient and will be maintained long-term by the applicant. An SWPPP will include soil erosion and sediment control BMPs which will undergo long-term maintenance and a groundwater monitoring program will be implemented. At scheduled intervals and during precipitation events, treated stormwater will be released from Sediment Basin A into the perimeter ditch ultimately reaching Salt Creek. Sediment Basin A will be expanded during construction. Sediment Basin B releases stormwater into a dry field as sheet flow during precipitation events and at scheduled intervals. Sediment Basin C will be constructed in the subject tributary when the landfill cells are developed and will intermittently discharge into the unnamed tributary of Salt Creek downstream. If any stormwater contacts waste, it will be captured within the landfill cell and hauled to a permitted wastewater treatment facility. No stormwater is expected to contact waste prior to reaching sediment basins and ultimately, Salt Creek.

Rerouting of the unnamed tributary to Salt Creek will provide preservation of the basic physical function of the tributary and prevent potential pollutants generated by construction activities from entering downstream areas and Salt Creek. Currently, the stream cannot support current stormwater loads due to the natural geomorphology and gradient. Undercutting beneath tree roots is evidence of severe erosion along the banks. This erosion will not improve on its own and the current sediment load would continue to reach Salt Creek. This rerouting will result in a more favorable stream channel and stream bank design.

The existing wetland and stream are degraded and would be mitigated for with enhancement of an approximately 100-acre parcel located to the south of existing Clinton Landfill No. 3, north of Salt Creek and East of U.S. Highway 51. The parcel (The Habitat Preservation Parcel) is comprised of a 44.5-acre remnant oak-hickory woodland and maple-sycamore floodplain habitats associated with Salt Creek. The

Habitat Preservation Parcel (HPP) will be protecting over 3.3 acres of wetland which will include 8 forested wetlands and 3 forested seeps. Two waterbodies, an unnamed tributary to Salt Creek and an oxbow lake, will also be protected. Waterbody protections will total 7,000 linear feet and 6.6 acres for these two features. Preservation in the HPP will protect over double the amount of waterbody length and 718 times the amount of wetland generating 22,870.80 stream/riparian mitigation credits under the Buffer Enhancement option. This creates 6,462.69 more mitigation credits than the required 16,408.11.

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 region. Clinton Landfill No. 3 accounts for 50 percent of the total remaining regional landfill capacity located 50 driving miles from the site. Construction of landfill cells within the permitted area would benefit the area by providing safe and secure waste disposal capacity for municipal solid and non-hazardous industrial wastes. Lack of local capacity would increase costs to citizens and business. Continued operation will provide DeWitt county with \$44.6 million in Host Benefit Fees and the State of Illinois \$37.5 million in solid waste management fees over the currently designed and permitted remaining life of the landfill. The project will also provide employment opportunities for the local community as well as purchase goods and services to support landfill operations and construction.

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

Clinton Landfill, Inc., has reviewed the following alternatives to disturbing and mitigating the Waters of the US as proposed:

Alternative 1: Do Not Construct the Cells That Will Disturb the Presumptively Jurisdictional WOTUS

The presumptively jurisdictional WOTUS bisects MSW Unit Cells 2,4,6,8,9, and 10. These are located in the eastern half of the land fill and include the stream. The constructed cells 1,3,5, and 7 and IWU Cells IWU-1A and IWU-1B are located in the western half and will be at their capacity in late 2022. Not constructing the MSW cells would result in closing Clinton Landfill No.3 and in turn, cause a 50% reduction in the available disposal capacity for the region in a few years and increase costs due to less landfill disposal competition. Costs would also increase due to an increase in waste transportation (40% of waste volume transported) costs and fuel usage, carbon emissions, traffic, and highway maintenance/construction costs would also increase. A deficit in long-term disposal capacity (26 million to 42 million tons) would increase, which can be detrimental to a region's economic growth. This alternative would make it impossible for CLI to meet its contractual obligation to provide 20 years of solid waste disposal capacity to DeWitt County residents and businesses. Host Benefit Fees would no longer be received by the county and in turn, result in \$41 million dollars lost to the county from 2023 to 2060. The State of Illinois would lose \$35 million in waste management fees, revenue that helps to fund sponsored waste reduction and recycling in Illinois, from CLI. Lastly, this alternative would cause a 90% loss of wages and benefits (\$42 million) attributable to landfill operations, and a reduction of CLI's \$249 million purchases of goods and services from 2023 to 2060. For the above reasons, this option is not a feasible alternative.

Alternative 2: Reconfigure MSW Unit Cells 2,4,6,8,9, and 10 to Avoid the North-South Drainage Feature

Due to established boundaries by the siting approval and IEPA Bureau of Land (BOL) permits, the remaining MSW Unit Cells cannot be moved outward. Slopes within landfills are constructed no steeper than 3:1 in order to maintain stability. Insufficient space is available to construct secure landfill cells east of the north-south drainage feature when considering excavation depth, need for stormwater and sediment control systems, and other design/operational needs. For these reasons, this option is not a feasible alternative.

Alternative 3: Reconfigure the IWU and MSW Unit Cells

The IWU is designed specifically to accept industrial wastes. The annual waste received at the IWU is significantly less than at the MSW Unit. This alternative would convert Cell IWU-2 to an MSW Unit Cell, requiring a permit modification from BOL. This alternative would provide for landfill operation until 2026 which is an improvement over Alternative 1 but would still result in a 50% reduction in the available disposal capacity for the region in a few years and increase costs due to less landfill disposal competition. Costs would also increase due to an increase in waste transportation (40% of waste volume transported) costs and fuel usage, carbon emissions, traffic, and highway maintenance/construction costs would also increase. A deficit in long-term disposal capacity (26 million to 41 million tons) would increase, which can be detrimental to a region's economic growth. This alternative would make it impossible for CLI to meet its contractual obligation to provide 20 years of solid waste disposal capacity to DeWitt County residents and businesses. Host Benefit Fees would no longer be received by the county and in turn, result in \$37 million dollars lost to the county from 2026 to 2060. The State of Illinois would lose \$31 million in waste management fees, revenue that helps to fund sponsored waste reduction and recycling in Illinois, from CLI. Lastly, this alternative would cause a 90% loss of wages and benefits (\$37 million) attributable to landfill operations, and a reduction of CLI's \$210 million purchases of goods and services from 2026 to 2060. For the above reasons, this option is not a feasible alternative.

Alternative 4: Extend MSW Unit Cells 1,3,5, and 7 Eastward

The floors of the MSW Unit Cells 1,3,5,and 7 could be extended 100-200 feet eastward while still avoiding the north-south drainage feature. However, the landfill would have to be redesigned in order to gain a maximum benefit. This would involve conversion of Cell IWU-2 to an MSW Unit Cell as described above in Alternative 3, and adding a MSW Unit Cell east of the IWU and a significant modification to the current landfill permit. This modification would result in additional leachate drainage system loading and it is not known if that increase could be safely managed. No known feasible means exists to expand the leachate drainage system capacity as it is buried under 130 feet of landfilled waste in some areas. The technical feasibility of this alternative is yet to be confirmed. If it is possible to manage the additional hydraulic loading, this alternative would result in an approximately 50% reduction of the completed landfill design capacity. At this rate, the landfill would reach capacity in about 2040 and would result in a 65% reduction in the available disposal capacity for the region in a few years and increase costs due to less landfill disposal competition. Costs would also increase due to an

increase in waste transportation (50% of waste volume transported) costs and fuel usage, carbon emissions, traffic, and highway maintenance/construction costs would also increase. A deficit in long-term disposal capacity (26 million to 35 million tons) would increase, which can be detrimental to a region's economic growth. Host Benefit Fees would no longer be received by the county and in turn, result in \$22 million dollars lost to the county from 2040 to 2060. The State of Illinois would lose \$18 million in waste management fees, revenue that helps to fund sponsored waste reduction and recycling in Illinois, from CLI. Lastly, this alternative would cause a 90% loss of wages and benefits (\$22 million) attributable to landfill operations, and a reduction of CLI's \$130 million purchases of goods and services from 2040 to 2060. For the above reasons, this option is not a feasible alternative.

Alternative 5: Construct the MSW Cells in a Different Location

Boundaries of Clinton Landfill No.3 are established as described in Alternative 2. This alternative would require a new siting approval and permitting process. Obtaining local siting approval can be a lengthy, expensive and politically challenging and uncertain process. Land acquisition, siting approval and permitting can cost from \$3-5 million and can take 5 years to complete and an additional 2 years of construction and approvals before waste can be accepted. This is assuming that land is suitable, available, and does not contain jurisdictional wetlands. This option would result in no landfill capacity for residential and commercial wastes for several years, if achievable at all. For the above reasons, this option is not a feasible alternative.

The alternative chosen is to mitigate the presumptively jurisdictional WOTUS as proposed. The project as proposed guarantees the landfill will provide 20 years of disposal capacity and pay the county a Host Benefit Fee. It will also continue with current permitting and will be reviewed every 5 years as landfill development continues. Current design protects the environment through stormwater management and sediment control systems and will provide safe and secure waste disposal capacity. Host benefit Fees will reach an estimated \$44.6 million over the remaining life of the landfill as currently designed and permitted and the State of Illinois will receive an estimated \$37.5 million in solid waste management fees. Expected wages and benefits over the remaining life of the landfill is estimated to be approximately \$50.1 million and CLI will purchase an estimated \$275 million in goods and services.

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

On February 2, 2021, an IDNR EcoCAT consultation was initiated for Clinton Landfill No. 3 Facility, Project #2110051. On February 8, 2021, EcoCAT indicated a record of the state and federally listed rusty-patched bumble bee (*Bombus affinis*). The rusty-patched bumble bee often overwinters in wooded areas with dense leaf litter and undisturbed soils. IDNR recommends avoiding tree clearing/ground disturbing activities between October 1st and April 1st due to the potential overwintering habitat found in the project area. If work must be conducted in suitable winter habitat for the bee outside these respective dates, there is a chance the activity could disturb an overwintering queen. If the restriction on winter tree removal/ground disturbance cannot be accommodated, it is recommended the site be

surveyed by a qualified individual. If suitable habitat is located, the Department should be contacted to provide further guidance.

EcoCAT also indicated the Salt Creek INAI site and a record for the spike mussel are in the vicinity. Upon review, the Department determined adverse impacts to these resources are unlikely.

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 and continued 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.