



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

MAR 25 2022

U.S. Army Corps of Engineers
Rock Island District, Regulatory Branch
Clock Tower Building, P.O. Box 2004
Rock Island, IL 61204-2004

Subject: Clean Water Act Section 401 Water Quality Certification
RE: Winnebago Landfill Stockpile 1 & 2 Project, Winnebago County
Illinois EPA Log No.: C-0211-21 / Federal Agency Permit No.: CEMVR-OD-P-2015-1202-2
Bureau of Water ID#: W20180800039

Sir or Madam:

The Illinois Environmental Protection Agency (Agency) received a request for water quality certification subject to Section 401 of the federal Clean Water Act from Winnebago Reclamation Services, inc. (Proponent) on Wednesday, September 29, 2021 concerning the subject project. This request was submitted pursuant to a Department of the Army, Corps of Engineers permit request subject to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). The project activity would result in discharge of fill material into wetlands and tributaries causing the permanent loss of 1.64 acres of waters of the State and the temporary impact to 0.96 acres of waters of the State. As a consequence of the development, the project proponent would build 2 clean soil stockpile areas to store up to 5 million cubic yards of soil excavated from the Winnebago Landfill East Expansion Unit area to facilitate waste disposal for the surrounding region. Protection of existing uses will be assured by the Corps of Engineers approved mitigation plan consisting of the purchase of 1.64 wetland credits from the Northern Illinois Wetland Mitigation Bank and restoration of at least 0.96 acres of emergent wetlands within the proposed on-site stormwater bioswale. This activity is described in the application material titled:

"Joint Application for the Winnebago Landfills East Expansion Unit Stockpiles Project, Winnebago County, Illinois; CWA 401 Certification Request; Log No. C-0211-21; Unnamed Tributary to Kilbuck Creek; September 2021" by Andrews Engineering

Based on our review of the application material, it is the judgment of this office that the proposed project may be completed without causing water pollution as defined in the Illinois Environmental Protection Act and will comply with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, provided the project is carefully planned, supervised and is performed in compliance with conditions specified in this water quality certification.

This Agency hereby issues certification under Section 401 of the Clean Water Act (PL 95-217), subject to the conditions identified below. This certification becomes effective when the Department of the Army, Corps of Engineers includes the following conditions no. 1 through no. 7 as conditions of the requested

permit pursuant to Section 404 of PL-95-217. These conditions are directed at the effect on water quality of the construction procedures involved in the above described project and are not an approval of any discharge resulting from the completed facility, nor an approval of the design of the facility. These conditions do not supplant any permit responsibilities of the applicant toward the Agency. Any modifications to the project which are not described in the application material or specified by conditions below are not authorized.

Water Quality Condition No. 1. General.

The Proponent shall provide adequate planning and supervision for construction methods, processes, and cleanup procedures necessary to prevent water pollution and control erosion. The discharge and associated activity shall not cause:

- a. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C, Water Pollution Rules and Regulations;
- b. water pollution defined and prohibited by the Illinois Environmental Protection Act;
- c. interference with water use practices near public recreation areas or water supply intakes; or
- d. violation of applicable provisions of the Illinois Environmental Protection Act.

Water Quality Condition No. 2. Erosion and Sedimentation Control Measures.

The Proponent shall implement all necessary sedimentation and erosion control measures consistent with the current edition of the "Illinois Urban Manual" found at <https://illinoisurbanmanual.org/>. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins, silt fencing and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. All areas affected by construction shall be seeded and stabilized as soon after construction as possible.

Water Quality Condition No. 3. Construction Site Dewatering.

Dewatering of a construction site is authorized provided the dewatering activity is limited to the immediate work area within a cofferdam or otherwise isolated from waters of the State, and the work site is free from sources of contamination including those of natural origin. Dewatering activities shall incorporate Best Management Practices in accordance with the current edition of the "Illinois Urban Manual" <https://illinoisurbanmanual.org/> Practice Standard for Dewatering (no. 813) or as otherwise appropriate to ensure that return flows from the dewatering activity are free of unnatural turbidity and floating debris and meet applicable water quality standards. Dewatering or discharge of flush water from construction of drilled piers or boreholes is not authorized and must be conducted in accordance with an NPDES permit issued by the Illinois EPA.

Water Quality Condition No. 4. Permanent Impact Existing Uses Protection Plan.

The wetland mitigation plan to compensate for the permanent loss of 1.96 acres of wetlands consisting of the purchase of 1.96 acres of wetland/stream mitigation credits from the Northern Illinois Wetland Mitigation Bank shall be implemented. Modifications to the wetland mitigation plan must be submitted to the Agency for approval. The Proponent shall submit, to the address below, written proof from the wetland mitigation bank that the wetland credits have been purchased within thirty (30) days of said purchase.

Illinois Environmental Protection Agency, Bureau of Water
Division of Water Pollution Control, Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Water Quality Condition No. 5. Temporary Impact Restoration Plan.

The wetland mitigation plan to compensate for the 0.96 acres of temporary impacts to wetland no. 10, consisting of onsite restoration of at least 0.96 acres of emergent wetland within the bottom and lower banks of the proposed stormwater swale shall be implemented. The Proponent shall implement all necessary measures to ensure the temporary impacts to waters of the U.S. are fully restored to their original quality and function by the end of the first full growing season following project completion. Excavated wetland material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during excavation. The Proponent shall monitor the restoration for a period of 5 years after the end of the first full growing season following project completion. Corrective actions shall be performed if there is instability, degradation or erosion at the impact locations. The Proponent shall keep records during the 5-year monitoring period detailing the date of completion of initial construction, representative photographs of temporary impact locations prior to impact and after restoration, description of work completed for the restoration and a description of any corrective actions needed or performed if there is instability, degradation or erosion at the temporary impact location.

The permittee shall submit annual reports by December 1 of each calendar year on the status of the temporary impact mitigation. The first annual report shall include a hydric soils determination that represents the soils at the completion of initial construction for the wetland mitigation site(s). A final report shall be submitted within 90 days after completion of a 5-year monitoring period. Each annual report and the final report shall include the following: IEPA Log No., date of completion of initial construction, representative photographs, floristic quality index, updated topographic maps, description of work in the past year, the performance standards for the mitigation as stated in the mitigation plan, and the activities remaining to complete the temporary mitigation plan. For wetland mitigation sites containing non-hydric soils at the time of initial construction, the final report shall include a hydric soils determination that represents the soils at the end of the 5-year monitoring period. The subject reports shall be submitted to:

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Water Quality Condition No. 6. Spill Response Plan.

The Proponent shall ensure that a spill avoidance and response plan has been developed and implemented for management of accidental releases of petroleum products to the aquatic environment during construction and for emergency notification of applicable downstream water supply operators and the Illinois EPA. Absorbent pads, containment booms and skimmers shall be available to facilitate the cleanup of petroleum spills. If floating hydrocarbon (oil and gas) products are observed, the proponent or their designee will be responsible for directing that work be halted so that appropriate corrective measures are taken in accordance with the plan prior to resuming work. For the purposes of this certification, "petroleum" means crude oil, refined petroleum, intermediates, fractions or constituents of petroleum, oil sheens, lubricants, and any other form of oil or petroleum.

Water Quality Condition No. 7. NPDES Stormwater Construction Permit.

The Proponent shall be responsible for obtaining an NPDES Storm Water Permit required by the federal Clean Water Act prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form and application at <https://www2.illinois.gov/epa/topics/forms/water-permits/storm-water/Pages/construction.aspx>.

This Section 401 water quality certification does not grant immunity from any enforcement action found necessary by this Agency to meet its responsibilities in prevention, abatement, and control of water pollution.

If you have any questions about this final determination, please contact Darren Gove of my staff at either 217/782-3362 or Darren.Gove@illinois.gov.

Sincerely,



Darin E. LeCrone, P.E.
Manager, Permit Section
Division of Water Pollution Control
Illinois Environmental Protection Agency

CC: Applicant
USEPA
Consultant
IDNR
FOS
BOW_File