

IEPA Log No.: **C-0074-17**
CoE appl. #: **LRL-2016-00014**

Public Notice Beginning Date: **August 21, 2017**
Public Notice Ending Date: **September 20, 2017**

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

Name and Address of Discharger: Hamilton County Coal, LLC – 18033 County Road 500E, Dahlgren, IL 62828

Discharge Location: Near Dahlgren in Sections 14 and 15 of Township 4S, Range 5E of the 3rd P.M. in Hamilton County.

Name of Receiving Water: unnamed general use surface waters

Project Description: Proposed construction of a 145 acre area for mine overburden stockpiles.

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 Darren Gove at 217/782-3362.

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The Applicant has applied for a 401 Water Quality Certification for permanent fill impacts associated with topsoil and subsoil storage generated from the construction of a new refuse disposal area (RDA). Soil stockpile activities would occur offsite from the RDA within two recently acquired tracts of land totaling 105-acres and 40-acres, respectively, located within the Middle Creek-Big Creek watershed. The impacts are necessary due to space limitations within the mine site and the need to retain soil on site for future reclamation activities. The proposed operation would permanently fill 795-ft of stream habitat within three ephemeral streams, 0.6-acres of a palustrine forested wetland (PFO), and 0.8-acres of a palustrine emergent wetland (PEM) within the 105-acre tract of land.

The Applicant is proposing to provide mitigation offsite, but within the same 12-digit HUC watershed, at a location referred to as the Hart Big Creek Property. The site includes over 1,239 linear feet of a perennial stream, Big Creek, and 5.5-acres of agricultural ground. The impacts to 795-ft of low quality ephemeral agricultural ditches would be offset with approximately 1,200-ft of mitigation within Big Creek. On the 5.5-acre agricultural site, which is mapped as having Belknap soils, the Applicant is proposing to replant 5.2-acres of the site with primarily hard mast species to assure restoration of a PFO wetland totaling at least 2.6-acres. To promote restored hydrology, the Applicant proposes to fill in three drainage gullies within the field that currently pull water away from the field and into Big Creek. The Applicant also proposes to enhance hydrology at the wetland site, and to enhance and stabilize this section of Big Creek, by installing two Newbury Riffles within Big Creek. The first structure would raise the water level 0.9 feet at the invert of the structure. The second Newbury Riffle would raise the water level 1.4 acres at the structure's invert. The Applicant proposes to further enhance/stabilize Big Creek by installing a toe wood structure along the outside bed of the creek that is unstable.

Identification and Characterization of the Affected Water Body.

The three ephemeral streams to be permanently impacted by the proposed activities are unnamed tributaries of Big Creek. The streams are classified as General Use waters and contain 0 cfs of flow during 7Q10 low-flow conditions. Given that the largest stream to be impacted possesses a watershed area of 0.04 miles², these streams are also identified as possessing 0 cfs of flow during 7Q1.1 low-flow conditions. Due to their small watershed sizes, the streams have not been assessed by the Agency and are not found on 2016 Illinois Integrated Water Quality Report and Section 303(d) List. They 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*. They are not subject to enhanced dissolved oxygen water quality standards.

The unnamed wetlands to be permanently impacted by the proposed project are General Use waters that contain 0 cfs of flow during 7Q10 low-flow conditions. The wetlands 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 wetlands are not enhanced in regards to the dissolved oxygen water quality standard.

Downstream waters that may be impacted by the proposed activities include Big Creek (Segment IL_CAGB), a General Use water body with zero 7Q10 flow existing upstream of the site. Big Creek is listed on the 2016 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for aquatic life use (causes = aquatic algae (non-pollutant) and cause unknown). It has 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*. It is not enhanced in regards to the dissolved oxygen water quality standard.

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

The transport and placement of soils in terrestrial areas may contribute additional loadings of total suspended solids (TSS) to downstream waters, but these loadings would be short term and temporary and would not impact the uses of these waters. Soil stockpiling activities occurring within the streams and wetlands would permanently remove the aquatic life uses of these waters.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in TSS from soil transport activities would be local and temporary. Erosion control measures would be utilized to minimize increases in TSS and prevent further impacts. Adverse impacts from the short term and temporary increases of TSS are not anticipated. The permanent loss of stream and wetland habitat would be offset with compensatory mitigation within the Middle Creek-Big Creek watershed.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of the project is to stockpile soils that would be acquired through the construction of an RDA on the existing mine site. The soil stockpiles are a necessary byproduct of the RDA construction, but would serve a valuable purpose via their use in reclamation activities following mine closure. Should the Applicant be unable to properly stockpile the soils on the recently acquired lands, construction of the RDA would in turn be halted which would threaten continued mine operation. A work stoppage would directly impact mine employees as well as Hamilton County due to loss of revenues. Completion of the project as proposed would allow the mine to continue to provide the social and economic benefits to the region that are currently provided.

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

Several alternatives for the proposed project were considered and were provided to the Agency in the Applicant's application materials. The following alternatives were considered:

- No Action – This alternative would result in a shortage of the necessary soil required for reclamation activities. Illinois Department of Natural Resources (IDNR) has specific

criteria for mining which the Applicant must adhere to, and stockpile material is essential to meeting these criteria. Thus, this alternative was eliminated as a practical alternative.

- Alternative Methods – No other practical methods or means of acquiring and/or storing sufficient amounts of soil for reclamation activities were identified by the Applicant.
- Onsite Alternatives – It was determined that approximately 100 additional acres would be needed for topsoil and subsoil storage to be used for reclamation. Onsite alternatives were not available area due to space limitations within the footprint of the existing permit, thus making this alternative impractical.
- Offsite Locations (Preferred Alternative) – The Applicant acquired two tracts of land to satisfy the space requirements for the soil stockpiles. The impacts associated with the proposed project initially included impacts to an unnamed stream and wetland within the 40-acre tract. However, the Applicant was able to avoid the 109 linear feet of stream and 0.3 acre of palustrine unconsolidated bottom wetland within this area. The offsite alternative was selected as the preferred alternative, as it is the most practical means of fulfilling the project goals.

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 14, 2017 in regards to the proposed activities. It was determined that no threatened or endangered species or protected natural areas are in the vicinity of the project areas. Consultation was immediately terminated in the automated reply from IDNR.

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 and was based on the information available to the Agency at the time this assessment was written. We tentatively find that the proposed activity would result in the attainment of water quality standards; that all existing uses of downstream waters would be maintained and that compensatory mitigation would be required for permanent fill impacts; 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 allowing for the continuation of mining and proper reclamation at this site. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.