



# PUBLIC NOTICE

US Army  
Corps of Engineers  
Rock Island District

Applicant: Iowa Waste Services  
CEMVR-RD-2021-0152

Date: February 25, 2021  
Expires: March 26, 2021  
Section 404

**Joint Public Notice  
US Army Corps of Engineers  
Iowa Department of Natural Resources**

1. **Applicant:** Iowa Waste Services, c/o Brady Stewart, 59722 290<sup>th</sup> Street, Malvern, IA 51551.
2. **Project Location:** Section 24, Township 72 North, Range 42 West. Mills County, Iowa. Datum NAD-83. UTM Zone 15. Latitude: 41.024330, Longitude: -95.632336.
3. **Project Description and Purpose.**

a. The applicant is proposing to expand the Loess Hills Regional Sanitary Landfill (Loess Hills Landfill) to the east of the existing Loess Hills Landfill footprint. The purpose of this project is to provide the long-term disposal needs for Mills County and the surrounding areas. An existing tributary (Unnamed Tributary to Silver Creek) is currently located within the proposed landfill area and the applicant is proposing to relocate this tributary to allow for the continued development of the landfill. A wetland delineation was completed by Weaver Consultants Group (WCG) in September of 2020 and approximately 3,640 linear feet of stream and 0.06 acres of emergent wetland were delineated.

b. The proposed relocation of the unnamed tributary will result in the creation of 5,370 linear feet of new stream, which would extend the length of the existing tributary by 1,730 linear feet. In addition, the applicant proposes to create two detention ponds located near the relocated stream that will be part of the site's stormwater management system. To minimize the disturbance of the existing tributary, the applicant proposes to complete the stream relocation in three stages over a 20-year period as the landfill develops. The applicant believes that this stream relocation will meet all mitigation requirements needed for the loss of Waters of the U.S. The applicant also believes that their proposed landfill project will improve the water quality characteristics of the sub watershed and hydraulic characteristics of the tributary.

4. **Avoidance and Minimization Statement.** The applicant has evaluated several options to avoid and minimize impacts to Waters of the U.S., as a result of the proposed landfill expansion. Options that were evaluated included: (1) creating a new landfill at a different location; (2) increasing the site of the expansion and relying on mitigation banks to offset the jurisdictional impacts; (3) reducing the landfill expansion footprint to minimize impacts. Each of these options were found not to be feasible by the applicant, as the landfill expansion provides the most efficient and environmentally protective option to service the surrounding area's solid waste disposal needs.

5. **Agency Review.** The project plans have been submitted to the Iowa Department of Natural Resources for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification, if issued, will express the Department's opinion that the proposed activity will comply with Iowa's water quality standards (Chapter 61 IAC). The applicant has also applied for authorization of work in the floodplain pursuant to Chapter 455B of the Iowa Code and other applicable state permits. Written comments concerning possible impacts to waters of Iowa should be addressed to: Iowa Department of Natural Resources, 502 East 9<sup>th</sup> Street, Des Moines, Iowa 50319. A copy of the comments should be provided to the Corps of Engineers office (see paragraph 11, of this public notice for address).

6. **Historical/Archaeological.** A Phase I survey was completed by Consulting Archaeological Services on the adjacent landfill property in 1998. Two sites were identified during this survey and SHPO concurred with the consultant's recommendations that the sites were not potentially eligible for listing on the National Register of Historic Places and recommended project approval. A Phase I survey of the proposed expanded landfill area will be completed in the spring of 2021 by Midwest Archaeological Consultants and the determination will be formally coordinated with the Iowa State Historic Preservation Office and any other interested party under a separate coordination letter.

7. **Endangered Species.** District staff has performed a preliminary review of this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. The threatened Northern long-eared bat (*Myotis serpenrionallis*), Pallid Sturgeon (*Scaphirhynchus albus*), Prairie bush clover (*Lespedeza leptostachya*) and Western prairie fringed orchid (*Platanthera praeclara*) are listed by the United States Fish and Wildlife Service (USFWS), as occurring in Mills County, Iowa. The project will not affect dry to mesic or wet prairies or sedge meadows so neither of the plant species will be affected. A threatened and/or endangered species (TES) survey was completed between August 31 and September 2, 2020 and potential roosting habitat of the Northern long-eared bat was observed at multiple locations within the woodland area (39.4 acres) of the project area. Multiple snags exhibited characteristics defined as suitable habitat for the Northern long-eared bat. Our preliminary determination is that this project "may affect, not likely to adversely" the Northern Long-eared Bat and will have "no effect" on the Pallid Sturgeon, Prairie Bush Clover and Western Prairie Fringed Orchid. Accordingly, our preliminary determination is subject to change should further information become available.

8. **Public Interest Review.** The decision whether to issue the Corps permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

9. **Who Should Reply.** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. These statements should be submitted on or before the expiration date specified at the top of page 1. These statements should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable.

10. **Public Hearing Requests.** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided.

11. **Reply to the Corps of Engineers.** Comments or questions concerning this notice may be directed to Abby Steele by phone: (309/794-5377), email: [Abigail.a.steele@usace.army.mil](mailto:Abigail.a.steele@usace.army.mil) or Mail: US Army Corps of Engineers, Rock Island District, ATTN: OD-P, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004.

*Abigail A. Steele*

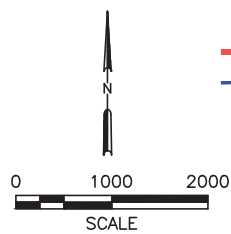
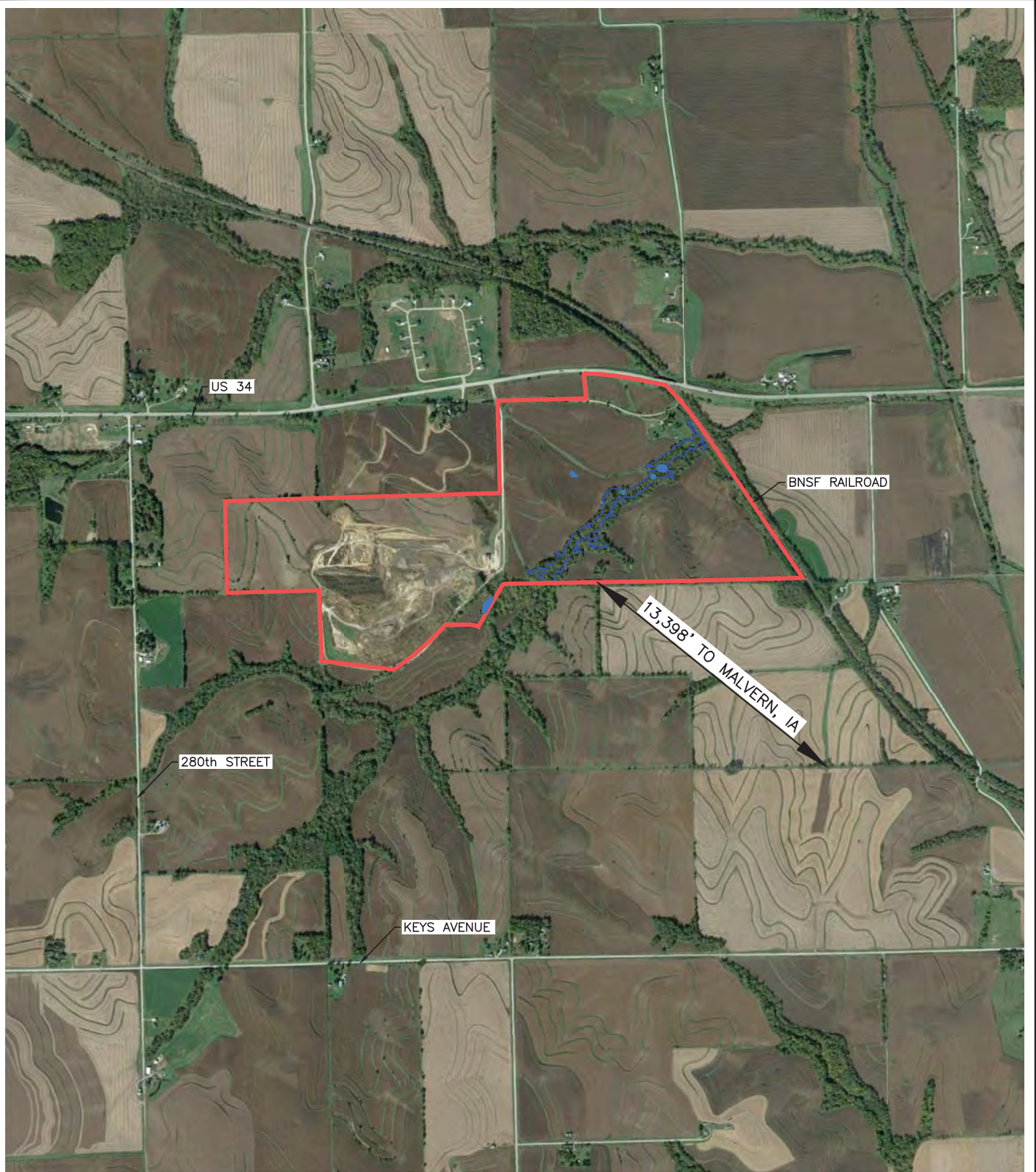
Attach  
Plan

Ms. Abigail Steele  
Iowa Mitigation Bank Manger  
Regulatory Division

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**REQUEST TO POSTMASTERS:** Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

**NOTICE TO EDITORS:** This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.



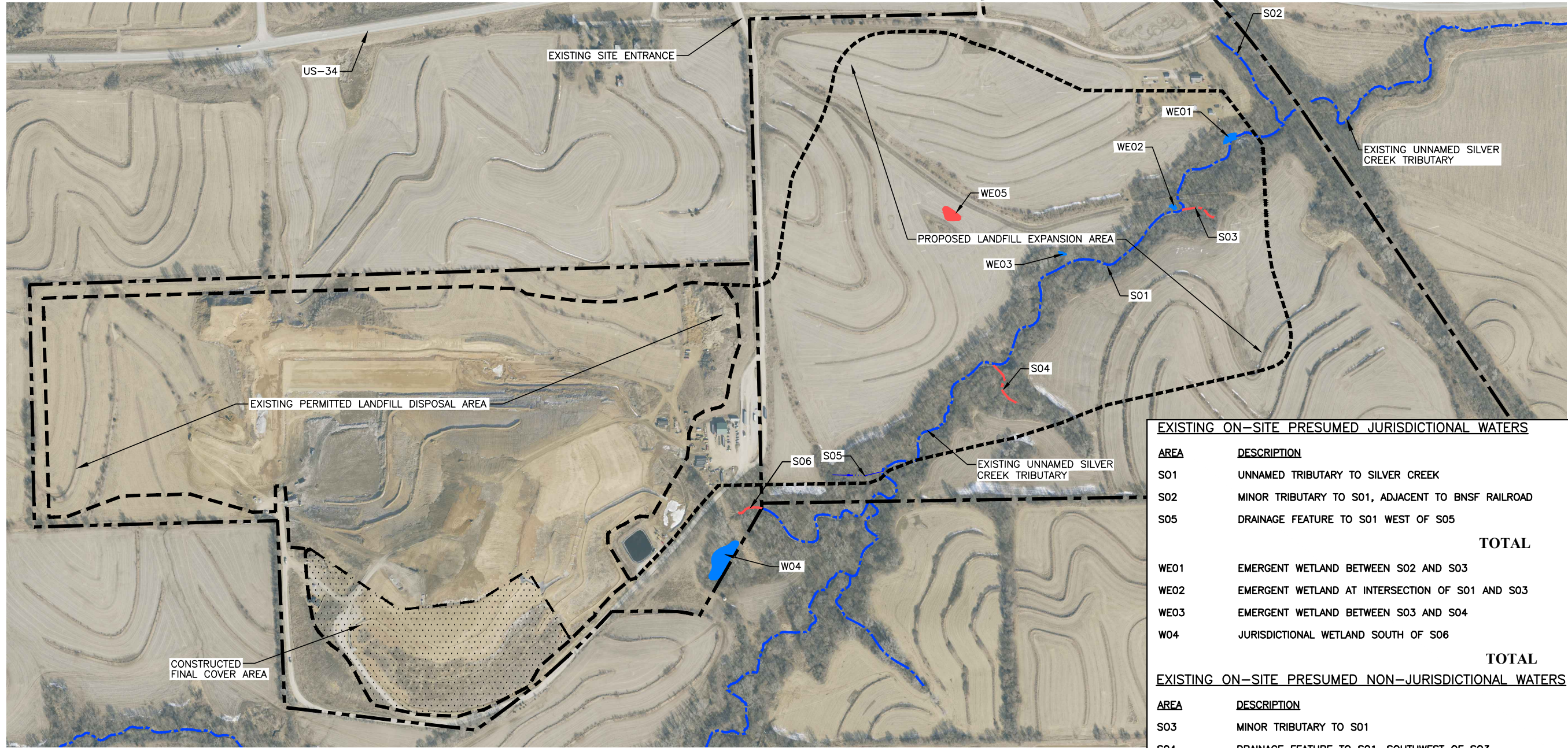
**LEGEND**

- PROPERTY/PERMIT BOUNDARY
- EXISTING WATERWAY BOUNDARY

CEMVR-RD-2021-0152  
 Attachment 1 of 6  
 Location View



O:\0601\707\EXPANSION 2020\DRAWING APPLICATION FIGURES\FIG 3-EXISTING SITE PLAN.dwg, Farrington, 1:2

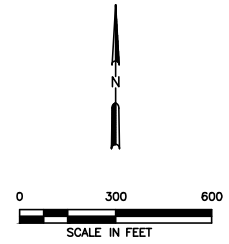


EXISTING ON-SITE PRESUMED JURISDICTIONAL WATERS		
AREA	DESCRIPTION	LENGTH/AREA
S01	UNNAMED TRIBUTARY TO SILVER CREEK	3,940 LF
S02	MINOR TRIBUTARY TO S01, ADJACENT TO BNSF RAILROAD	655 LF
S05	DRAINAGE FEATURE TO S01 WEST OF S05	415 LF
<b>TOTAL</b>		<b>4,715 LF</b>
WE01	EMERGENT WETLAND BETWEEN S02 AND S03	0.04 ACRES
WE02	EMERGENT WETLAND AT INTERSECTION OF S01 AND S03	0.01 ACRES
WE03	EMERGENT WETLAND BETWEEN S03 AND S04	0.01 ACRES
W04	JURISDICTIONAL WETLAND SOUTH OF S06	0.34 ACRES
<b>TOTAL</b>		<b>0.40 ACRES</b>
EXISTING ON-SITE PRESUMED NON-JURISDICTIONAL WATERS		
AREA	DESCRIPTION	LENGTH/AREA
S03	MINOR TRIBUTARY TO S01	164 LF
S04	DRAINAGE FEATURE TO S01, SOUTHWEST OF S03	260 LF
S06	DRAINAGE FEATURE TO S01 WEST OF S05	120 LF
<b>TOTAL</b>		<b>544 LF</b>
WE05	NON-JURISDICTIONAL WETLAND WEST OF S01	0.09 ACRES
<b>TOTAL</b>		<b>0.09 ACRES</b>

**LEGEND**

	EXISTING PERMIT BOUNDARY
	PROPERTY BOUNDARY
	PERMITTED LIMIT OF WASTE
	PROPOSED LIMIT OF WASTE
	JURISDICTIONAL EXISTING CREEK FLOWLINE
	CONSTRUCTED FINAL COVER
	JURISDICTIONAL WETLANDS (SEE NOTE 2)
	NON-JURISDICTIONAL EXISTING CREEK FLOWLINE
	NON-JURISDICTIONAL WETLANDS (SEE NOTE 2)

- NOTES:**
- AERIAL PHOTOGRAPH PROVIDED BY MERRICK & COMPANY COMPILED FROM AERIAL PHOTOGRAPHY FLOWN FEBRUARY 21, 2020.
  - WETLAND AREAS REPRODUCED FROM WETLAND DELINEATION SURVEY REPORT BY EVORA CONSULTANTS IN OCTOBER 2020.



<input type="checkbox"/> DRAFT <input checked="" type="checkbox"/> FOR INFORMATION PURPOSES ONLY <input type="checkbox"/> ISSUED FOR CONSTRUCTION		PREPARED FOR <b>IOWA WASTE SERVICES, LLC</b>	
DATE: 10/2020 FILE: 0601-707-11 CAD: FIG 3-EXISTING SITE PLAN.DWG	DRAWN BY: SRF DESIGN BY: JAE REVIEWED BY: JPY	REVISIONS	
		NO.	DATE
		DESCRIPTION	

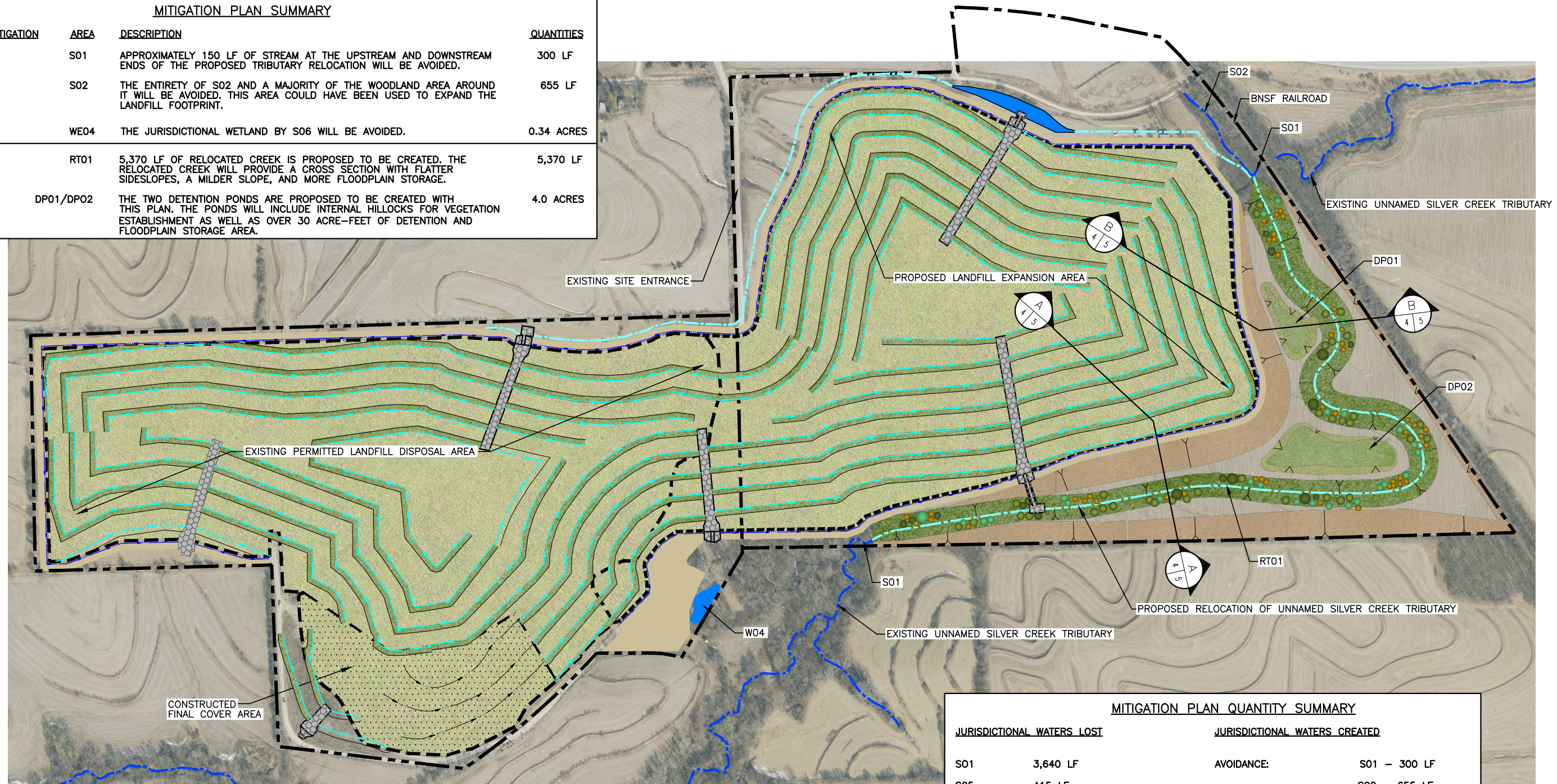
**Weaver Consultants Group**

CEMVR-RD-2021-0152  
 Attachment 2 of 6  
 Current Site Conditions



**MITIGATION PLAN SUMMARY**

TYPE OF MITIGATION	AREA	DESCRIPTION	QUANTITIES
AVOIDANCE	S01	APPROXIMATELY 150 LF OF STREAM AT THE UPSTREAM AND DOWNSTREAM ENDS OF THE PROPOSED TRIBUTARY RELOCATION WILL BE AVOIDED.	300 LF
	S02	THE ENTIRETY OF S02 AND A MAJORITY OF THE WOODLAND AREA AROUND IT WILL BE AVOIDED. THIS AREA COULD HAVE BEEN USED TO EXPAND THE LANDFILL FOOTPRINT.	655 LF
	WE04	THE JURISDICTIONAL WETLAND BY S06 WILL BE AVOIDED.	0.34 ACRES
CREATION	RT01	5,370 LF OF RELOCATED CREEK IS PROPOSED TO BE CREATED. THE RELOCATED CREEK WILL PROVIDE A CROSS SECTION WITH FLATTER SIDESLOPES, A Milder SLOPE, AND MORE FLOODPLAIN STORAGE.	5,370 LF
	DP01/DP02	THE TWO DETENTION PONDS ARE PROPOSED TO BE CREATED WITH THIS PLAN. THE PONDS WILL INCLUDE INTERNAL HILLOCKS FOR VEGETATION ESTABLISHMENT AS WELL AS OVER 30 ACRE- FEET OF DETENTION AND FLOODPLAIN STORAGE AREA.	4.0 ACRES



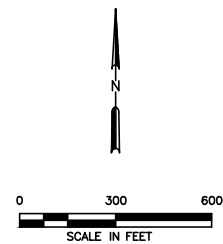
MITIGATION PLAN QUANTITY SUMMARY			
JURISDICTIONAL WATERS LOST		JURISDICTIONAL WATERS CREATED	
S01	3,640 LF	AVOIDANCE:	S01 - 300 LF
S05	415 LF		S02 - 655 LF
<b>TOTAL</b>	<b>4,055 LF</b>		<b>TOTAL - 955 LF</b>
			WE04 - 0.34 ACRES
WE01	0.04 ACRES	CREATION:	RT01 5,370 LF
WE02	0.01 ACRES		DP1 - 1.20 ACRES
WE03	0.01 ACRES		DP2 - 2.78 ACRES
<b>TOTAL</b>	<b>0.06 ACRES</b>		<b>TOTAL - 3.98 ACRES</b>

**LEGEND**

- EXISTING PERMIT BOUNDARY
- PROPERTY BOUNDARY
- PERMITTED LIMIT OF WASTE
- PROPOSED LIMIT OF WASTE
- FINAL COVER CONTOURS
- EXISTING CREEK FLOWLINE
- PROPOSED CREEK FLOWLINE
- CONSTRUCTED FINAL COVER
- PROPOSED RIPARIAN CORRIDOR & PLANTING (REFER TO FIGURE 1-8 FOR IN ATTACHMENT 1 PLANTING PLAN)

**NOTES:**

- AERIAL PHOTOGRAPH PROVIDED BY MERRICK & COMPANY COMPILED FROM AERIAL PHOTOGRAPHY FLOWN FEBRUARY 21, 2020.
- NO MITIGATION IS PLANNED FOR THE WETLANDS LOST BECAUSE THE TOTAL IS LESS THAN 0.1 ACRES. HOWEVER, THE TWO DETENTION PONDS PROVIDE A TOTAL AREA OF 4.0 ACRES.

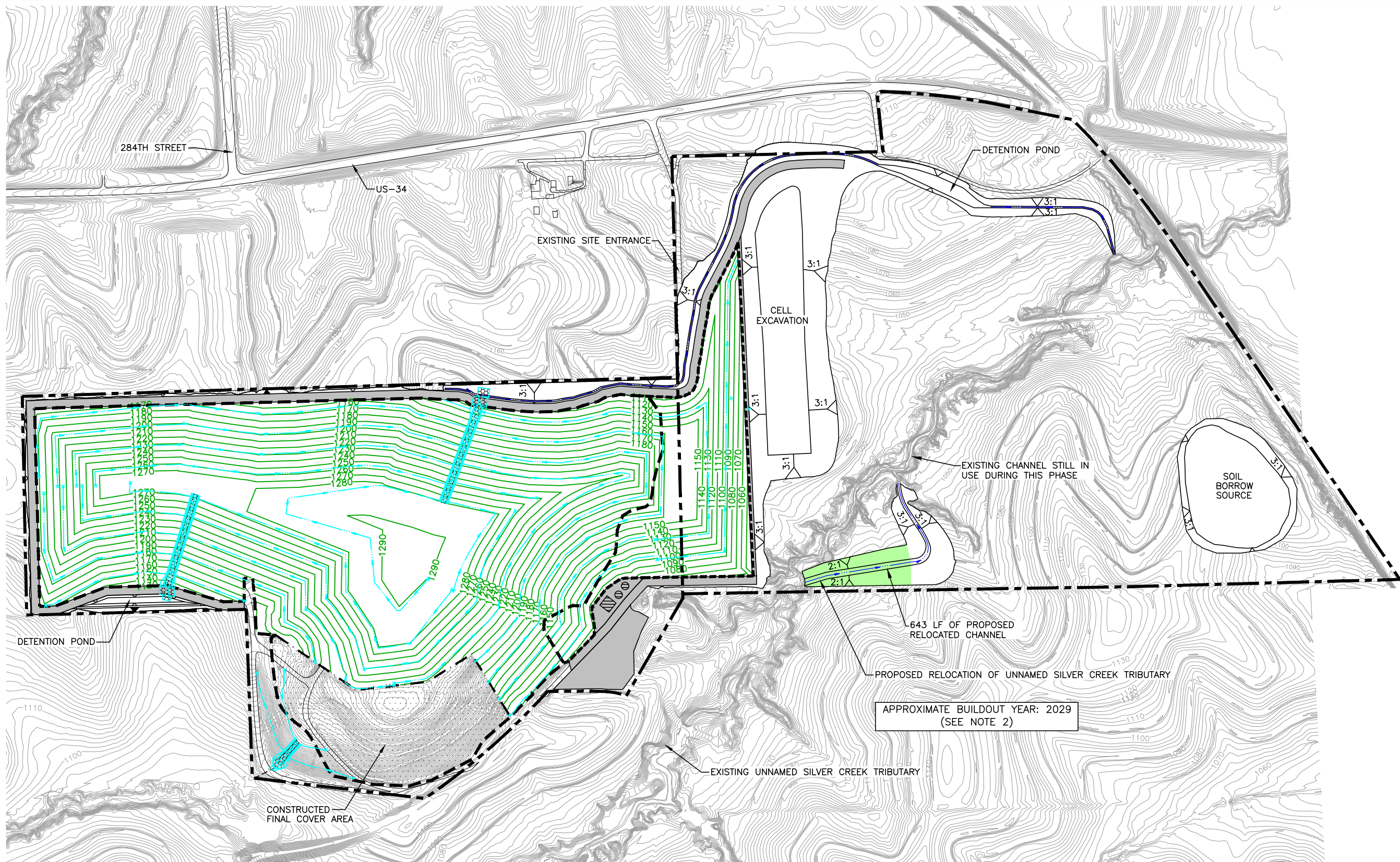


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DATE: 10/2020	DRAWN BY: SRF	<table border="1"> <thead> <tr> <th colspan="3">REVISIONS</th> </tr> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISIONS			NO.	DATE	DESCRIPTION						
REVISIONS														
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FILE: 0601-707-11	DESIGN BY: JAE													
CAD: FIG 4-STREAM MITIGATION PLAN.DWG	REVIEWED BY: JPY													

**CEMVR-RD-2021-0152**  
 Attachment 3 of 6  
 Proposed Stream Realignment/  
 Mitigation



0:\0601\707\EXPANSION 2020\DRAWING\CHANNEL MITIGATION SEQUENCING FIG 3-2-PHASE 1 CHANNEL LAYOUT.dwg - P:\P\10001\_12

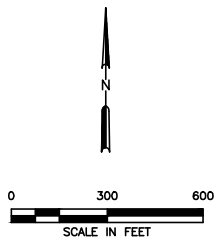


**LEGEND**

- |  |                                      |  |                         |
|--|--------------------------------------|--|-------------------------|
|  | EXISTING PERMIT BOUNDARY             |  | PROPOSED DRAINAGE SWALE |
|  | PROPERTY BOUNDARY                    |  | PROPOSED DRAINAGE CHUTE |
|  | PERMITTED LIMIT OF WASTE             |  |                         |
|  | PROPOSED LIMIT OF WASTE              |  |                         |
|  | COMPOSITE TOPOGRAPHY<br>(SEE NOTE 1) |  |                         |
|  | ESTIMATED LANDFILL CONTOUR<br>1290   |  |                         |
|  | CHANNEL FLOWLINE                     |  |                         |
|  | AREA CURRENTLY BEING CONSTRUCTED     |  |                         |

**NOTES:**

- COMPOSITE TOPOGRAPHY PROVIDED BY MERRICK & COMPANY COMPILED FROM AERIAL PHOTOGRAPHY FLOWN FEBRUARY 21, 2020 AND BARKER LEMAR ENGINEERING CONSULTANTS COMPILED FROM LIDAR PHOTOGRAPHY FLOWN NOVEMBER 6, 2018.
- SITE LAYOUT IS THE APPROXIMATE LANDFILL DEVELOPMENT BASED ON CURRENT DATA OF INCOMING WASTE VOLUME AND DENSITY

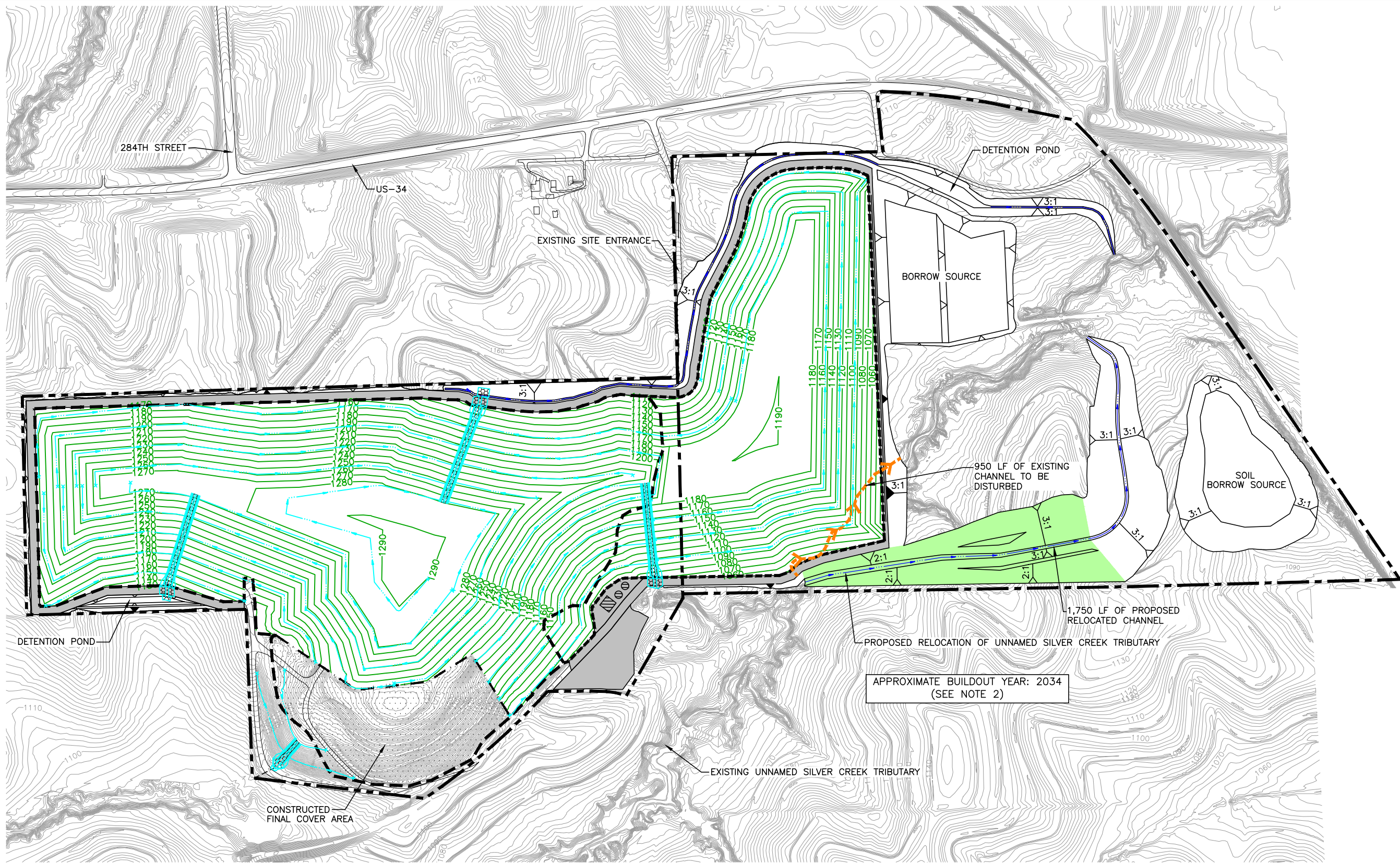


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	IOWA WASTE SERVICES, LLC		
DATE: 01/2021 FILE: 0601-707-11 CAD: FIG 3-2-PHASE 1 LAYOUT.DWG	DRAWN BY: SRF DESIGN BY: JAE REVIEWED BY: JPY	REVISIONS	
		NO.	DATE
			DESCRIPTION

**CEMVR-RD-2021-0152**  
 Attachment 4 of 6  
 Phase I Realignment



0:\0601\707\EXPANSION 2020\DRAWING\CHANNEL SEQUENCING FIG 3-3-PHASE 2 CHANNEL LAYOUT.dwg - P:\Filington, 1:2

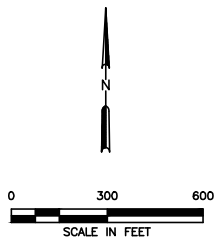


**LEGEND**

- |  |                                      |  |                         |
|--|--------------------------------------|--|-------------------------|
|  | EXISTING PERMIT BOUNDARY             |  | PROPOSED DRAINAGE SWALE |
|  | PROPERTY BOUNDARY                    |  | PROPOSED DRAINAGE CHUTE |
|  | PERMITTED LIMIT OF WASTE             |  |                         |
|  | PROPOSED LIMIT OF WASTE              |  |                         |
|  | COMPOSITE TOPOGRAPHY<br>(SEE NOTE 1) |  |                         |
|  | ESTIMATED LANDFILL CONTOUR           |  |                         |
|  | CHANNEL FLOWLINE                     |  |                         |
|  | EXISTING CHANNEL FLOWLINE            |  |                         |
|  | AREA CURRENTLY BEING CONSTRUCTED     |  |                         |

**NOTES:**

- COMPOSITE TOPOGRAPHY PROVIDED BY MERRICK & COMPANY COMPILED FROM AERIAL PHOTOGRAPHY FLOWN FEBRUARY 21, 2020 AND BARKER LEMAR ENGINEERING CONSULTANTS COMPILED FROM LIDAR PHOTOGRAPHY FLOWN NOVEMBER 6, 2018.
- SITE LAYOUT IS THE APPROXIMATE LANDFILL DEVELOPMENT BASED ON CURRENT DATA OF INCOMING WASTE VOLUME AND DENSITY



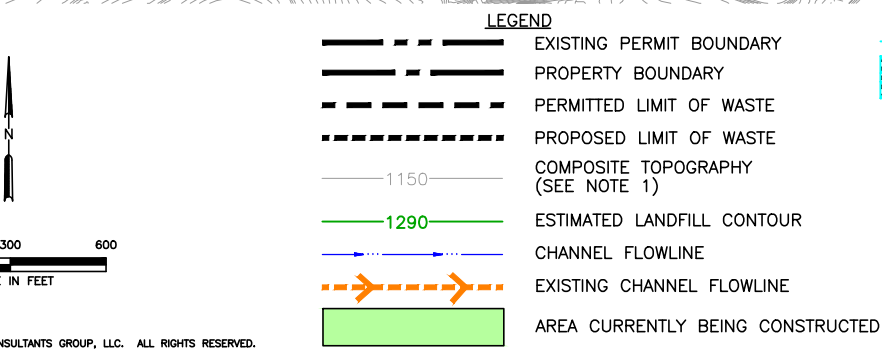
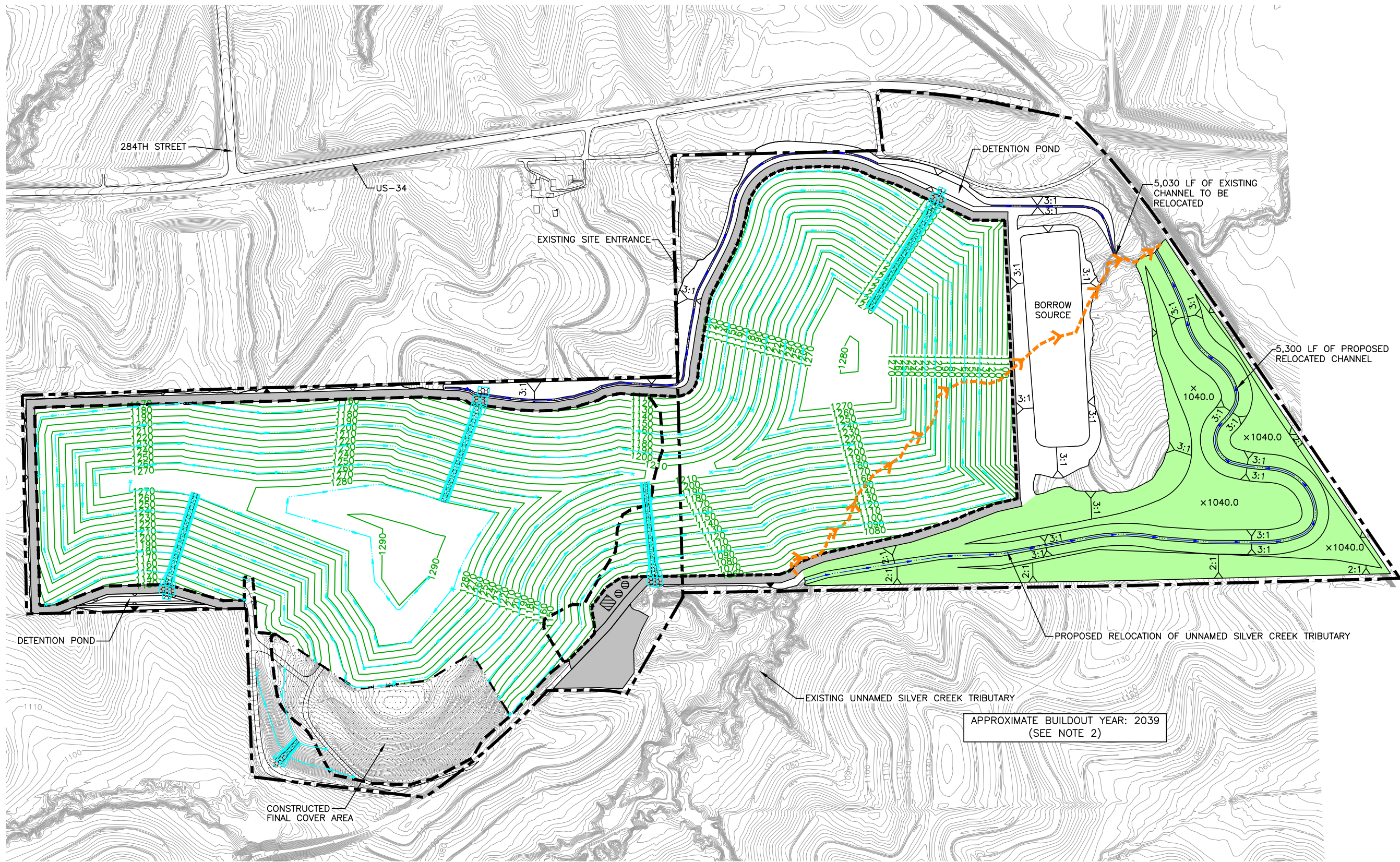
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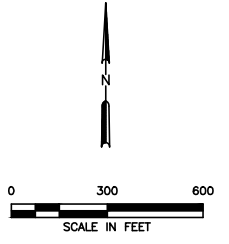
**Weaver Consultants Group**

**CEMVR-RD-2021-0152**  
 Attachment 5 of 6  
 Phase II Realignment





- NOTES:**
- COMPOSITE TOPOGRAPHY PROVIDED BY MERRICK & COMPANY COMPILED FROM AERIAL PHOTOGRAPHY FLOWN FEBRUARY 21, 2020 AND BARKER LEMAR ENGINEERING CONSULTANTS COMPILED FROM LIDAR PHOTOGRAPHY FLOWN NOVEMBER 6, 2018.
  - SITE LAYOUT IS THE APPROXIMATE LANDFILL DEVELOPMENT BASED ON CURRENT DATA OF INCOMING WASTE VOLUME AND DENSITY



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	REVISIONS		
DATE: 01/2021 FILE: 0601-707-11 CAD: FIG 3-4-PHASE 3 LAYOUT.DWG	DRAWN BY: SRF DESIGN BY: JAE REVIEWED BY: JPY	NO. DATE DESCRIPTION	
<b>Weaver Consultants Group</b>			

0:\0601\707\EXPANSION 2020\DRAWING\SEQUENCING\FIG 3-4-PHASE 3 CHANNEL LAYOUT.DWG - PATTINGTON, 1:2

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