



US Army Corps
of Engineers
St Paul District

**APPLICANT: City of Superior
Moccasin Mike Landfill**

Public Notice

**ISSUED: April 16, 2013
EXPIRES: May 16, 2013**

REFER TO: 2013-00362-WMS

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material into 8.9 acres of wetlands adjacent to Lake Superior to stockpile soil for the construction of Cell 5 at the Moccasin Mike Landfill.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: City of Superior
1316 North Street
2nd Floor – Public Works
Superior, Wisconsin 54880

CONTACT: Darienne McNamara
City of Superior,
Environmental Regulatory Coordinator

PROJECT LOCATION: The project site is located in N ½, SW ¼ of Section 2, T. 48N., R. 13W., Douglas County, Wisconsin. The approximate lat/long coordinates are -9196678, 46.66781.

DESCRIPTION OF PROJECT: The applicant proposes to discharge fill material into 8.9 acres of wetlands adjacent to Lake Superior to stockpile soil for the construction of Cell 5 at the Moccasin Mike Landfill. The proposed project is an expansion of existing work. In July 1999, the Corps of Engineers issued a Department of the Army (DA) permit (96-05461-JAW) to the City of Superior authorizing discharges of dredged and fill material in wetlands for the expansion of Cell 3 and the construction of Cell 5 at the municipally managed Moccasin Mike Landfill. However, construction Cell 5 was only partially completed during the time frame proffered by the permit and the wetland losses authorized under the DA permit were not wholly incurred.

In August 2010, the Corps of Engineers issued a DA permit (2010-00268-JRB) to the City of Superior authorizing discharges of dredged and fill material into 3.93 acres of wetlands to complete the construction of Cell 5 as needed to meet the needs for solid waste management and disposal in the service area. The proposed construction sequence of Cell 5 involved two phases. Phase I of the project involved construction of the north ½ of Cell 5, with excavated material placed in the south ½ of Cell 5. Phase II of the project would involve constructing the south ½ of cell 5, with excavated material placed as a cap over the north ½ of the cell. However, during construction of Phase I in 2010-2012, a berm failure occurred due to poor soil stability in portions of the site. As a result, site plans and timelines had to be modified. It was determined that Cell 5 would need to be constructed in its entirety (both Phases I and II) and waste placed against all four perimeter berms to avoid creating uneven pressure

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along the berms, which could potentially lead to another berm failure.

The berm failure magnified already high costs of the project. It also delayed completion of Phase I by a year and accelerated the timeline for Phase II construction from 2015 up to 2013. Currently, 160,000 – 200,000 cubic yards of clay needs to be moved before construction of Phase II can begin. Based on current haul rates and the location of an acceptable stockpile area, hauling the material off site would cost the City approximately \$1,000,000 or more, compared to stockpiling on site. Stockpiling on site would also save considerable time, as it would eliminate the need to load and unload smaller dump trucks that meet weight restrictions for hauling on local roads and eliminate round-trip hauling time with empty backhauls. Stockpiling off-site is currently the only option due to site constraints.

ALTERNATIVES

No Action – Currently there is not sufficient space to stockpile material within the boundaries of the existing active landfill. The majority of the site is dedicated to solid waste disposal, either active disposal areas or closed and capped areas. The remainder of the developed portion of the site is occupied by access roads, buildings, and other necessary infrastructure.

Alternative sites – The applicant has examined 3 alternative locations for stockpiling clay material.

1. Demo Dump - this site is located 0.5 miles from the landfill down Wisconsin Point Road. It was used for stockpiling clay from Phase I of Cell 5 construction. The primary issues with this site are capacity and cost. It has an estimated capacity of 100,000 cubic yards (cyds), and currently has 70,000 cyds already stockpiled from Phase I construction. The remaining capacity of 30,000 cyds will not accommodate all the material from Phase II construction, which is estimated at 160,000 – 200,000 cyds. Costs for using this site in 2012 were \$14/cyd, compared to \$4.50/cyd quoted for stockpiling material on site. Even if the rates change in 2013, cost savings would likely exceed \$1,000,000 for stockpiling on site versus using the Demo Dump site. Further, if clay is hauled on public roads, smaller dump trucks must be used in order to meet weight restrictions. Loading and transporting massive quantities of clay with relatively small trucks adds cost and time to the project. It is imperative that the City complete construction of Cell 5 in 2013 in order to have sufficient capacity to continue operations. Delays from hauling material offsite with small dump trucks further constrict the time for actual construction of Phase II. Further, heavy truck traffic damages local roads, as was evidenced in 2012 when material was hauled from the landfill down Wisconsin Point Road. This project would involve approximately twice as much material being hauled on local roads, leading to damage even more severe than what occurred in 2012. Moving the remaining clay to this site would also require literally thousands of dump truck loads, substantially increasing the carbon footprint of the project.

2. Wisconsin Point Abandoned Landfill – this site is located just under a mile from the landfill down Wisconsin Point Road. Although it has sufficient capacity, the primary issue with this site is cost. As with Alternative 1, costs to use this site would be \$14/cyd, more than double compared to stockpiling material at Moccasin Mike landfill. In addition, Wisconsin Point Road sustained major damage from heavy truck traffic during a project at the Wisconsin Point Abandoned Landfill in 2012, and would likely need expensive repairs if it were subjected to thousands of dump truck loads for the completion of Cell 5 Phase II. Nevertheless, given the urgency of beginning construction of Phase II in 2013, the City has obtained permission to use this site as a backup in the event that stockpiling on site is not an

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option. A closure plan modification and stormwater permit have been secured from the DNR for this site.

3. Miller-Wagner Site – this site, currently used as a hay field, is owned by the City and is located in the Town of Amnicon approximately 15 miles from the landfill. Although it has enough capacity, the primary issues are cost and distance. It was purchased by the City to establish a compensatory wetland mitigation site, but that project was relocated following objections from the township. It was also considered as a source for mining clay to use in landfill construction. However, costs to move clay to/from this site were quoted at \$19/cyd – roughly 4 times higher than keeping the material at the landfill. With the quantity of material involved in construction, this cost difference would amount to over \$2,000,000 in savings. As with any stockpile location off site, it would also result in damage to local roads with resulting repair costs, higher carbon emissions, and further delays given the hauling times and weight restrictions.

The Moccasin Mike Municipal Landfill was originally constructed in 1976. It receives municipal solid waste from communities in both northwestern Wisconsin and northeastern Minnesota, and currently provides service to over 150,000 people. The nearest municipal solid waste disposal facilities include Sarona, Wisconsin, and Virginia, Minnesota. The applicant indicates that the most economically feasible location for the disposal of solid waste for residents and businesses in Superior, as well as in the rest of the current service area is at the Moccasin Mike Municipal Landfill.

QUANTITY, TYPE, AND AREA OF FILL: 160,000 – 200,000 cubic yards of clay soil would be discharged into 8.9 acres of forested wetlands.

VEGETATION IN AFFECTED AREA: The forested wetlands are dominated by trembling aspen in the tree layer, speckled alder and trembling aspen in the shrub layer and Canada blue-joint grass in the herbaceous layer.

SOURCE OF FILL MATERIAL: Fill material would come from material excavated on-site.

SURROUNDING LAND USE: The surrounding land use is waste management associated with the adjacent active landfill and forestry and recreation associated with the undeveloped forest lands.

DESCRIPTION OF DREDGING OR EXCAVATION: 160,000 – 200,000 cubic yards of clay soil would be excavated for the completion of Cell 5 construction.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Hydraulic fluid, lubricants, coolant, and other fluids used by construction equipment, would be expected to be present for construction of the project.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: After woody vegetation is cleared from the site, and before topsoil is removed, silt fence will be installed around the perimeter of the stockpile and soil processing area. A layer of silt fence will be installed on the downslope side of active stockpile areas prior to the start of any construction activities. Silt fence will be installed in accordance with DNR technical standard 1056 and maintained in good working order as long as the stockpile is active. Silt fence will

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be inspected weekly and following rain events >0.5 inches, damaged or dysfunctional sections will be replaced within 7 days. Fencing will be removed once stockpile areas upslope have been successfully seeded and stabilized with vegetation. Exposed soil will be seeded with a temporary upland seed mix using non-invasive species within 2 weeks after stockpiling is complete, or at the end of the construction season, whichever occurs first. Mulch will be applied within 24 hours of seeding and anchored using crimping or a tackifier.

MITIGATION: Compensatory wetland mitigation would be provided through the purchase of 8.9 acres of wetland credits at a 1:1 ratio from the City of Superior's Compensatory Wetland Mitigation Bank at Lyman Lake Road, located in Douglas County, Wisconsin. The wetland bank currently has 13.34 credits available.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 15954 Rivers Edge Drive, Suite 240, Hayward, WI 54843. Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Bill Sande at the Hayward field office of the Corps, telephone number (651) 290 - 5882.

To receive Public Notices by e-mail, go to: http://www2.mvp.usace.army.mil/list_server/ and add your information in the New Registration Box.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. The permit area is located approximately 0.90-mile from designated Critical Habitat of the piping plover (E) on the shore of Lake Superior. Additionally, Douglas County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

| <u>Species</u> | <u>Habitat</u> |
|------------------------|---|
| Canadian Lynx (T) | No known resident populations; northern forested areas. |
| Kirtland's Warbler (E) | Potential Breeding in jack pine. |
| Piping plover (E) | Sandy beaches; bare alluvial and dredge spoil islands. |
| Fassett's locoweed (T) | Open sandy lakeshores. |

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This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: The applicant was issued a landfill Plan of Operation by the Wisconsin Department of Natural Resources Solid Waste Division.

6. WATER QUALITY CERTIFICATION.

This Public Notice has been sent to the Wisconsin Department of Natural Resources and is considered by the District Engineer to constitute valid notification to that agency for water quality certification. A permit will not be granted until the Wisconsin Department of Natural Resources has issued Section 401 certification.

7. HISTORICAL/ARCHAEOLOGICAL.

The latest versions of the National Register of Historic Places and the Wisconsin Historic Preservation Database have been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located within, or adjacent to the project area.

8. 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, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

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9. PUBLIC INTEREST REVIEW.

The decision whether to issue a 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. 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 and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

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.

10. COASTAL ZONE MANAGEMENT.

The Wisconsin Coastal Management Program (WCMP) in the Department of Administration is inviting public comment regarding this project. The WCMP may conduct a Federal consistency review to verify that the project will comply with State policies in Wisconsin's coastal zone. Further information may be obtained from the Federal Consistency Coordinator at: Wisconsin Coastal Management Program, P.O. Box 7868, Madison, WI 53707-7868; (608) 266-8234. Any comments on whether or not this proposed project complies with the State enforceable policies should be received within 30 days by the Federal Consistency Coordinator.

Jeff Olson
Chief, Northeast Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

**MOCCASIN MIKE LANDFILL
PROPOSED STOCKPILE**

STOCKPILE DIMENSIONS:
290' x 1300' max.
4 : 1 Slopes
35 foot height max.

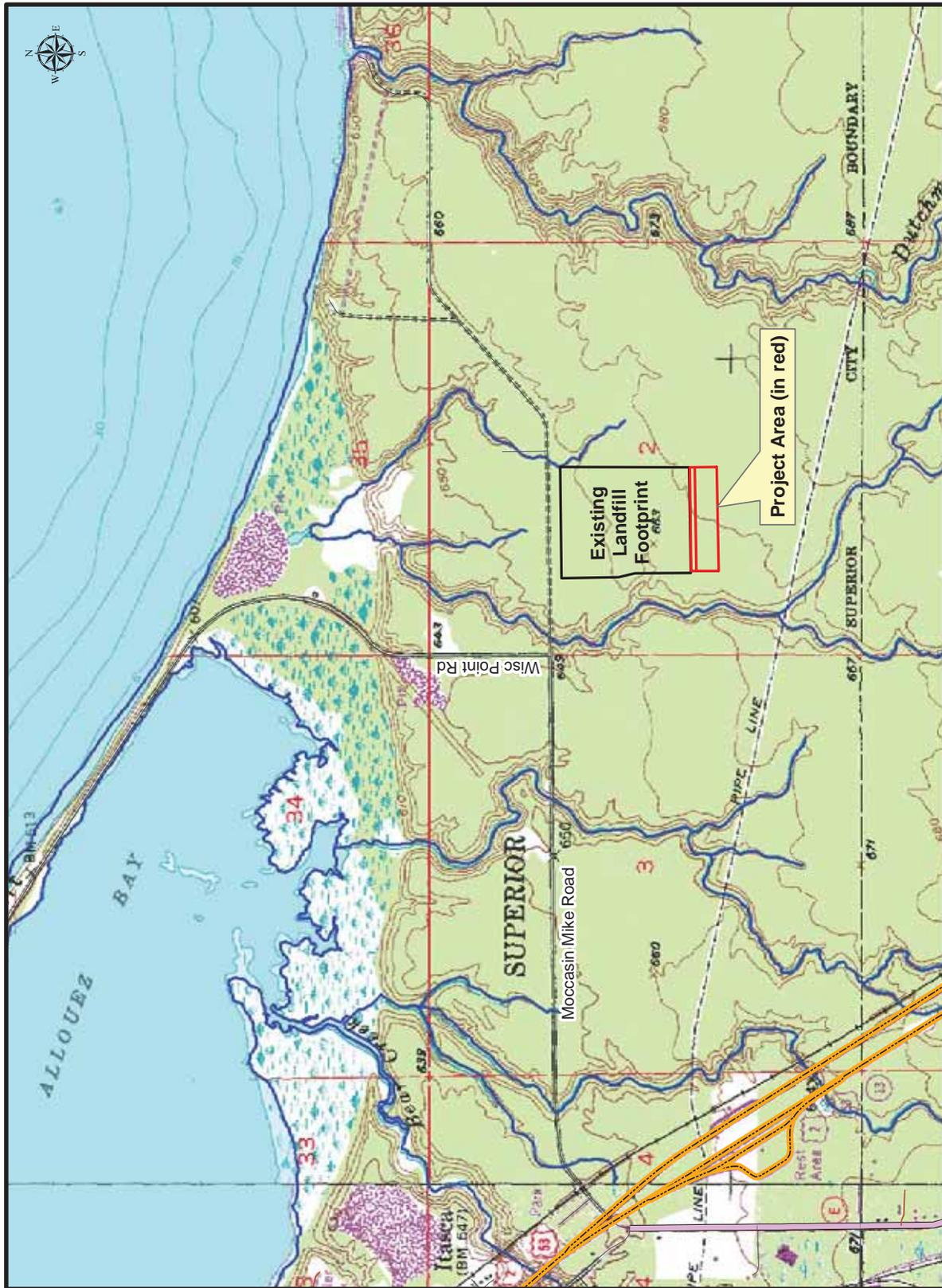
SOIL PROCESSING AREA:
50' x 1300'

TOTAL PROJECT AREA:
10.15 acres

TOTAL WETLAND IMPACTS:
8.9 acres wetland

Final site design dependent on geotechnical analysis.

Figure 5. Topo Map



Map by D. McNamara, City of Superior, April 2013.

**MOCCASIN MIKE LANDFILL
PROPOSED STOCKPILE**

| Delineator (Year of Delineation) | Symbol |
|----------------------------------|---|
| Joel Schilling (1999) |  |
| Charlene Johnson (2006) |  |
| Charlene Johnson (2007) |  |
| Charlene Johnson (2009) |  |

STOCKPILE DIMENSIONS:
290' x 1300' max.
4 : 1 Slopes
35 foot height max.

SOIL PROCESSING AREA:
50' x 1300'

TOTAL PROJECT AREA:
10.15 acres

TOTAL WETLAND IMPACTS:
8.9 acres wetland

Final site design dependent on geotechnical analysis.

**Figure 1.
Project Area and
Wetland Boundaries**



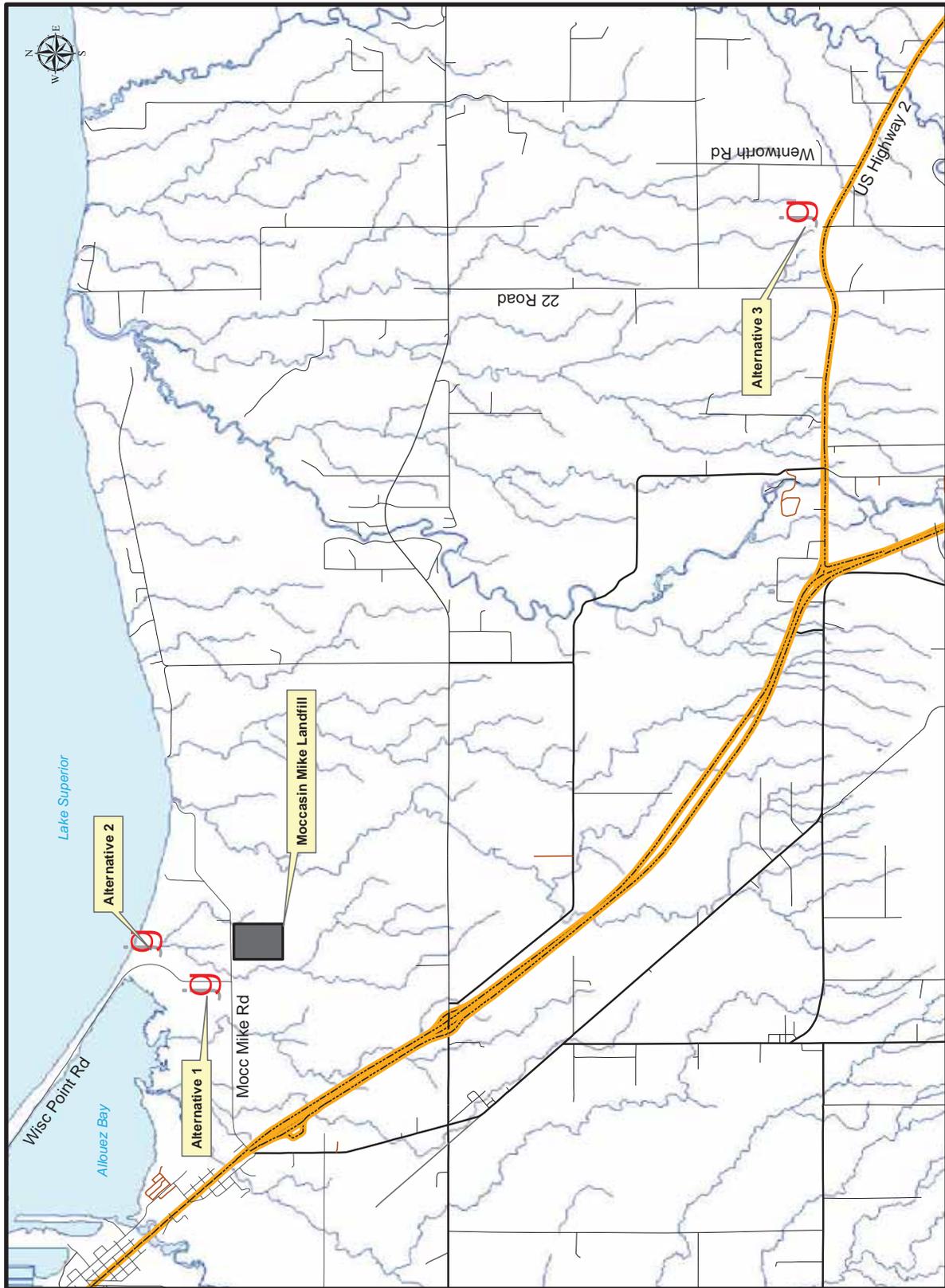
2009 aerial photo. Map by D. McNamara, City of Superior. March 2013.

**MOCCASIN MIKE LANDFILL
PROPOSED STOCKPILE**

ALTERNATIVE 1:
Demo Dump
Wisconsin Point Road
City of Superior, WI

ALTERNATIVE 2:
Wisconsin Point Abandoned Landfill
Wisconsin Point Road
City of Superior, WI

ALTERNATIVE 3:
Miller-Wagner Clay Site
US Highway 2
Town of Amnicon, WI



**Figure 3.
Alternative Sites
Considered**