



28 October 2021
U.S. Army Corp of Engineers
Attn: Regulatory Branch (OD-F)
1222 Spruce Street
St. Louis, Missouri 63103-2833

Reference: 0604244

Subject: MVS-2021-166 – Grand Tower Energy Center, LLC, Jackson County, Illinois
Completed Work Certification

Dear Regulatory Branch:

Attached please find the signed copy of the ATTACHMENT A – COMPLETED WORK CERTIFICATION, for the above referenced project located at the Grand Tower Energy Center, LLC (GTEC) in Grand Tower, Illinois. Approval was given on 26 March 2021 by the Department of Army, St. Louis District Corps of Engineers for coverage under the Department of the Army's nationwide permit for *Reshaping Existing Drainage Ditches* for activities related to the GTEC Drainage Channel Project. In accordance with General Condition 30 of the Nationwide Permit, we are submitting this compliance certification within 30 days of the project completion, which was 30 September 2021. As of 30 September 2021, the project was 100% complete, which allowed time for vegetative cover to be established to the requisite 70% level after the construction of the new outfall.

It is our understanding, based on a telephone conversation with the Project Manager at the St. Louis District Corps of Engineers, Alan Edmondson, on 28 October 2021 that an electronic submittal of this certification is sufficient to meet GTEC's obligations associated with closing-out their coverage under the Nationwide Permit.

Should you have any questions or comments please do not hesitate to contact me at 314-733-4489.

Yours sincerely,

Alan J. Cork, P.E.
Principal Consultant, Engineer

Attachment

cc: Alan Edmondson – USACOE (alan.r.edmondson@usace.army.mil)
Keith Feemster – Rockland Capital (keith.feemster@rocklandcapital.com)
John Brodhead – GTEC (jbrodhead@grandtowerec.com)
Kurtis Schlicht – ERM (kurtis.schlicht@erm.com)
Darin LeCrone – IEPA/WPC (darin.lecrone@illinois.gov)
Lynn Dunaway – IEPA/BOW (lynn.dunaway@illinois.gov)
William Milner – IDNR/OWR (bill.milner@illinois.gov)



DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

REPLY TO
ATTENTION OF:

March 26, 2021

Regulatory Branch
File Number: MVS-2021-166

Grand Tower Energy Center, LLC
Attn: Keith Feemster
1820 Power Plant Road
Grand Tower, IL 62942

Dear Mr. Feemster:

We have reviewed your correspondence, submitted on your behalf by Mr. Kurtis Schlicht, Environmental Resources Management Inc., regarding the Grand Tower Energy Drainage Channel Project, Jackson County, Illinois. The project involves the alteration of a drainage channel to provide river floodwater drainage from the closure of the coal combustion waste (CCW) impoundment. The proposal will be completed in accordance with coal combustion residuals (CCR) requirements under the Resource Conservation and Recovery Act (RCRA). The stormwater drainage channel will extend below the OHWM of an unnamed stream/ditch for an approximate length of 83 lineal feet. The channel will be reshaped to have a 5:1 slope to minimize velocities, and the bottom of the drainage channel will be stabilized with a geotextile liner and a minimum 1 foot thick layer of rip rap. The project will result in an impact to 0.32 acres of wetlands or waters of the U.S. The project will employ mitigation measures including best management practices (BMPs) such as rock riprap, hay bales, silt fences, and vegetative cover to prevent sediment runoff and erosion during project activities. Once the stormwater drainage channel is constructed the sides of the channel will be revegetated and allowed to return to wetland conditions. The only loss of wetlands will be associated with the channel bottom conversion, which will result in 0.10 acres of permanent impacts. The applicant has avoided and minimized project impacts during the permit process. As such, compensatory mitigation is not required for remaining impacts authorized by this NWP since these activities will result in net increases in aquatic resource functions and services. The site is in Section 14 of Township 9 North and Range 5 West, near Grand Tower, in Jackson County, Illinois. Specifically, the project can be found at approximate latitude 37°39'5.41" and longitude 89°30'38.70". Runoff generated by the project flows through an unnamed channel to the left descending bank of the Mississippi River at approximate river mile 81.5.

The Corps of Engineers has determined that this activity is authorized under Section 404 of the Clean Water Act by an existing Department of the Army nationwide permit for *Reshaping Existing Drainage Ditches*, as described in the January 6, 2017 Federal Register, Reissuance of Nationwide Permits; Notice (82 FR 1986), Appendix A (B)(07). This verification is valid until March 18, 2022, unless the District Engineer modifies, suspends, or revokes the nationwide

permit authorizations in accordance with 33 CFR 330.5(d). If you commence, or are under contract to commence, this activity before the nationwide permits expire, you will have 12 months after the date the nationwide permit expires or is modified, suspended, or revoked, to complete the activity under the present terms and conditions of these nationwide permits.

Enclosed is a copy of the nationwide permit and conditions and management practices with which you must comply. The following special conditions are also included:

1. The project site may contain suitable summer roosting habitat for the endangered Indiana Bat (*Myotis sodalis*), Gray Bat (*Myotis grisescens*), and threatened Northern Long-eared Bat (*Myotis septentrionalis*). Tree clearing must not occur between April 1 and September 30 in order to prevent any incidental take of these species during the summer roosting period. It is recommended that contact with the Marion office of the U.S. Fish and Wildlife Service be made prior to ensure coordination is conducted.
2. The applicant shall contact the Corps of Engineers upon completion of all remediation work to ensure permit compliance with general and special conditions.
3. The applicant shall contact the Corps of Engineers immediately should any changes occur that may result in additional impacts to wetlands that would require additional agency coordination.
4. The applicant shall continue to coordinate with the Corps of Engineers and other cooperating resource agencies relative to future plans for additional work at the site.
5. In accordance with General Condition number 30 of the Nationwide Permit, a compliance certification (Attachment A of this package) must be completed within 30 days of project completion or the permit issuance may be revoked and considered null and void.
6. Removal of vegetation, including trees located in or adjacent to waters of the United States, shall be limited to that which is necessary for construction of this project. All woody debris shall be removed to an upland, non-wetland site.
7. Any disturbed areas shall be re-vegetated with native species to minimize erosion and soil run-off.

The Illinois Environmental Protection Agency Division of Water Pollution Control (IEPA/WPC) has conditionally issued general Section 401 Water Quality Certification for this nationwide permit, subject to the special conditions and three general conditions (see enclosure). These conditions are part of the Corps permit. If you have any questions regarding the water quality certification conditions, you may call Mr. Darin E. LeCrone, IEPA/WPC, at 217-782-3362.

This review is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain other Federal, state or local approvals before beginning work. It is to be understood this instrument does not give any property rights either in real estate

or material, or any exclusive privileges: and it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, state, or local laws or regulation.

You are reminded that the permit is based on submitted plans. Variations from these plans shall constitute a violation of Federal law and may result in the revocation of the permit. If this nationwide permit is modified, reissued, or revoked during this period, the provisions described at 33 CFR 330.6(b) will apply.

If you have any questions, please contact Alan Edmondson at (314) 331-8811. Please refer to file number **MVS-2021-166**. The St. Louis District Regulatory Branch is committed to providing quality and timely service to our customers. To improve customer service, please take a moment to complete Customer Service Survey found on our web site at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Sincerely,
Alan
Edmonds
on

Digitally signed
by Alan
Edmondson
Date: 2021.04.26
17:19:34 -05'00'

Alan Edmondson
Project Manager
Regulatory Branch

Copy Furnished:
LaCrone – IEPA
Milner – IDNR
Schlicht - ERM

ATTACHMENT A

COMPLETED WORK CERTIFICATION

Date of Issuance: March 26, 2021

File Number: MVS-2021-166

Name of Permittee: Grand Tower Energy Center, LLC, Attn: Keith Feemster

Name of Project: Grand Tower Energy Drainage Channel Project

Project Location: Section 14 of Township 9 North and Range 5 West. Latitude 37°39'5.41" and Longitude 89°30'38.70"

River Basin/County/State: Mississippi/Jackson/Illinois

Project Manager: Edmondson

Upon completion of this activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Attn: Regulatory Branch (OD-F)
1222 Spruce Street
St. Louis, Missouri 63103-2833

(Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification or revocation.)

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.


Signature of Permittee

10/28/2021
Date