

A BALEFILL FACILITY IN A SAND/GRAVEL QUARRY AND A QUESTION OF WETLAND JURISDICTION¹

by

Georganna Collins²

Abstract The solid Waste Agency of Northern Cook County (SWANCC), a municipal corporation of 26 city members, proposed to construct and operate a baled waste landfill facility as part of a comprehensive solid waste management and disposal program which included recycling. After a lengthy site selection process, SWANCC informed the US Army Corps of Engineers Chicago District of its intentions to convert a 298-acre sand/gravel pit to construct a state-of-the-art sanitary balefill facility. After twice determining it did not have jurisdiction, the Corps informed SWANCC that Waters of the United States, as defined in 33 CFR part 328.3(a), were present on the property. The Corps in its 404 permit review denied the permit because the mined landscape represented significant natural character and supported valuable wetland aquatic ecosystem. This paper presents the details of this project, the mined landscape's environmental conditions based upon a multidisciplinary team site investigations of soils, hydrology, vegetation, wildlife, and wetland functions, and the extraordinary Corps decision that has sent this case to the federal district courts. This court case outcome may profoundly affect future mining and rehabilitation activities.

¹Abstract presented at the 1998 National Meeting of the American Society for Surface Mining and Reclamation, St. Louis, Missouri, May 16-21, 1998.

²Georganna Collins, 22915 Sherman Road, Chicago Heights, IL 60411.