



**US Army Corps
of Engineers** ®
Memphis District

ISSUE DATE: September 21, 2022

EXPIRATION DATE: October 5, 2022

PUBLIC NOTICE

**U.S. Army Corps of Engineers
Memphis District**

U.S.C. Chapter 33, Section 408 Permission Evaluation

TITLE: Section 408 Permission Evaluation for Soil Remediation in Cairo, Alexander County, Illinois.

INTRODUCTION: The authority to grant permission for temporary or permanent alterations of any U.S. Army Corps of Engineers (USACE) federally authorized civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 USC 408. Ameren Services of Alexander County, Illinois, plans to complete site remediation by excavating soil contaminated by a former manufactured gas plant (MGP) operation on their property located immediately adjacent to the protected (landward) side of the levee but outside the levee footprint. Excavated areas will be filled with clean fill soil (Figure 1).

PROJECT DESCRIPTION: Section 408 authorizes USACE to grant permission for the alteration or occupation or use of the project if USACE determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Mississippi River and Tributaries system (MRT), the federally authorized civil works project proposed for alteration, provides for managing flood risks to lands outside of the levees from floodwaters of the Mississippi River. Federal responsibility extends 15 feet from the landside toe and 40 feet from the riverside toe of the levee. Ameren Services owns approximately 5.5 acres of property that was formerly utilized as a MGP at the southernmost end of the city of Cairo, near the confluence of the Ohio and Mississippi rivers. This proposed remediation site is adjacent to the mainline Mississippi River Levee. The proposed remediation request would involve an expected total of five excavations, with expected depths extending to 10 feet and totaling approximately 1,640 cubic yards of soil. The excavations may extend laterally if remediation objectives are unmet due to unacceptable levels of constituents of concern found during sidewall sampling or due to visually observed MGP impacts. These excavation “step outs” will not extend into the toe of the levee or vertically 10 feet below ground surface. To maximize reduced risk of compromising the levee, seepage analyses was conducted to determine river levels at which

contaminated soils could be excavated. Backfilling with clean (natural, non-contaminated, and compacted fill) soil to restore the area to pre-excavation conditions is proposed.

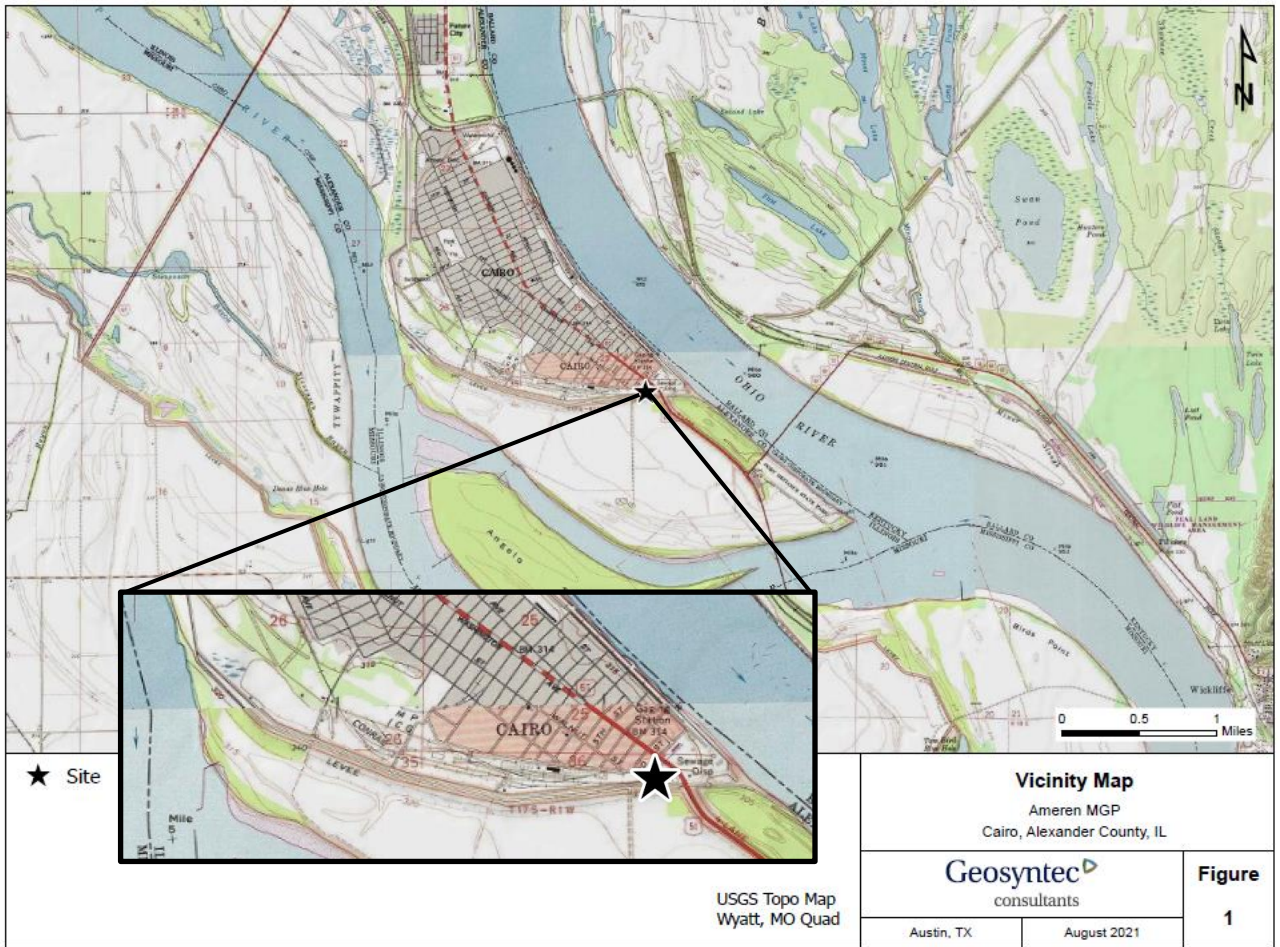
ENVIRONMENTAL COMPLIANCE: A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. The scope of analysis for the NEPA and environmental compliance evaluations for the Section 408 review should be limited to the area of alteration and those adjacent areas that are directly or indirectly affected by the alteration. As the proposed project would not result in fill material being placed into any wetlands or waters of the U.S., a Section 404(b)(1) permit is not required from USACE Regulatory Branch. Similarly, a Water Quality Certification would not be required from the State of Illinois. Additionally, no known historic properties would be affected and no impacts to cultural resources are anticipated. Furthermore, the proposed Section 408 alteration was determined to have no effect on threatened or endangered species or their critical habitat pursuant to the Endangered Species Act. Site remediation will be under the auspices of the Illinois Environmental Protection Agency voluntary Site Remediation Program. The decision on this Section 408 request is being analyzed in accordance with NEPA and is limited to the Section 408 boundaries described herein.

PUBLIC INTEREST REVIEW: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; Native American tribes; and other interested parties. Comments received within 15 days of publication will be used in the evaluation of potential impacts of the proposed action on important resources. All comments will be considered in preparing environmental documentation pursuant to NEPA. USACE has jurisdiction under 33 USC 408, only over the specific activities that have the potential to alter existing USACE projects. Please limit comments to the area of the alteration and those adjacent areas that are directly or indirectly affected by the alteration to the federally authorized civil works project described herein. **Comments may be submitted to Kristina.L.Mitchell@usace.army.mil and should be received by October 5, 2022.**

Sincerely,



Edward P. Lambert
Chief, Environmental Compliance Branch,
Regional Planning and Environmental Division South



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Figure 1. Proposed project site for soil remediation, Cairo, Alexander County, Illinois.