

February 15, 2008

Missouri Department of Natural Resources
Solid Waste Management Program
P.O. Box 176
Jefferson City, Missouri 65102-0176

Via Fax (573) 526-3902

Re: AmerenUE Sioux Solid Waste Construction Permit

Dear Sir or Madam:

These comments concern the AmerenUE Sioux Power Plant Construction Permit Application for a Proposed Utility Waste Landfill, in St. Charles County, Missouri. They are submitted by Great Rivers Habitat Alliance, an organization that supports the preservation of the flood plains of the Mississippi and Missouri Rivers to save our region's natural flood plain and rural agricultural heritage.

Background

Ameren's utility waste landfill is proposed to cover approximately 204 acres located on a 398 acre tract. Application, p. 1-2. Project improvements are proposed to be made within the 100-year floodway fringe. Application, p. 2-6. For flood protection, Ameren proposes to construct a perimeter berm around the entire disposal area that will function as a flood protection dike. Application, p. 2-6.

Construction within the Floodplain

First, as a matter of sound floodplain management, Great Rivers is concerned that the proposed landfill would be located within the 100-year floodway fringe. By proposing to construct the landfill within the floodplain, Ameren proposes to reduce the water storage capacity of the floodplain, and continues a trend of unnecessarily placing others at risk:

Annual flood losses in the United States continue to worsen in spite of 75 years of federal flood control and 30 years of the National Flood Insurance Program. This trend . . . is primarily due to federal policies that have encouraged at-risk development, [and have] provided for insufficient consideration of the impact of that development on other properties . . .

L. Larson and D. Plasencia, *No Adverse Impact: A New Direction in Floodplain Management Policy*, Abstract, published in *Natural Hazards Review*, November 2001.

Great Rivers' mission is to preserve the natural values of the floodplain. For this reason, Great Rivers is opposed to the construction of this landfill within the floodplain.

Loss of flood water storage

Second, in circumstances where there is construction within the floodplain, Great Rivers supports a "no adverse impact" approach to floodplain management, an approach adopted by the National Association of State Floodplain Managers. The policy would require those who alter flood conditions to mitigate the impact their actions have on individuals and adjacent communities. "It is essentially a due no harm policy that will significantly decrease the creation of new flood damages and promote wise use of floodplains." L. Larson and D. Plasencia, *No Adverse Impact*, pp. 2-3.

DNR appears to have embraced this policy, in part, in its utility waste landfill regulations. A utility waste landfill applicant is required to demonstrate that the proposed landfill will not reduce the temporary water storage capacity of the floodplain. 10 CRS 80-11.010(4)(B)(1). In essence, the regulations require an applicant to mitigate the impact of its actions.

Ameren has not met the regulatory requirement. The utility waste landfill is proposed to cover approximately 204 acres located on a 398 acre tract. Ameren proposes to construct a perimeter berm around the entire disposal area that will function as a flood protection dike. Accordingly, Ameren proposes to remove a large amount of water storage capacity from the floodplain.

State and federal agencies, including the United States Army Corps of Engineers, recognize the importance of preserving the floodplain for flood water storage:

The NFIP requirement does not account for the loss of floodplain storage caused by allowing the flood fringe to be filled. *Floodplain storage can be maintained by prohibiting fill, building, or any other item that is displacing floodwater.* This prohibition will prevent most floodplain development and will help preserve the natural and beneficial functions of the floodplain. *Another way floodplain storage can be maintained is to require compensatory storage, i.e., the developer must compensate for each cubic fill, building, or other item that is displacing flood water.* This can be accomplished by removing an equal volume of fill from the same lot, usually at the same elevation to maintain the same hydraulic conditions.

U.S. Army Corps of Engineers, *Floodplain Management Strategies, Lincoln, Nebraska, Planning Assistance to States-Section 22 Study*, p. 4, October 2001 (emphasis added).¹

Ameren makes no attempt to provide compensatory storage for the large tract of land it proposes to remove from the 100- year floodway fringe. Its actions are contrary to the policy adopted by the Association of State Floodplain Managers on floodplain management. Its actions are contrary to the regulation that requires an applicant to demonstrate that its proposal will not reduce the temporary water storage capacity of the floodplain. For this reason also, Great Rivers opposes the proposed landfill.

Sincerely yours,

Karen Coleman

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¹ available online at <http://www.lincoln.ne.gov/CITY/pworks/watrshed/mfptf/meetings/2001/pdf/corps.pdf>.