



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: September 10, 2019
Comment Deadline: October 9, 2019
Corps Action ID Number: SAW-2019-00205

The Wilmington District, Corps of Engineers (Corps) received an application from Waste Connections seeking Department of the Army authorization to impact approximately 0.125 acre of wetland and 1,177 linear feet of stream channel associated with the expansion of the Anson County Waste Management Facility in Anson County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

APPLICANT: Waste Connections
Attn: Nelson Breeden
265 Brookview Centre Way, Suite 205
Knoxville, Tennessee 37919
865-200-7650
Nelson.breeden@wasteconnections.com

AGENT (if applicable): Carolina Wetland Services
Attn: Dan Zurlo
550 E. Westinghouse Boulevard
Charlotte, North Carolina 28273
717-460-3466
dan@cws-inc.net

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

Location

Location Description: The project site is located within the existing Anson County Landfill which is located at 375 Dozer Drive in town of Polkton, Anson County, North Carolina.

Project Area (acres): ~232 Nearest Town: Polkton
Nearest Waterway: Brown Creek River Basin: Upper Pee Dee
Longitude: 35.008742 N, -80.162815 W

Existing Site Conditions

The Anson County Landfill is a municipal solid waste landfill operating under a permit issued by the State of North Carolina for the disposal of municipal solid waste. The facility typically receives normal household garbage, non-hazardous commercial waste, farm or agricultural waste, municipal solid waste, construction debris, concrete and asphalt, yard waste, tree branches, clean soil fill, dead animals, non-hazardous industrial waste, waste water treatment plant sludge, industrial sludge, industrial powders, contaminated soil, and treated lumber. Anson County Landfill began operations in 2000 and meets all State and Federal design requirements for lined, Sub-Title D landfills, including a fully automated leachate collection system and landfill gas extraction system. Recently, the landfill completed an expansion of the voluntary landfill gas extraction system that extracts methane and carbon dioxide from the site and destroys them in a flare eliminating greenhouse gas emission for the site. Phase 1 and Phase 2 were permitted in 2000 and 2008 respectively, and are currently operational. The proposed project area is within the existing Anson County Landfill.

Applicant's Stated Purpose

The intended purpose of this project (construction of Phases 3, 4, and 5) is to effectively and efficiently maximize the landfill capacity at the existing site by allowing for the originally approved landfill to be fully developed.

Project Description

In order to accommodate the resulting, increased amount of solid waste produced by a growing population, the construction of three new phases within the existing property are proposed. The landfill expansion will be developed incrementally in phases, with each phase including smaller cells. The general intent is to construct a phase incrementally within the landfill when needed. All subsequent phases (i.e., Phases 3, 4, and 5) need to be developed contiguous to the existing landfill cells to maximize the expanded volume and meet current solid water requirements. This will result in impacts to 0.125 acre of wetlands and 1,177 linear feet of stream channel. All impacts will result from fill and grading associated with the construction of new landfill cells.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

An alternatives analysis was prepared to present practicable alternatives that might minimize impacts to waters of the U.S. at the project area, while also achieving project goals. An alternative is considered practicable if it is capable of being implemented after consideration of construction costs, existing technology, and logistics. The design criteria listed below were considered during the siting process and the preliminary design of the proposed landfill construction. The following components of the project area essential for the economic viability of the project and to achieve the project purpose:

- 1). The proposed landfill must effectively and efficiently maximize the landfill capacity. The proposed project which includes Phases 3, 4, and 5 will result in 33.8 million cubic yards of capacity.
- 2). Under North Carolina regulations, this facility is required to be a municipal solid waste landfill unit. The landfill utilizes both a composite liner and compacted clay liner. The composite liner is one line that consists of two components; a geomembrane liner installed above and in direct and uniform contact with a compacted clay liner with a minimum thickness of 24 inches and permeability of no more than 1.0×10^{-7} cm/sec, a leachate collection system and appropriate engineering controls for stormwater and leachate management along with operation controls for interim cover, odor, fugitive dust control and related features.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

Based on the NCWAM low rating for Wetland EA, Waste Connections proposes a 1:1 mitigation ration for impacts to Wetland EA. Based on the NCSAM medium ration for Streams A and DSD, Waste Connections proposes a mitigation ratio of 1.5:1 for the intermittent portions and 1.75:1 for the perennial portions.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project would not affect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- No historic properties, nor properties eligible for inclusion in the National Register, are present with the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat.
 - The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
 - The Corps will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
 - The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. Consultation has been completed for this type of activity and the effects of the proposed activity have been evaluated and/or authorized by the National Marine Fisheries Service (NMFS) in the South Atlantic Regional Biological Opinion or its associated documents, including 7(a)(2) & 7(d) analyses and Critical Habitat assessments. A copy of this public notice will be sent to the NMFS.
- The Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. The Corps will make a final determination on the effects of the proposed project upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver

will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by October 9, 2019 to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(Physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDWM):

- The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDWM, and the NCDWM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt, concurrence or objection from the NCDWM.
- Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts 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 thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; 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 (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, October 9, 2019. Comments should be submitted to Bryan Roden-Reynolds, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (704) 510-1440.