



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: July 19, 2021
Comment Deadline: August 17, 2021
Corps Action ID Number: SAW-2018-00173

The Wilmington District, Corps of Engineers (Corps) received an application from the Asheville Regional Airport Authority seeking Department of the Army authorization to discharge fill into 0.56 acre of wetlands and 12 linear feet of stream channel, associated with the installation of a remedial nonpermeable permanent cap over coal combustion residuals (CCR) previously used as structural fill on the Airport property, at 275 Wright Brothers Way, in Arden, Buncombe 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:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

Applicant: Greater Asheville Regional Airport Authority
Attn: Michael Reisman
61 Terminal Drive, Suite 1
Asheville, North Carolina 28732

AGENT (if applicable): Geosyntec Consultants of NC, PC
Attn: David Vance
1300 South Mint Street, Suite 300
Charlotte, North Carolina 28203

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 at the existing Asheville Regional Airport, at 275 Wright Brothers Way, in Arden, Buncombe County, North Carolina.

Project Area (acres): 18

Nearest Town: Asheville

Nearest Waterway: French Broad River River Basin: French Broad (HUC 06010105)

Latitude and Longitude: 35.44588 N, -82.54206 W

Existing Site Conditions

The project site (Area 1) is bound on the west and south by developed airport operations. Area 1 is bound to the east by Interstate-26 and to the north by existing sediment basins, stormwater basin, wetlands, and streams and then by a residential development. Two defunct sediment basins are present along the northern boundary of the project area; sediment basin 1 is located near the northeast corner and sediment basin 2 is located near the northwest corner. Area 1 consists of maintained vegetative turf. The vegetative community north of, and adjacent to Area 1 is predominately hardwood forest dominated by red maple (*Acer rubrum*), tulip tree (*Liriodendron tulipifera*), jewelweed (*Impatiens capensis*), soft rush (*Juncus effusus*), an unknown sedge species (*Carex spp.*), and Virginia creeper (*Parthenocissus quinquefolia*). Soils within the project area consist of Tate loam, Clifton and Evard clay loam, and Udorthents sandy clay loam according to the Natural Resources Conservation Service (NRCS) county soils data.

There are 1.52 acre of wetlands within the project area in a topographic depression immediately north of and adjacent to Area 1 and is associated with the floodplain of the four existing perennial streams described below. Vegetation is dominated by red maple (*Acer rubrum*), tulip tree (*Liriodendron tulipifera*), jewelweed (*Impatiens capensis*), soft rush (*Juncus effusus*), an unknown sedge species (*Carex spp.*), and Virginia creeper (*Parthenocissus quinquefolia*). The wetland was previously affected by runoff and prior site construction. A large berm is present within Wetland WB. Further, wetland hydrology has been affected by runoff from the airport and adjacent Interstate-26. An NCWAM evaluation of Wetland WB rates the quality of the wetland as medium, due to its size, connection to the stream channels, potential to intercept pollutants, moderate habitat structure, and vegetative composition.

There are several streams within the project area as well. Stream SA (227 LF) is an existing perennial stream that daylights (runs underground beneath Area 1) at the northwest toe of Area 1. The width of the channel is between 6 and 15 ft and is hydrologically connected to Wetland WB in the upper reach but loses connection due to channel incision in the lower reach. Stream SA flows south to north to a culvert at the northern property boundary which restricts flow off property and causes flooding (e.g., impounds surface water during storm events within the project area and Wetland WB and Stream SA). Additionally, Stream SA receives runoff from the upland areas which include airport operations. The stream ultimately discharges into the French Broad River

approximately one mile north of the project boundary. Stream SB (239 LF) is a perennial stream that originates near the eastern boundary of Area 1 and flows into Wetland WB before reemerging as Stream SD. The stream receives runoff from I-26 and the adjacent residential area. The width of the stream channel is between 7 and 10-ft. Stream SC (103 LF) is a perennial stream that extends along the edge of Wetland WB and discharges into Stream SA. The width of the stream channel is between 2 and 4-ft. Stream SD (48 LF) is a perennial stream along the northern property boundary that receives runoff from I-26 and the adjacent residential area. A NCSAM evaluation of the stream channels rates the quality of Stream SA, Stream SB, and Stream SD as medium and Stream SC as low due to their hydrologic connection to Wetland WB, heavily developed drainage basin, adjacent land use, and altered geomorphic pattern and profile.

Applicant's Stated Purpose

As stated by the applicant, the primary purpose of this project is to install a remedial nonpermeable permanent cap over coal combustion residuals (CCR) previously used as structural fill at Area 1 of the Asheville Regional Airport. The purpose of the primary cap is to comply with NCDEQ Solid Waste Management requirements for containment of CCR and meet required regulatory stormwater runoff capture requirements.

Project Description

Area 1 is an 18-acre (ac), coal combustion residuals (CCR) structural fill with a soil cap situated near the northeastern Asheville Regional Airport (ARA) property boundary. The structural fill was constructed pursuant to a contract between Charah, Inc. (Charah) and the property owner, ARA Authority, to expand airport operations. The Area 1 footprint formerly consisted of a topographic valley prior to construction and contained a historical stream channel that flowed northward within the property. The historical stream channel traverses a residential area situated on the northern property boundary adjacent to Area 1 before it discharges into the French Broad River. Area 1 was constructed by filling the existing topographic valley with CCR purchased by Charah from the Duke Energy Progress, LLC (Duke Energy) Asheville Steam Electric Plant. The construction of the Area 1 structural fill was previously authorized in 2008 by the U.S. Army Corps of Engineers (USACE) through the issuance of a Clean Water Act (CWA) Section 404 permit (SAW-2007-03766-311) and by the North Carolina Department of Environmental Quality (NCDEQ) through the issuance of a CWA Section 401 permit (DWQ #20071841). The original soil cap was designed with the anticipation that impervious surface would be constructed over the soil cap thereby largely eliminating infiltration of rain and surface water. The impervious surface was not constructed and in August 2019, NCDEQ requested that a remedial permanent cap system be designed to "abate the infiltration of groundwater and/or precipitation into Area 1" and "to abate or control ...seepage water". As such, the ARA Authority (property owner and applicant) and Duke Energy (engineering and construction of the permanent cap) are proposing to install a remedial nonpermeable permanent cap (permanent cap) over the structural

fill at Area 1 of the ARA (project). The need of the permanent cap is to institute necessary site controls for stabilization of the structural fill that comply with NCDEQ Solid Waste requirements for containment of CCR at Area 1 (reduce infiltration of water into existing soil cap for CCR structural fill) and meet required regulatory stormwater runoff capture requirements.

The project (approved by NCDEQ Solid Waste Section in 2020) is comprised of two components: 1) nonpermeable permanent cap layer system and 2) two sediment basins will be converted to stormwater basins (dry detention) post-construction. The permanent cap will be installed entirely within uplands and is designed to shed surface water and to drain water infiltrated within the cap to minimize potential ponding atop the geomembrane layer. The new cap system has also been designed to allow the ARA Authority to use Area 1 for expansion of airport operations as originally planned under the prior issued permits. Two stormwater basins will be constructed on the north side of Area 1 to capture and detain stormwater to achieve stormwater runoff capture requirements. The stormwater basins were designed following the NCDEQ Stormwater Design Manual and the NCDEQ Erosion and Sediment Control Planning and Design Manual. During construction and post-construction, the stormwater basins will also be used as a sediment basin. The stormwater basins are also designed as dry detention to release stormwater within 48 hours pursuant to Federal Aviation Administration (FAA) regulations as not to attract nuisance wildlife.

Construction of the project will result in approximately 0.56-acre of wetland impacts and the installation of the outlet control structure will result in 12 LF of stream impacts.

Avoidance and Minimization

As provided by the applicant, an alternatives analysis was performed for the project to identify the least environmentally damaging practicable alternative (LEDPA). To fulfill the project purpose and need and achieve the LEDPA, the preferred alternative was selected as the applicant's preferred project for further environmental analysis since it achieved the greatest avoidance and minimization of impacts to aquatic resources. Construction of the preferred alternative's stormwater basins will result in approximately 0.56-acre of cumulative wetland impacts and the installation of the outlet control structure will result in 12 LF of stream impacts. The project has avoided and minimized impacts to the maximum extent practicable (avoided 605 LF of stream and 0.96 ac of wetlands). Sixty-three percent (63%) of wetlands and 98% of perennial streams of on-site wetlands/waters were avoided by the project.

The Preferred Alternative was designed to minimize and avoid adverse impacts to wetlands/waters to the maximum extent practicable and was accomplished by

- (i) minimizing the overall disturbed acreage to the site, and
- (ii) minimizing and avoiding impacts to aquatic resources located within the project area.

The following minimization and avoidance measures were used in design of the permanent cap:

- The extent of the stormwater basins was reduced from the original design, reducing impacts to Wetland WB from 0.63-ac to 0.56-ac. Additionally, the design of the outlet control structure at stormwater basin 2 was reduced from the original design, reducing impacts to Stream SA from 26.3 LF to 12 LF.
- All material used as fill on this project will be from clean, uncontaminated sources and free of cultural resources.
- No impacts will occur to Stream SB, Stream SC, or Stream SD.
- A NCDEQ approved Erosion, Sedimentation, and Pollution Control Plan will be implemented on-site prior to and during construction activities to minimize threats of sedimentation reaching downstream waters.
- No construction activity or stockpiling will occur in WOTUS, including wetland areas, outside of the areas authorized for filling under this permit.
- Prior to the commencement of construction activities for this project, the limits of the proposed fill areas in jurisdictional waters will be clearly flagged and staked. All construction personnel will be shown the location(s) of all wetland and/or stream areas outside of the construction area to prevent encroachment from heavy equipment into these areas.
- Staging areas and equipment maintenance areas will be located at least 200 feet from streambanks to minimize the potential for wash water, petroleum products, or other contaminants from construction equipment entering the streams.
- The project's master drainage plan is designed to avoid inadvertent drainage of wetlands and inadvertent water diversion resulting in a reduction of hydrology in wetlands.
- Bank erosion and sedimentation in construction areas will be minimized by utilizing Best Management Practices for stream corridors, installing, and maintaining significant erosion and sediment control measures, and providing daily reviews of construction and stream and wetland protection methods.
- Unavoidable impacts to wetlands and streams will be mitigated through the purchase of wetland and stream mitigation credits.

Compensatory Mitigation

The applicant is proposing to purchase wetland and stream mitigation credits from the North Carolina Division of Mitigation Services In-Leu Fee program at a 1:1 ratio.

Essential Fish Habitat

The Corps' determination is that the proposed project would not effect 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: No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).

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 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. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within 120 days of the date of this public notice. 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 September 16, 2021 to:

NCDWR Central Office
Attention: Mr. Paul Wojowski, 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): 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, August 17, 2021. Comments should be submitted to Amanda Jones Fuemmeler, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (828) 271-7980.