



# PUBLIC NOTICE

**US Army Corps  
Of Engineers**  
Wilmington District

Issue Date: June 27, 2024  
Comment Deadline: July 29, 2024  
Corps Action ID Number: SAW-2008-02370

The Wilmington District, Corps of Engineers (Corps) received an application on June 13, 2024 from Republic Services (Republic) seeking Department of the Army authorization to discharge fill material into 0.69-acre of wetlands and 1,527 linear feet of stream associated with the Phase 6 expansion of the existing White Oak Landfill in Waynesville, Haywood 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:** Stoddard Pickrell  
Republic Services  
1070 Riverside Drive  
Asheville, North Carolina 28804

**AGENT (if applicable):** Lisa Mash  
Civil & Environmental Consultants, LLC  
777 Lowndes Hill Road, Bldg. 2, Suite 100  
Greenville, South Carolina 29607

## 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 proposed project is located within the existing White Oak Landfill property at a physical address of 3898 Fines Creek Road, Waynesville, North Carolina. This facility is located to the south of Interstate 40 and west of Fines Creek Road in Haywood County, along the south side of the Pigeon River.

Project Area (acres): Approximately 16.2 acres  
Nearest Town: Waynesville  
Nearest Waterway: Pigeon River  
River Basin: Pigeon River  
Latitude and Longitude: 35.663143 N, -83.004200 W

## **Existing Site Conditions**

The project area is fully encompassed within an approximate 268.7-acre property owned by Haywood County, North Carolina. Currently, the White Oak Landfill, an active non-hazardous, municipal solid waste, and construction and demolition debris landfill, occupies approximately 75.1 acres of the larger property (Figure 1). The specific project area is identified as the proposed Phase 6 Expansion Area (Figure 2) and consists of roughly 16.2 acres of undeveloped forested land that is immediately adjacent to the south of the existing landfilling operations. Four wetlands (Wetlands WA1 through WA4) totaling 1.114 acres and four streams (Streams SA1, SA2, SA7, and SA8) totaling 2,722 linear feet are located within the project area.

## **Proposed Project Description**

The White Oak Landfill is an existing solid waste disposal facility that is owned by Haywood County, North Carolina and operated by Republic in cooperation with Santek Environmental of North Carolina, LLC. This facility was originally permitted on July 22, 1992, and began receiving waste on October 8, 1993. In accordance with North Carolina General Statutes 130A-294(a2), the permit (44-07) is for the "life-of-site of the facility" which is defined as the period from the initial receipt of solid waste at the facility until the facility reaches its final permitted elevations, which shall not exceed 60 years. Therefore, the permit shall expire on October 8, 2053.

The existing facility encompasses approximately 268.7 acres, of which the total permitted area for landfill disposal is 75.1 acres (Figure 2). The remaining areas (193.6 acres) are utilized for supporting infrastructure, soil borrow areas, or remain undisturbed. The 75.1-acre permitted landfill disposal boundary has been broken down into Phases 1 through 7 for construction and waste filling. Each phase is permitted and constructed as the need for additional airspace (available volume of permitted space) arises. The facility is currently permitted to accept approximately 146,000 tons of non-hazardous solid waste per year from a service area that includes 18 counties (Avery, Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson,

Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey) in western North Carolina.

At this time, approximately 44.6 acres have been constructed and are accepting waste (Phases 1 through 5). At the current acceptance rate, this existing area is expected to provide approximately two more years of disposal capacity. Therefore, Republic is proposing to increase the White Oak Landfill's current disposal capacity through lateral operational expansion into the Phase 6 area within the permitted 75.1-acre boundary. The proposed Phase 6 expansion area is roughly 16.2 acres in size and would provide approximately 3,000,000 cubic yards (CY) of additional airspace to extend the life of this facility for an additional 12 years. The gain in airspace would be achieved by excavating 900,000 CY of native materials and placing 155,000 CY of structural fill to accept the additional waste. Underdrain piping will be installed to continue carrying baseflow of Stream SA1 under the filled area. A bypass channel will be constructed to divert upstream flow from Stream SA1 around the structural fill embankment. The proposed lateral expansion into the Phase 6 area would cause a permanent loss of 0.69-acre of wetlands and 1,527 linear feet of stream.

### **Applicant's Stated Purpose**

The purpose of the proposed expansion is to improve the landfill's current disposal capacity by increasing the landfill's airspace. Landfill airspace is the design volume of space measured in cubic yards available for disposal. Optimization takes into consideration the land available for development, including the various facilities and systems necessary for the landfill's operations. The type of design, depth of landfill, base slopes, leachate collection pipe slope, perimeter berm geometry and size, slopes of landfill side slopes, terraces on slopes, and many other parameters determine the airspace volume available to the landfill operator.

Given the current waste acceptance rate, the White Oak Landfill's previously constructed landfill phases (Phases 1-5) are nearing completion and are expected to reach capacity within two years. The proposed expansion for Phase 6 would provide approximately 3,000,000 CY of additional airspace for waste disposal to allow for an additional 12 years of disposal capacity. The proposed landfill expansion is needed to support waste generated by the 18 counties in western North Carolina (i.e., the service area).

### **Avoidance and Minimization**

The applicant provided the following to document efforts to avoid and/or minimize impacts to the aquatic environment:

Per the applicant, as part of the Alternatives Analysis, Republic has avoided and minimized impacts to waters of the U.S. to the greatest extent practicable. The project was designed to avoid impacts to approximately 0.424-acre of wetlands and 1,195 linear feet of stream channels. With unavoidable impacts to waters of the U.S. from the

proposed project at the existing White Oak Landfill, Republic understands that compensatory mitigation of waters of the U.S. may be required for lost functions and values of the wetlands and streams at the site.

### **Compensatory Mitigation**

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

The applicant proposes to mitigate for the loss of 0.69-acre of wetlands and 1,527 linear feet of stream by requesting the consideration of two mitigation options, as follows: 1) Development of a Turnkey-Mitigation Permittee Responsible Mitigation Site; or 2) Purchase of advanced credits through the North Carolina Department of Environmental Quality (NCDEQ) - Division of Mitigation Services (DMS) In-lieu Fee (ILF) Program.

### **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:

- The Corps has determined the undertaking consists of the issuance of a permit to discharge fill material into waters of the U.S. for the purposes of expansion of an existing landfill facility. The Corps determined the permit area to be the same as the Applicant's project area. The permit area has been previously surveyed, and no historic properties eligible for inclusion on the National Register of Historic Places have been identified. Therefore, the Corps determined the proposed project would have **no effect** on historic properties and subsequently requests concurrence from the SHPO and/or THPO.

### **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 has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on the initial review, the Corps determined the project may affect, but not adversely affect federally listed species. Pursuant to Section 7 ESA, the required consultation with the USFWS will be conducted in accordance with 50 CFR part 402 under separate cover.

## 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 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 180 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 should do so in writing, within 30 days of the issue date of the notice by emailing comments to [publiccomments@deq.nc.gov](mailto:publiccomments@deq.nc.gov) with the subject line of "401 Water Quality Certification" or by mail to:

NCDWR Central Office  
Attention: Stephanie Goss, 401 and Buffer Permitting Branch  
1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

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

## 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, July 29, 2024. Comments should be submitted to Ms. Brooke Davis, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, or via email at [brooke.a.davis@usace.army.mil](mailto:brooke.a.davis@usace.army.mil). The Corps Project Manager can be contacted at (828) 271-7980 ext. 4232. Comments may also be submitted to [AshevilleNCREG@usace.army.mil](mailto:AshevilleNCREG@usace.army.mil).