

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890
(<http://www.saw.usace.army.mil/wetlands/regtour.htm>)

Action ID No. 200231111

December 4, 2002

PUBLIC NOTICE

Republic Services of North Carolina, LLC, Attention: Mr. Drew Isenhour, 1220 Commerce Street SW, Conover, North Carolina 28613, has applied for a Department of the Army (DA) permit to DISCHARGE FILL MATERIAL INTO 2,180 LINEAR FEET OF UNNAMED TRIBUTARIES TO ABINGDON CREEK AND 0.32 ACRE OF ADJACENT WETLAND FOR THE EXPANSION OF THE FOOTHILLS ENVIRONMENTAL MUNICIPAL SOLID WASTE LANDFILL located on Chewaw Road near the City of Lenoir, Caldwell County, North Carolina.

The following description of the work is taken from data provided by the applicant and from observations made during an onsite visit by a representative of the Corps of Engineers. Republic Services of North Carolina, LLC is planning to expand landfill activities at its Foothills Municipal Solid Waste Landfill near the City of Lenoir. The facility currently operates on an approximate 125-acre site and wishes to expand operations into an adjoining 130-acre site located north of the current facility. The area proposed for expansion is within the area originally permitted for landfill operations by Caldwell County. Construction of the proposed facility will result in impacts to 2,180 linear feet of stream channel and 0.32 acres of adjacent wetlands. Streams within the proposed impact area are generally described as degraded intermittent and perennial first and second order streams and degraded perennial second and third order streams. The most prevalent stream type is characterized as an unstable, gently sloped, relatively wide and shallow, and highly entrenched channel with moderate sinuosity (Streams S1, S1a, S2a, S4 and the majority of S2 and S5). Less common are stable, moderately entrenched, deep and narrow streams with riffle-pool sequences (Streams S3, S6, and portions of S2 and S5). All stream channels are unnamed tributaries to Abingdon Creek located within the Catawba River basin. Wetlands proposed for impact are adjacent to stream channels at five separate locations and range in size from 0.01 acre to 0.17 acre. Plans showing the work are included with this public notice.

The applicant considered several options in their alternative site analysis including off-site expansion, alternative landfill cell configuration, and a no-build option. Site selection was based upon the distribution and degree of environmental impacts, space requirements, infrastructure needs, and current property ownership.

The applicant has developed four mitigation options to offset the adverse impact to waters and wetlands resulting from the proposed landfill expansion. Option 1 consists of approximately 560 linear feet of stream channel restoration, approximately 8,600 linear feet of stream channel preservation, 0.32 acre of wetland restoration, and 1.0 acre of wetland preservation. All these

measures would be implemented on-site within the conservation/mitigation area. Option 2 proposes payment into the North Carolina Wetland Restoration Program (WRP) to offset unavoidable adverse impacts to waters and wetlands. Under Option 3, stream channel mitigation would be accomplished through on-site preservation of 8,600 linear feet of stream channel and the majority of its watershed. Wetland mitigation would consist of payment into the WRP program and preservation of approximately 1.0 acre of jurisdictional wetland area in the conservation/mitigation area. Option 4 would include 2,180 linear feet of stream channel restoration along stream segment S1, and approximately 1.25 acre of wetland restoration and 0.01 acre of wetland preservation adjacent to the restored channel.

The applicant indicates the purpose of the proposed work is to provide additional capacity for the landfill to continue providing service to its existing clientele and remain in operation.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer has initiated Section 7 consultation with the U.S. Fish and Wildlife Service for potential impacts to the Federally Threatened species dwarf-flowered heartleaf (*Hexastylis naniflora*) pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values,

fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore 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 placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agencies' 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; 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.

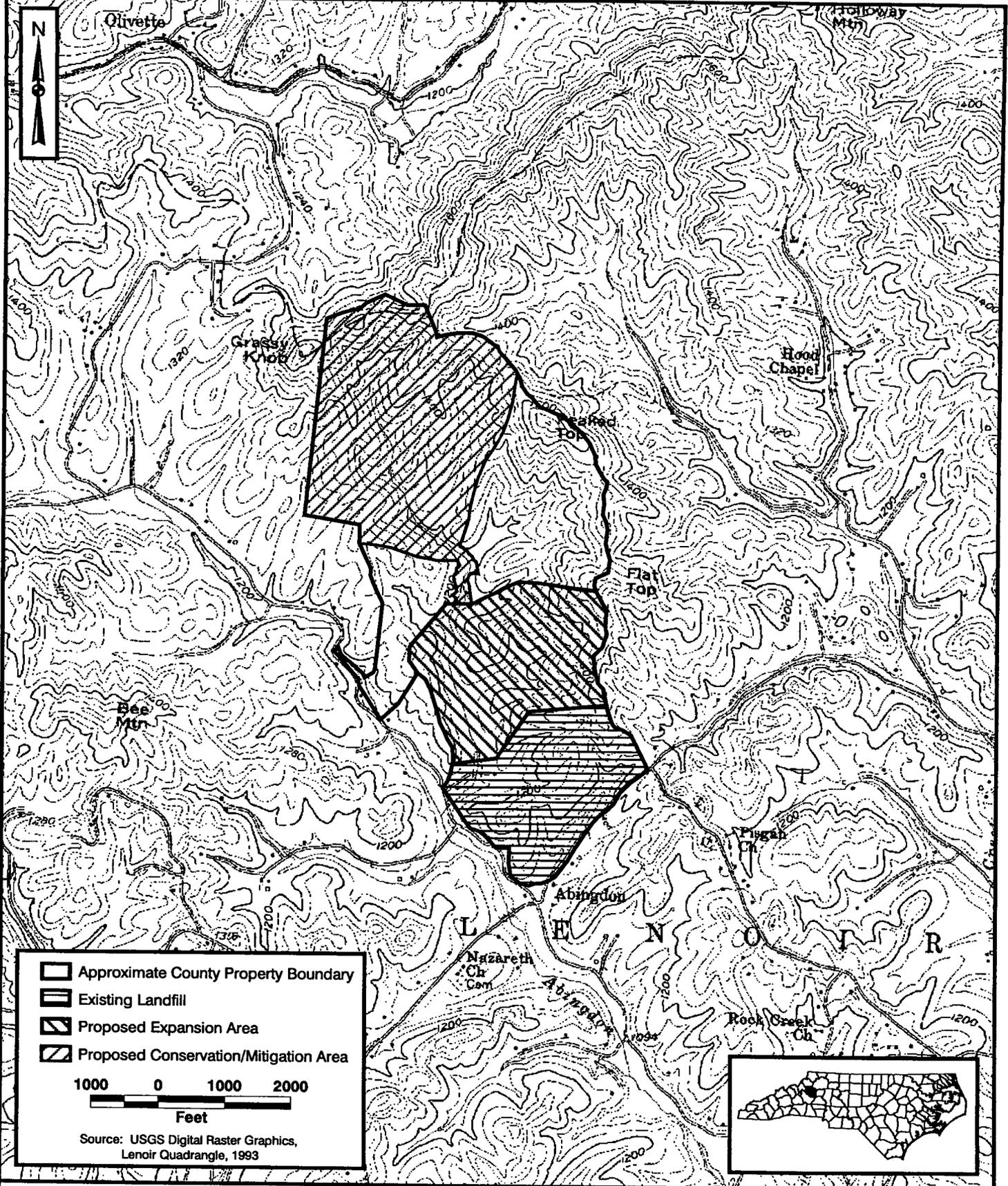
Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Environmental Operations Section, North Carolina Division of Water Quality (NCDWQ), Salisbury Street, Archdale Building, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

The North Carolina Division of Water Quality (NCDWQ) plans to take final action in the issuance of the Clean Water Act certification on or after December 30, 2002.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1621 Mail Service Center, Raleigh, North Carolina 27699-1621, on or before December 27, 2002, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Timothy Smith, until 4:15 p.m., January 6, 2003, or telephone (828) 271-7980 ext. 8.

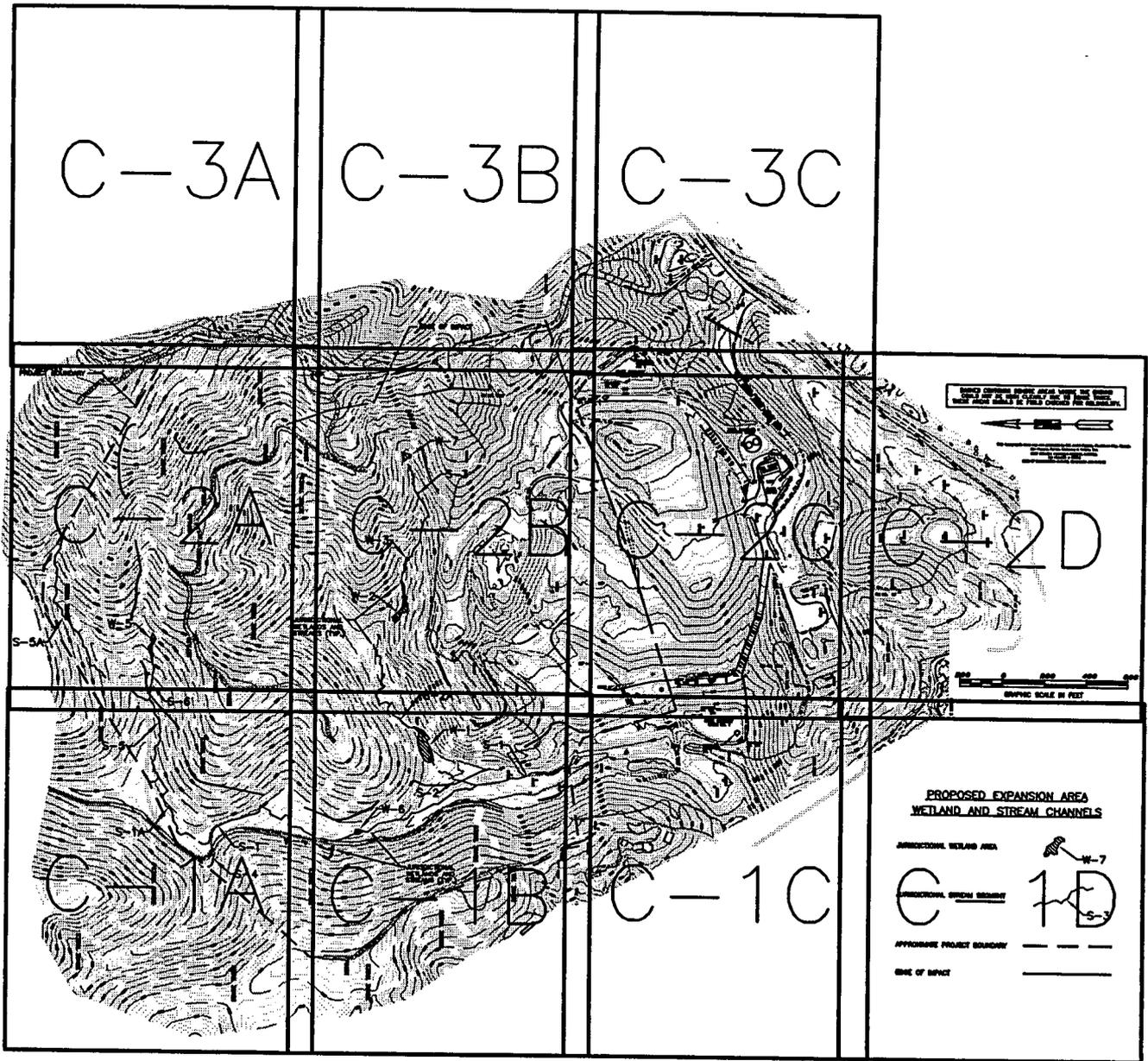


Project Location Map
Foothills Environmental Landfill Expansion
Caldwell County, North Carolina

Figure:	1
Project:	ER02063
Date:	Nov 2002

Table A-1. Proposed Expansion Area Channel Lengths and Wetland Areas

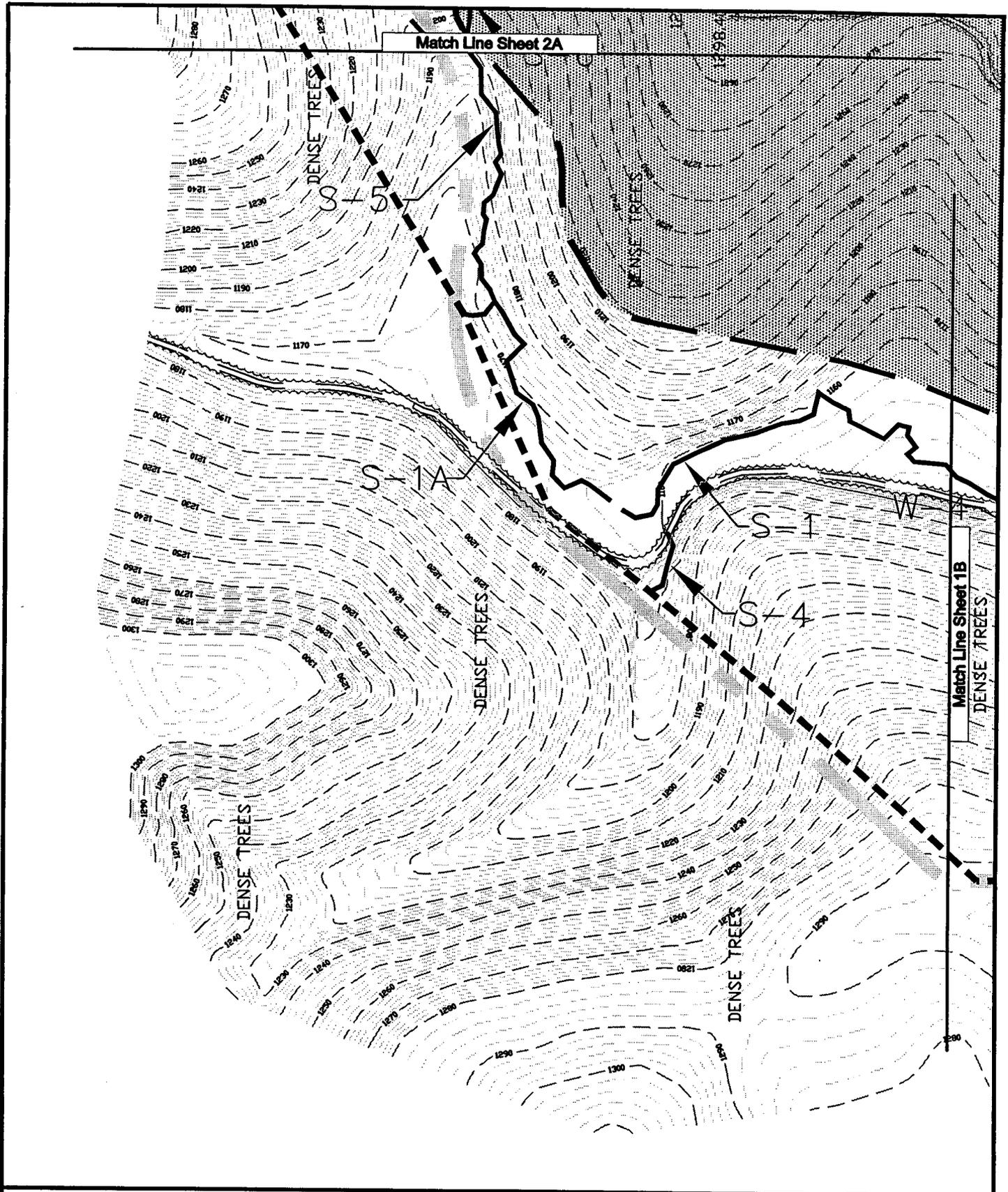
Stream Segment	Length in Linear Feet
Stream Segment 1	Stream Length = 2,088 Feet
Stream Segment 1a	Stream Length = 470 Feet
Stream Segment 2	Stream Length = 209 Feet
Stream Segment 2a	Stream Length = 914 Feet
Stream Segment 3	Stream Length = 782 Feet
Stream Segment 4	Stream Length = 105 Feet
Stream Segment 5	Stream Length = 524 Feet
Stream Segment 5a	Stream Length = 840 Feet
Stream Segment 6	Stream Length = 279 Feet
Total Stream Length	6,211 Feet
Wetland Systems	Areal Extent
Wetland System 1	7,532 Square Feet (0.17 Acre)
Wetland System 2	3,627 Square Feet (0.08 Acre)
Wetland System 3	178 Square Feet (0.01 Acre)
Wetland System 4	496 Square Feet (0.01 Acre)
Wetland System 5	1,576 Square Feet (0.04 Acre)
Wetland System 6	631 Square Feet (0.01 Acre)
Wetland System 7	924 Square Feet (0.02 Acre)
Total Wetland Area	14,694 Square Feet (0.34 Acre)



Index Map
 Proposed Expansion Area
 Foothills Environmental Landfill Expansion
 Caldwell County, North Carolina

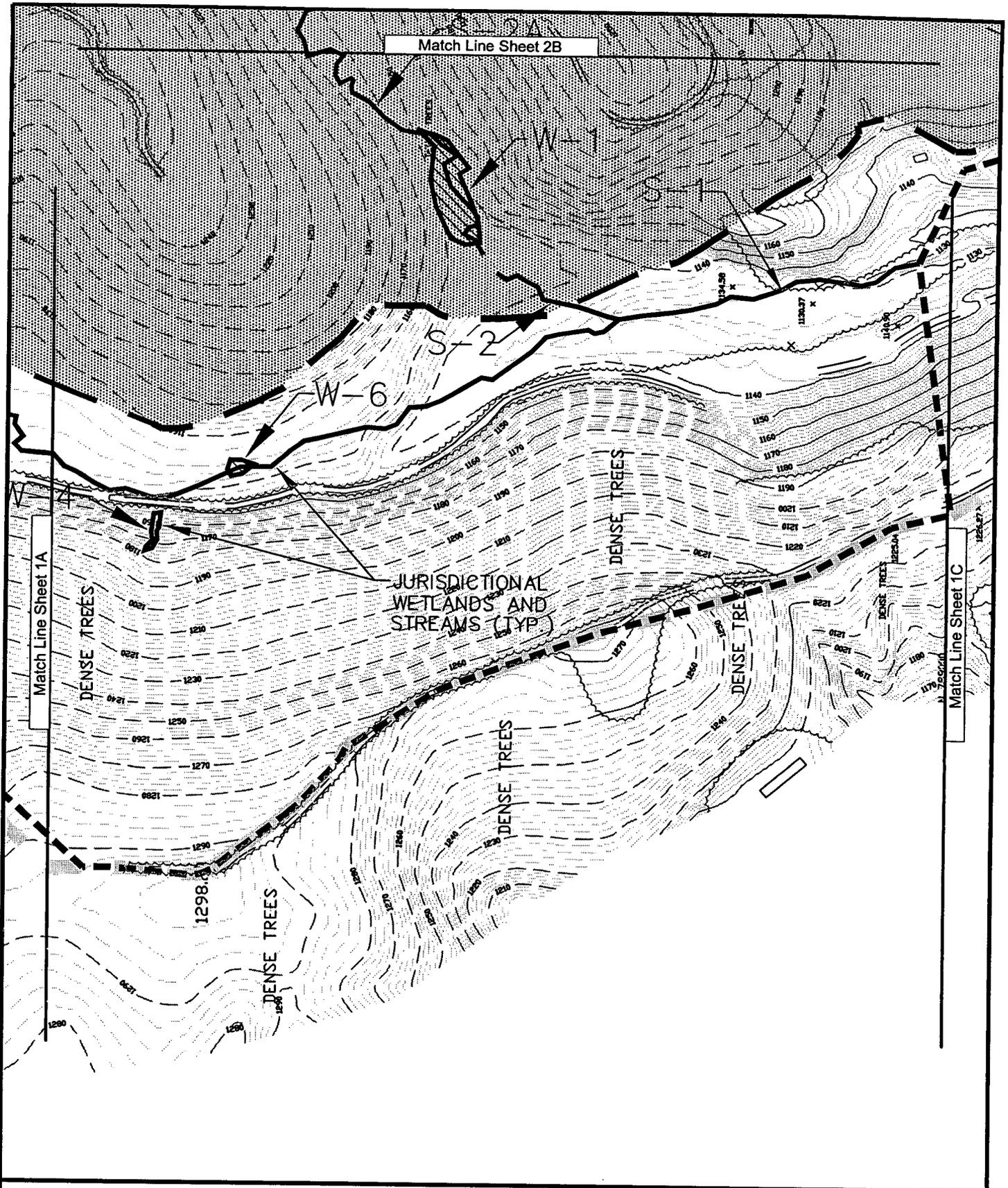
Figure: C-1
Project: ER02063
Date: Nov 2002

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Proposed Expansion Area
Foothills Environmental Landfill Expansion
Caldwell County, North Carolina

Figure: C-1A
Project: ER02063
Date: Nov 2002



Environmental Services, Inc.

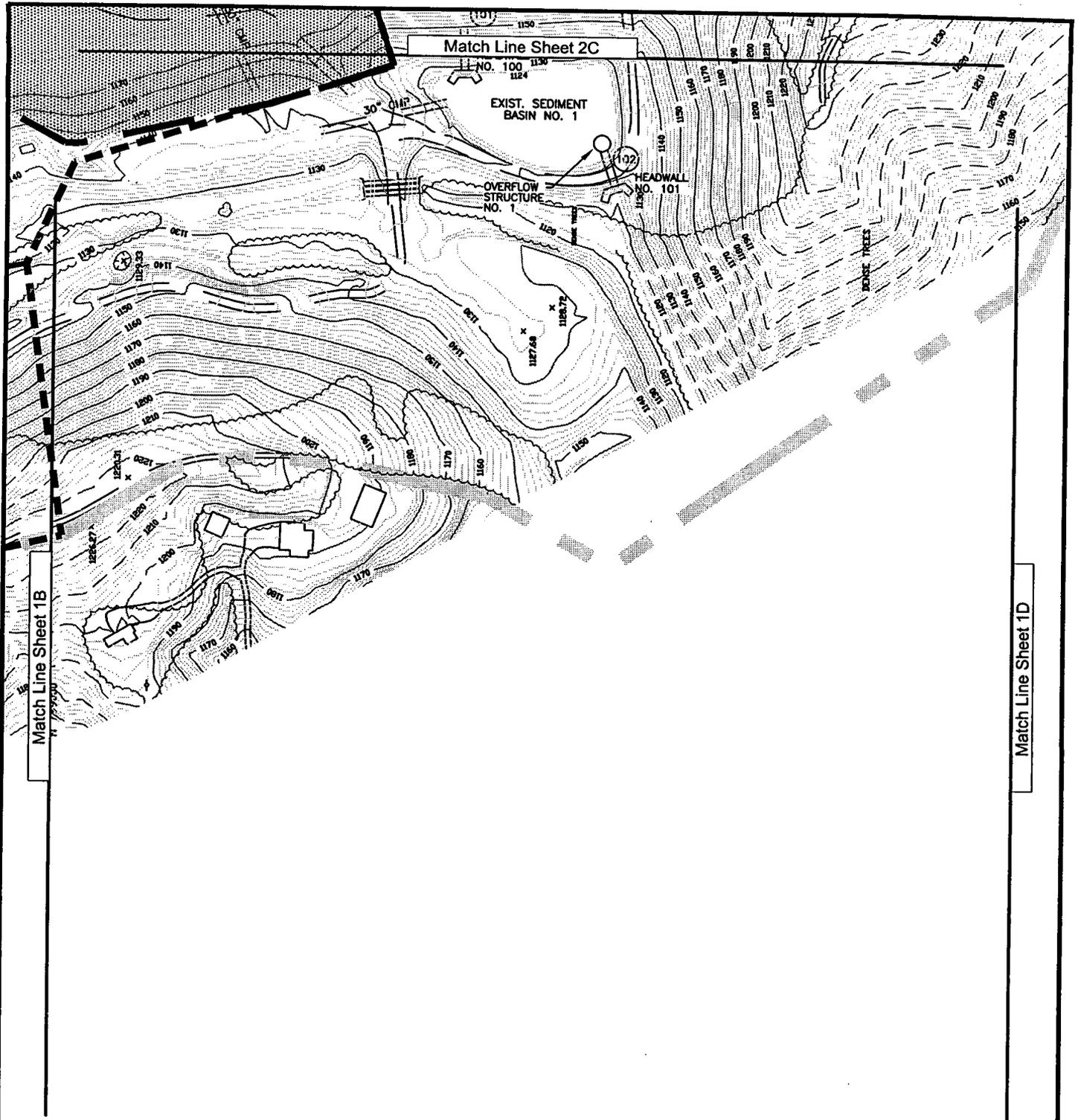
Proposed Expansion Area
 Foothills Environmental Landfill Expansion
 Caldwell County, North Carolina

Figure: C-1B

Project: ER02063

Date: Nov 2002

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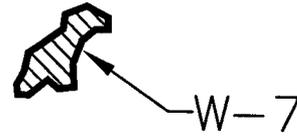
Proposed Expansion Area
 Foothills Environmental Landfill Expansion
 Caldwell County, North Carolina

Figure: C-1C
 Project: ER02063
 Date: Nov 2002

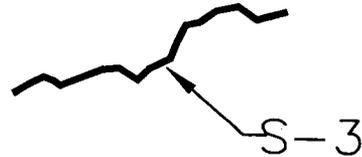
Match Line Sheet 2D

PROPOSED EXPANSION AREA WETLAND AND STREAM CHANNELS

JURISDICTIONAL WETLAND AREA



JURISDICTIONAL STREAM SEGMENT



APPROXIMATE PROJECT BOUNDARY



EDGE OF IMPACT



Match Line Sheet 1C



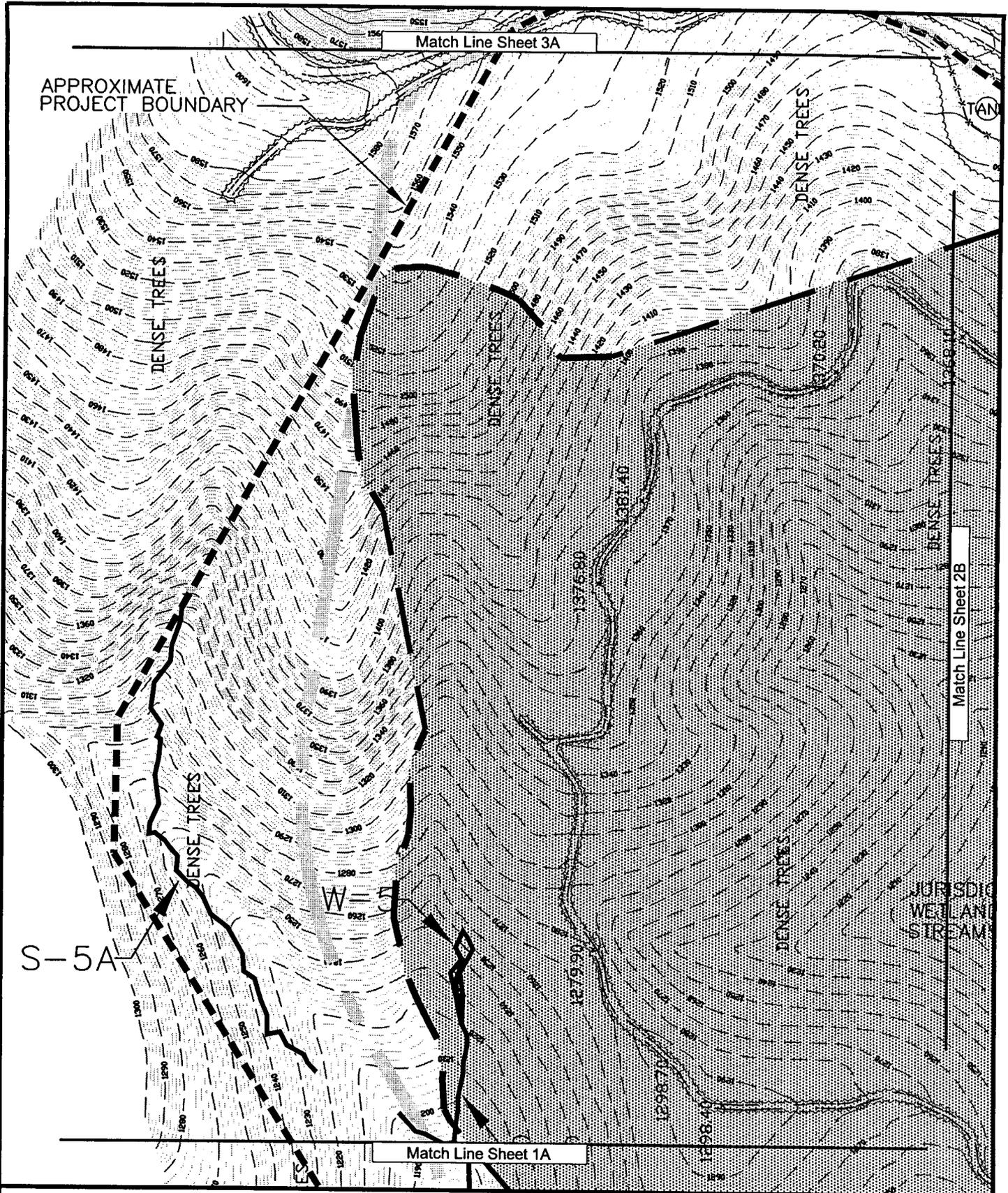
Environmental Services, Inc.

Proposed Expansion Area
Foothills Environmental Landfill Expansion
Caldwell County, North Carolina

Figure: C-1D

Project: ER02063

Date: Nov 2002

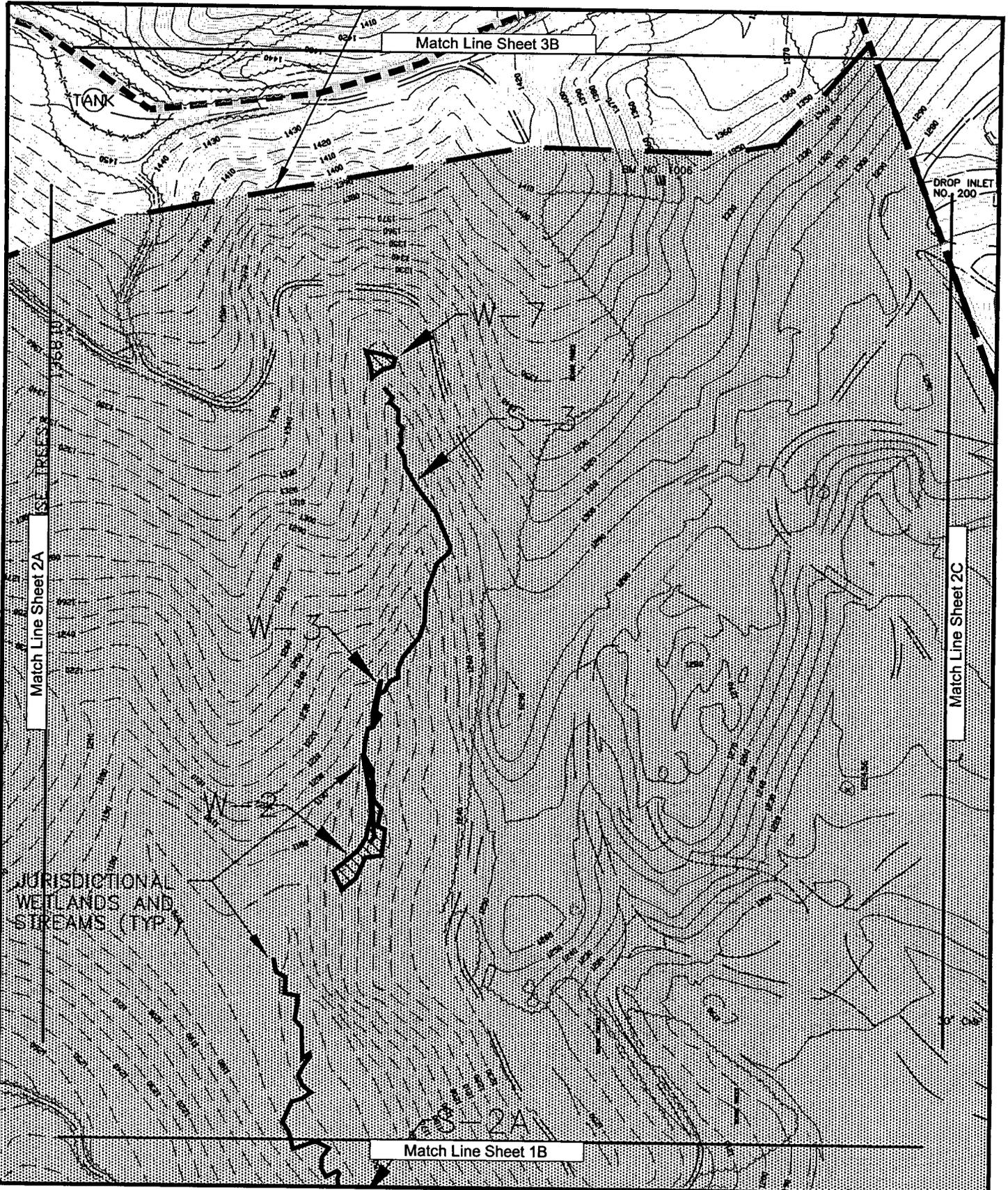


Environmental Services, Inc.

Proposed Expansion Area
 Foothills Environmental Landfill Expansion
 Caldwell County, North Carolina

Figure: C-2A
 Project: ER02063
 Date: Nov 2002

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JURISDICTIONAL
WETLANDS AND
STREAMS (TYP)

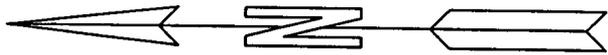


Proposed Expansion Area
 Foothills Environmental Landfill Expansion
 Caldwell County, North Carolina

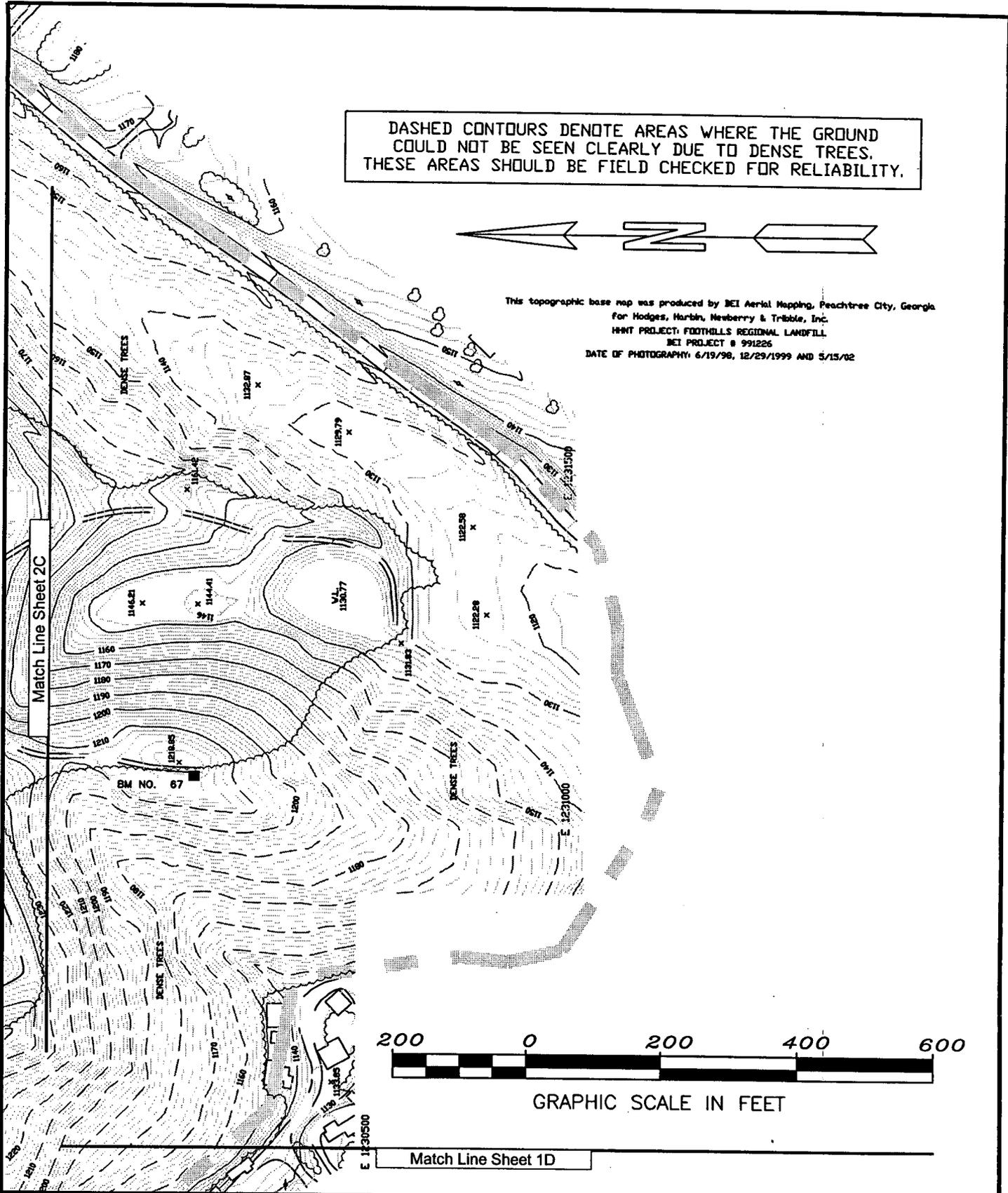
Figure: C-2B
 Project: ER02063
 Date: Nov 2002

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DASHED CONTOURS DENOTE AREAS WHERE THE GROUND COULD NOT BE SEEN CLEARLY DUE TO DENSE TREES. THESE AREAS SHOULD BE FIELD CHECKED FOR RELIABILITY.



This topographic base map was produced by BEI Aerial Mapping, Peachtree City, Georgia for Hodges, Harbin, Newberry & Tribble, Inc.
 HINT PROJECT: FOOTHILLS REGIONAL LANDFILL
 BEI PROJECT # 991226
 DATE OF PHOTOGRAPHY: 6/19/98, 12/29/1999 AND 5/15/02

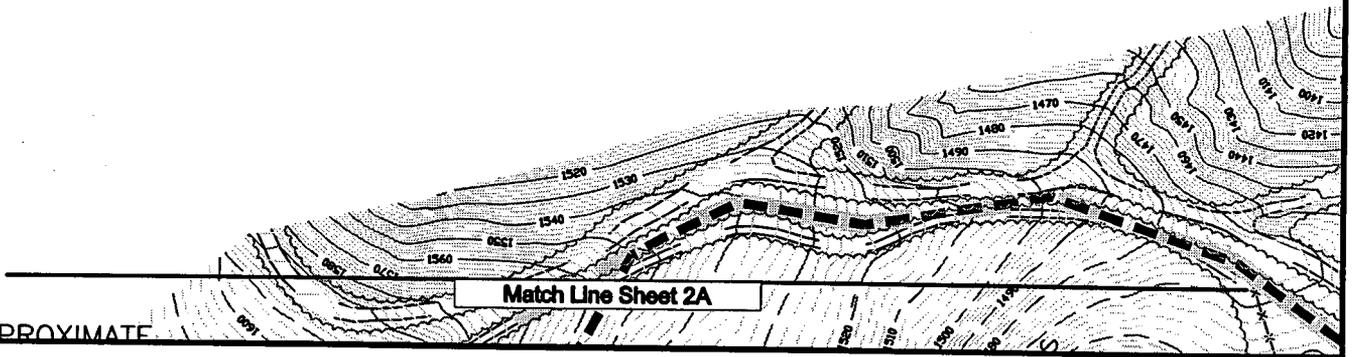


GRAPHIC SCALE IN FEET



Proposed Expansion Area
 Foothills Environmental Landfill Expansion
 Caldwell County, North Carolina

Figure: C-2D
 Project: ER02063
 Date: Nov 2002



APPROXIMATE

Match Line Sheet 2A



Environmental Services, Inc.

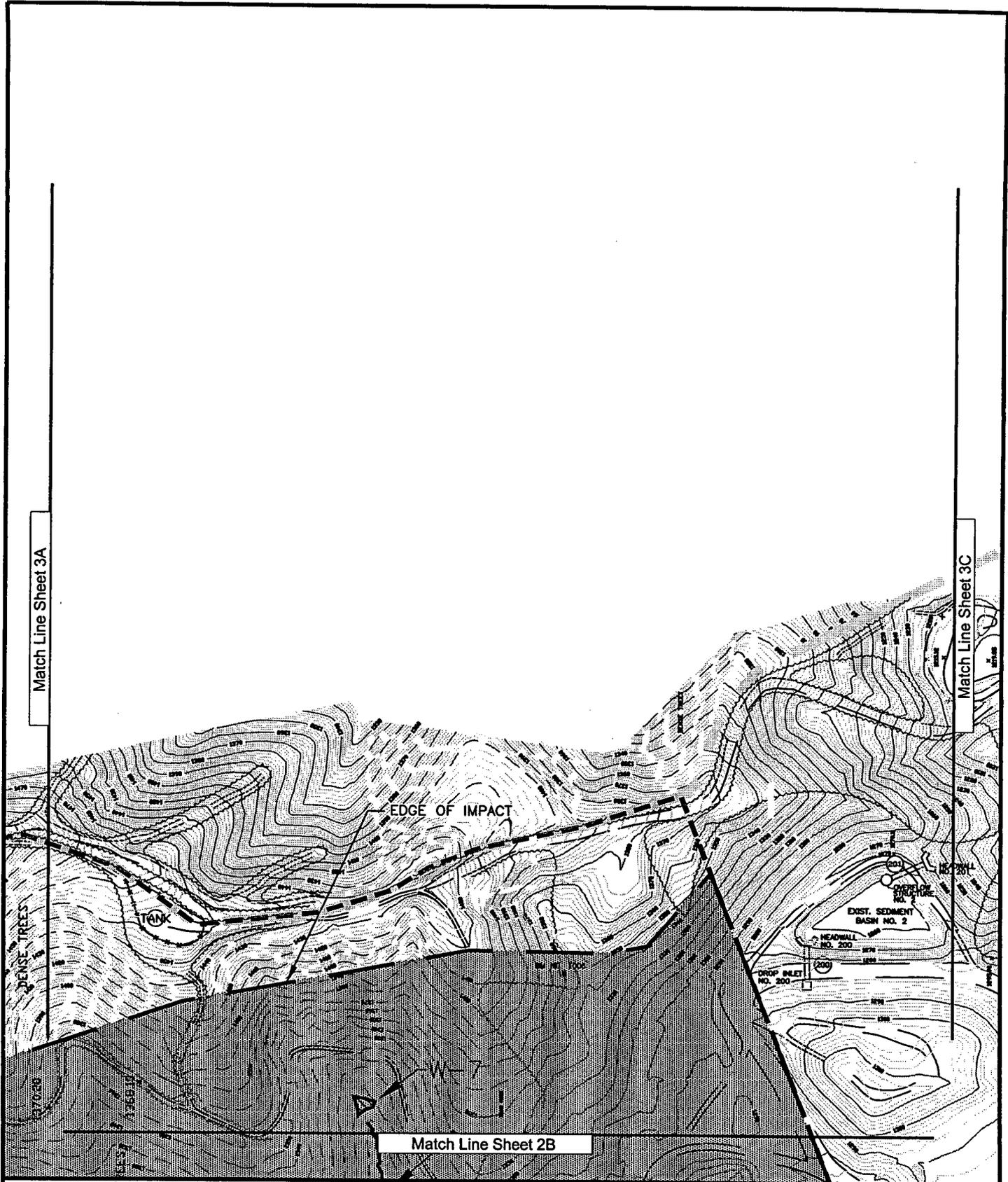
Proposed Expansion Area
Foothills Environmental Landfill Expansion
Caldwell County, North Carolina

Figure: C-3A

Project: ER02063

Date: Nov 2002

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Environmental Services, Inc.

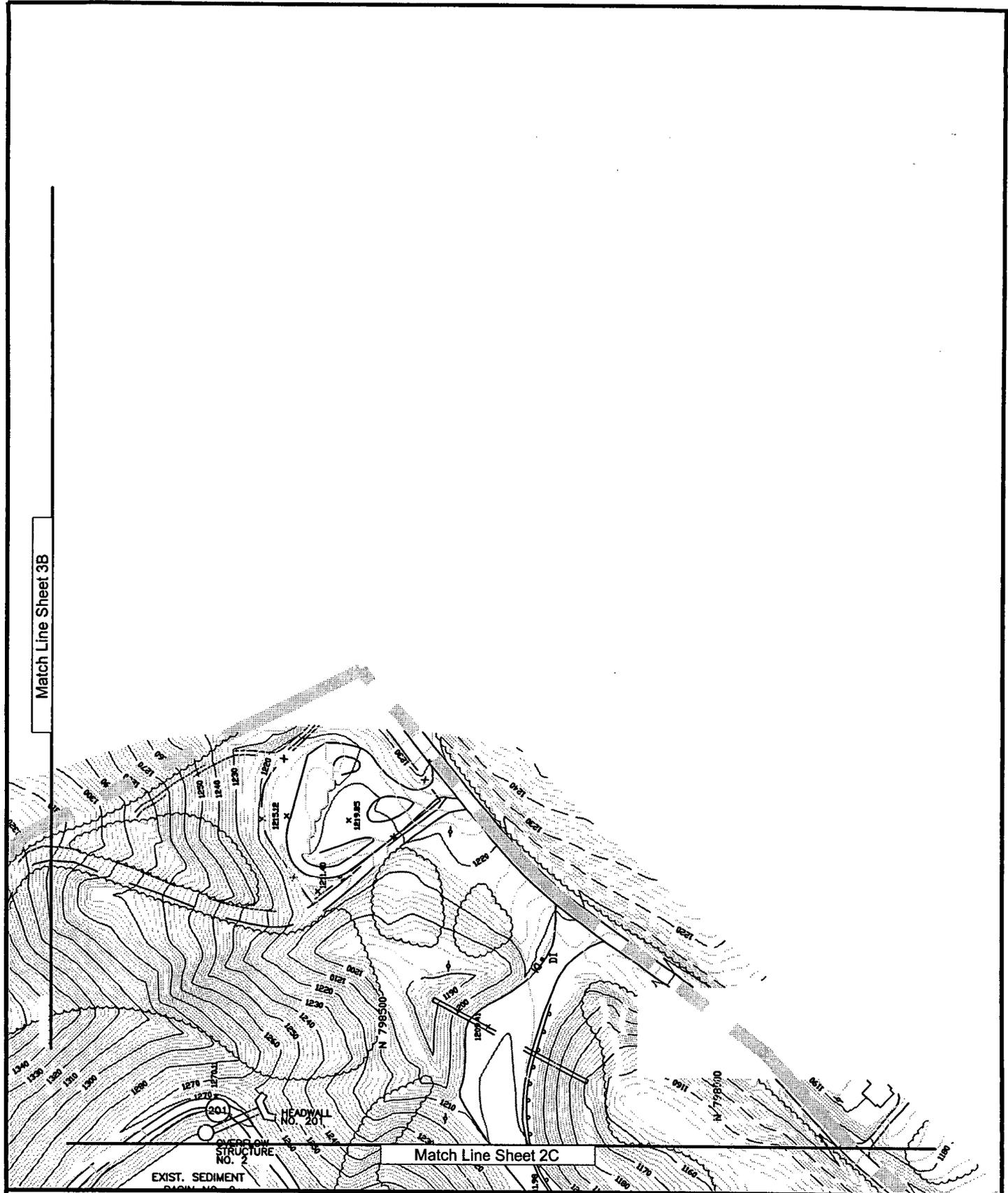
Proposed Expansion Area
Foothills Environmental Landfill Expansion
Caldwell County, North Carolina

Figure: C-3B

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Match Line Sheet 3B

Match Line Sheet 2C



Environmental Services, Inc.

Proposed Expansion Area
Foothills Environmental Landfill Expansion
Caldwell County, North Carolina

Figure: C-3C

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