



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: May 13, 2013  
Comment Deadline: June 12, 2013  
Corps Action ID Number: SAW-2012-00467

The Wilmington District, Corps of Engineers (Corps) received an application from Kathryn Jolly of the Rowan County Department of Environmental Management seeking Department of the Army authorization to impact 2,244 linear feet of stream and 0.55 acre of wetland, associated with the expansion of the Rowan County Municipal Solid Waste Landfill in Rowan 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:** Kathryn Jolly  
Rowan County Environmental Management  
2727-D Old Concord Road  
Salisbury, North Carolina 28146

**AGENT (if applicable):** Mr. Eric Mularski  
HDR Engineering, Incorporated of the Carolinas  
440 South Church Street  
Charlotte, North Carolina 28202

## 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

Directions to Site: The Rowan County municipal solid waste landfill is located at 789 Campbell Road (SR 1947) in Woodleaf, North Carolina 27054. This site is located in the Upper Pee Dee River Basin (8-Digit Cataloging Unit 03040102). From US-70 E/Statesville Blvd turn north onto

NC-801N. Go 3.6 miles and turn right on Woodleaf Road. Travel 1.6 miles and turn left onto Campbell Road. The entrance to the landfill is 1.0 mile on the right (See Figure 1 & 2).

Project Area (acres): 375                                      Nearest Town: Woodleaf  
Nearest Waterway: Second Creek                      River Basin: Upper Pee Dee  
Latitude and Longitude: 35.754N, 80.556W

### **Existing Site Conditions**

The approximately 375 acres of Rowan County landfill is a lined Subtitle D landfill and has been in operation at this location since 1989 under Solid Waste Permit 80-03. The landfill property primarily consists of existing landfill, forest, grassland and agricultural areas (Figure 3). The property is bounded to the north by Campbell Road, to the east and west by rural residential and forested land and to the south by Second Creek. A closed land clearing and inert debris landfill and closed construction and demolition landfill are located in the eastern portion of the property and comprise 10.7 acres. The complete Subtitle D area consists of Phases I through X. Rowan County has constructed and is placing waste in Phases I, II and III, which are located within 51 acres on the western and northwestern portion of the property. Phase IV is located south of Phase III in the southwestern portion of the property and has been permitted for construction beginning in early to mid-2013. Phase IV will encompass approximately 26 acres. The proposed Phases V through X are located within the center of the property. The site was delineated and verified by USACE on April 1, 2013. The surveyed verification includes approximately 5,955 linear feet of jurisdictional stream and 2.75 acres of jurisdictional wetland within Rowan County parcels PIN 816-004 and PIN 816-005.

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

North Carolina General Statute §130A-309.09A requires Rowan County to provide waste disposal services to its citizens. The landfill, as currently authorized, is reaching its permitted capacity generating a need for Rowan County to expand the existing facility.

### **Project Description**

The proposed Phase V through Phase X landfill expansion will include: approximately 102 acres of lined disposal units; a leachate management facility (storage tanks, pretreatment equipment [mixers, blowers, etc.], environmental monitoring stations, and a piping/pump network); and stormwater management devices and structures. Ancillary facilities that serve the landfill including scales/scalehouse facility, administrative offices, and equipment maintenance facilities are currently in place. The existing equipment maintenance facilities are located within the proposed Phase X expansion footprint and will be relocated. The landfill disposal cells will consist of structural fill, liner system, leachate collection system, refuse, final cover "cap", groundwater monitoring network, and a gas extraction system. Equipment to be used in the construction and development of the landfill will include excavators, dozers, off-road dump trucks, graders, soils and trash compactors and water trucks for dust suppression (See Landfill Cross Section Diagram). Construction of Phase V and Phase X would permanently impact jurisdictional waters of the U.S. including 2,244 linear feet of stream and 0.55 acre of wetland.

Phases VI through IX would be constructed entirely in uplands and will not impact any jurisdictional waters of the U.S. Table 1 presents a schedule for the proposed expansion.

**Table 1. Proposed Expansion Schedule**

Phase	Proposed Construction Year	Gross Design Capacity* (CY)	Life Span	Area (acres)
V	2018	1,064,000	5	19.2
X	2023	1,489,000	5	31.8
VI	2028	1,031,000	5	12.3
VII	2033	1,030,000	5	12.1
VIII	2038	1,035,000	5	13.3
IX	2043	1,037,000	5	13.6
Vertical Expansions**	2048	21,420,000	110.3	
<b>Total</b>		<b>28,106,000</b>	<b>140.3</b>	<b>102.3</b>

\* The Gross Design Capacity is the volume between the top of the operational cover and the top of the final cover system.

\*\* The vertical expansions will be permitted in 5 year increments. Liner system construction is not necessary for vertical expansions because they are located above existing phases with waste already in place. The gross capacity listed for the vertical expansion is actually the operational capacity (volume available for waste placement) since the final cover has already been accounted for in the previous calculations for the other phases.

### **Avoidance and Minimization**

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: All jurisdictional waters including approximately 5,955 linear feet of jurisdictional streams and approximately 2.75 acres of jurisdictional wetlands were delineated, field-verified by the U.S. Army Corps of Engineers - Wilmington District, and surveyed by a professional land surveyor. The entire 375-acre tract is owned and operated by Rowan County. Preliminary designs for the proposed landfill expansions were adjusted to avoid and/or minimize impacts to jurisdictional areas based on the surveyed plat. Location and distribution of jurisdictional waters on the property and the physical footprint of existing and proposed expansion phases were considered in developing alternative designs.

Stringent measures will be emphasized to control sediment and erosion control prior to any ground disturbance. Erosion/sediment control devices will be designed according to the North Carolina Erosion and Sediment Control Planning and Design Manual to prevent the erosion and migration of sediment off-site.

Stormwater devices will be developed to control nonpoint-source pollution runoff from the landfill that could have an adverse effect on aquatic species and water quality of the nearby streams.

## **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Compensatory mitigation will be required for unavoidable impacts to jurisdictional water of the U.S. once all appropriate avoidance and minimization measures have been exhausted. Construction of Phase V and Phase X would permanently impact jurisdictional waters of the U.S. including 2,244 linear feet of stream and 0.55 acre of wetland. Phases VI through IX would be constructed entirely in uplands and will not impact any jurisdictional waters of the United States. The applicant is proposing to mitigate for impacts W1, W3, S1, S2, S3, S5 and S6 at a 1:1 ratio and impacts W2 and S4 at a 2:1 ratio. This proposed mitigation would total 0.90 acre of wetland and 2,928 linear feet of stream credit. The amount of mitigation to compensate for unavoidable impacts to jurisdictional water of the U.S. will be determined as future phase design plans are finalized. Rowan County may also pursue stream or wetland restoration, enhancement or preservation on county-owned land offsite, but within the same HUC in order to meet future mitigation needs. Rowan County may also explore the option of paying into an approved mitigation bank to offset impacts as permanent impacts are finalized. As of this date, no approved stream or wetland mitigation bank credits are available in HUC 03040102; however, banks may become available as future Phases are developed. Rowan County may elect to pay into the North Carolina Ecosystem Enhancement Program's in-lieu fee program at ratios determined by the USACE based on the qualitative characteristics of the jurisdictional features impacted should no other mitigation options be available.

## **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 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, the Corps consulted the latest published version of the National Register of Historic Places and initially determines that designated historic properties or properties listed as being eligible for inclusion therein are neither located within the project area nor would be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

## **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 [REDACTED] 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 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 Quality (NCDWQ):** The Corps will generally not make a final permit decision until the NCDWQ issues, denies, or waives State Certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality Central Office in Raleigh constitutes initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act Certification may be reviewed at the NCDWQ Central Office, Wetlands, Buffers, Stormwater Compliance and Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so, in writing, by July 13, 2013 to:

NCDWQ Central Office  
Attention: Ms. Karen Higgins  
(USPS mailing address): 1650 Mail Service Center, Raleigh, NC 27699-1650

Or,

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

**North Carolina Division of Coastal Management (NCDQM):** 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 NCDQM, and the

NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps requests, via this Public Notice, concurrence or objection from the NCDCM.

## **Evaluation**

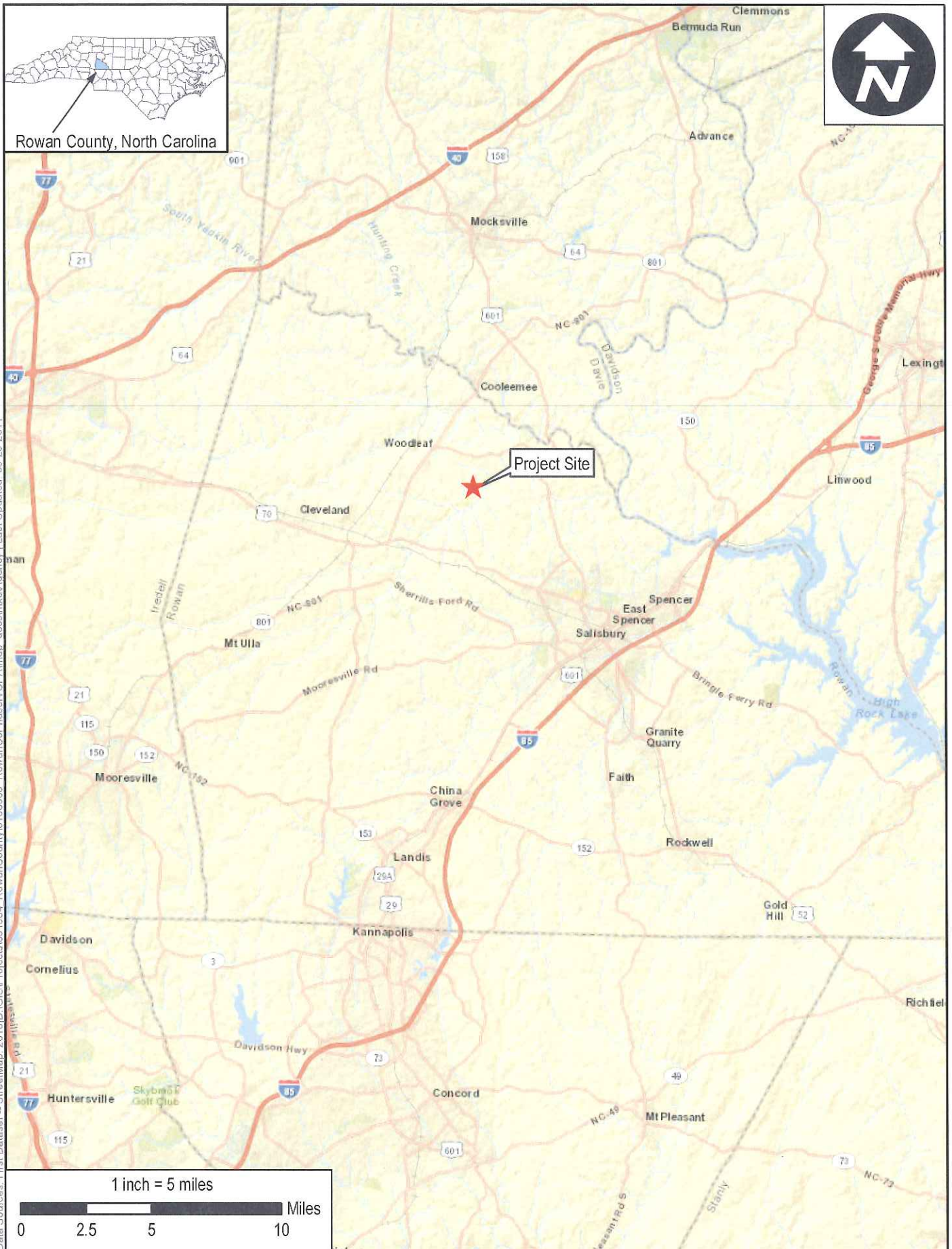
The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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 shall 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, June 13, 2013. Comments should be submitted to Mr. Steve Kichefski, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (828) 271-7980 ext 234.



Data Sources: First Datasel -- StreetMap, 2010[D:\GIS\Projects\351384\_RowanCoPhaseI\Map\docs\mxd\Agency | Last Updated: 05-23-2011

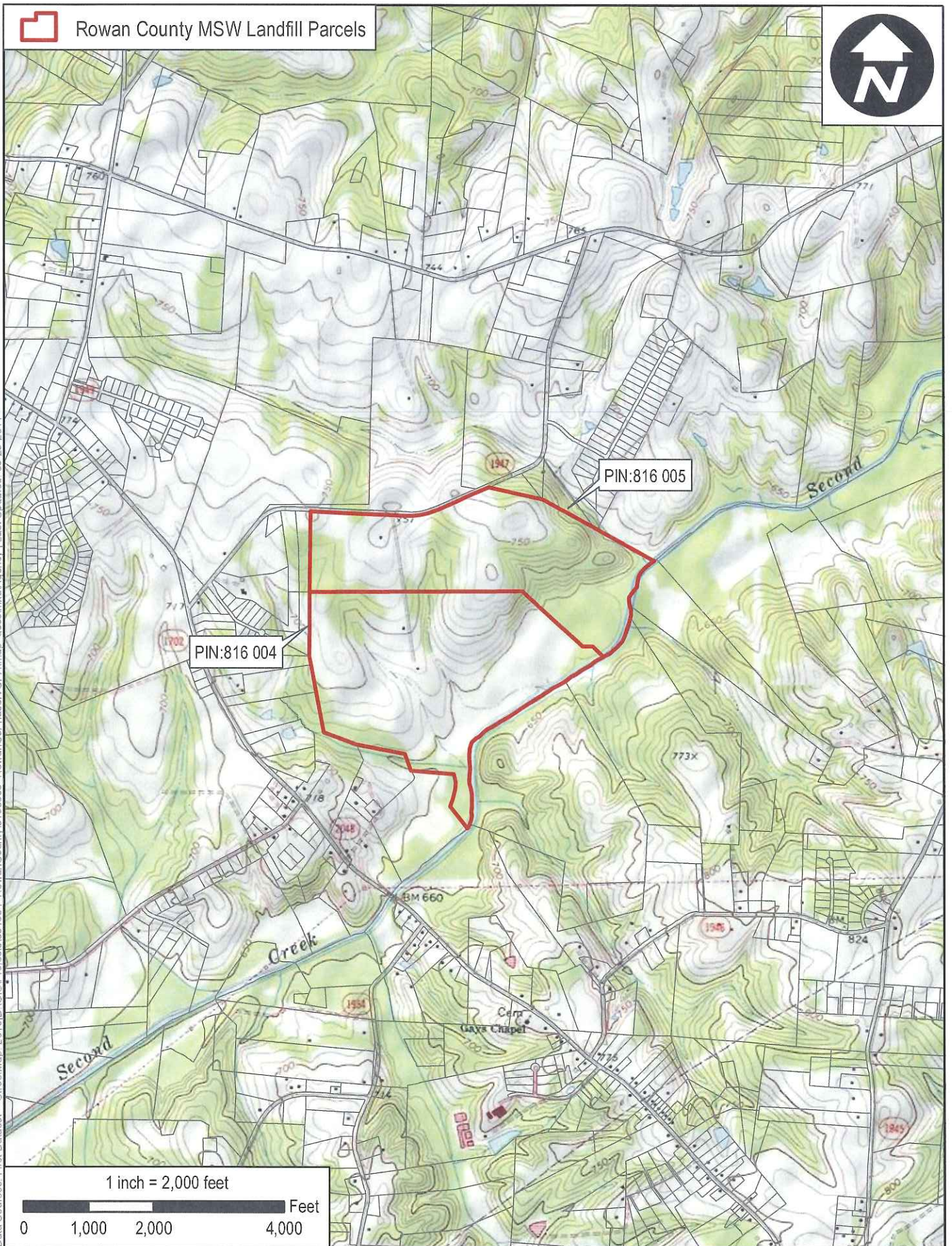


**Project Vicinity**  
Figure 1

 Rowan County MSW Landfill Parcels



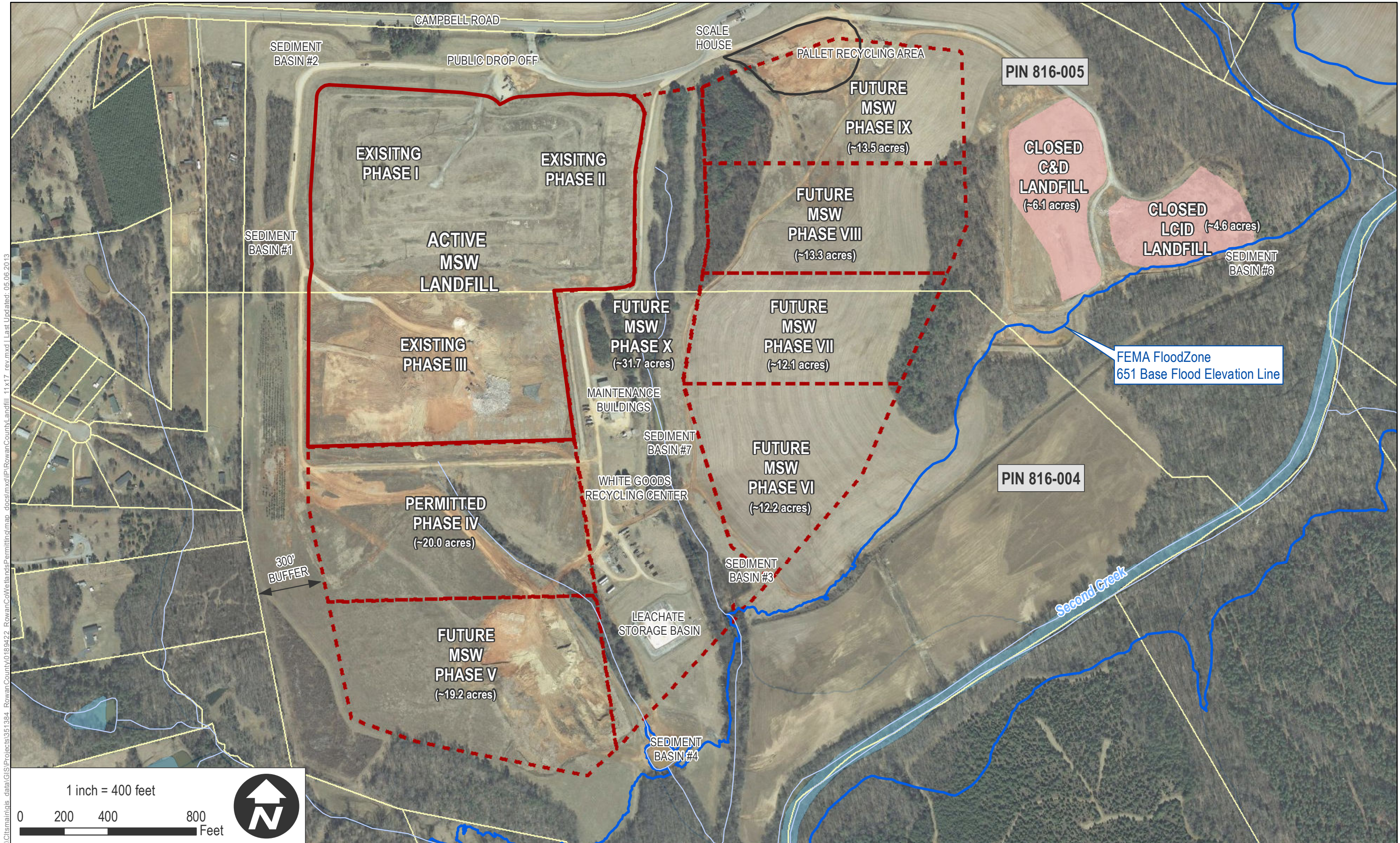
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## Coolemee and Rowan Mills USGS Quadrangles

Figure 2

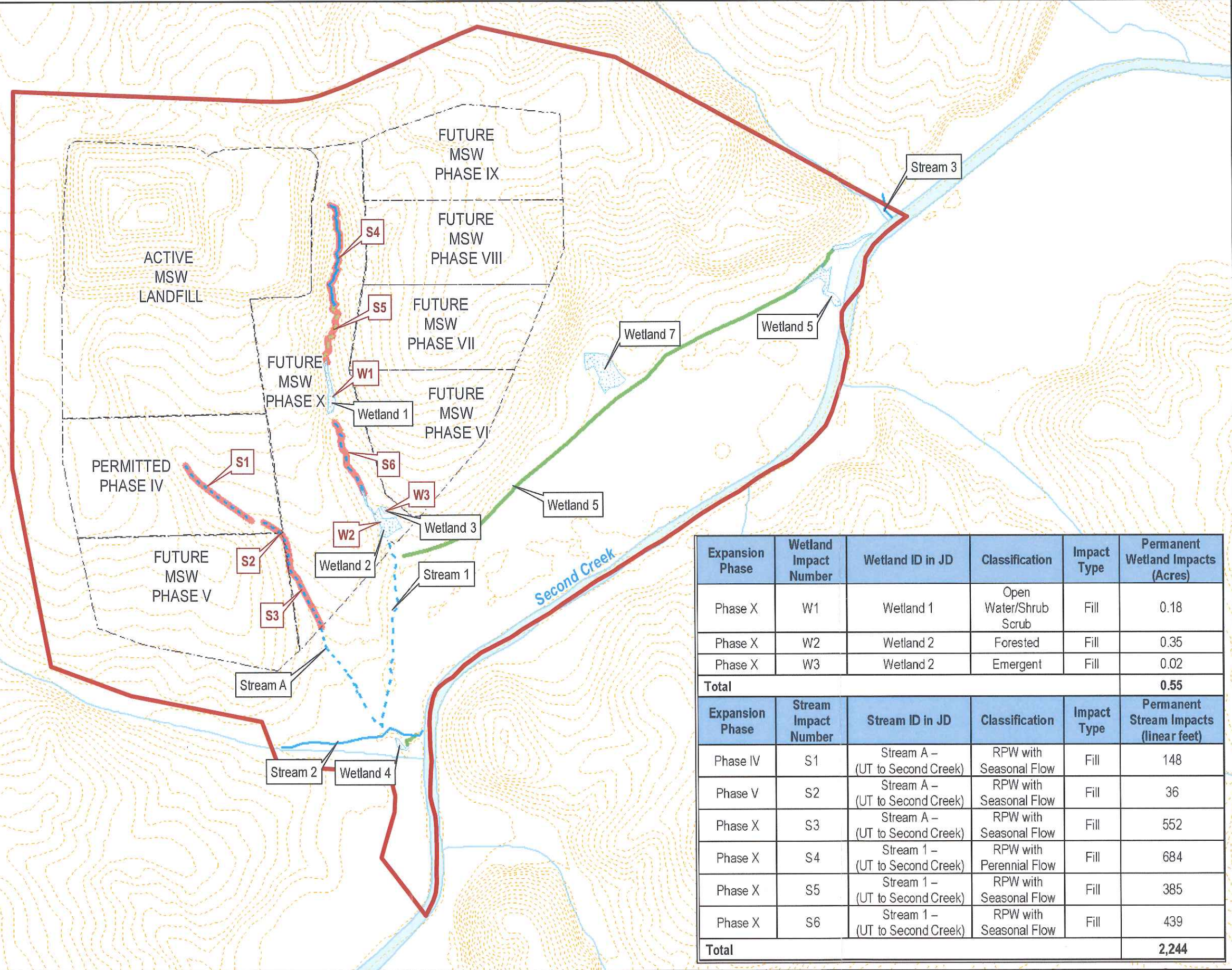




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- Legend**
-  Project Area
  - Delineated Waters of the U.S.**
  -  Ephemeral Channel
  -  RPW with Seasonal Flow
  -  RPW with Perennial Flow
  -  Delineated Wetlands
  -  Delineated Linear Wetlands
  -  Proposed Impacted Streams

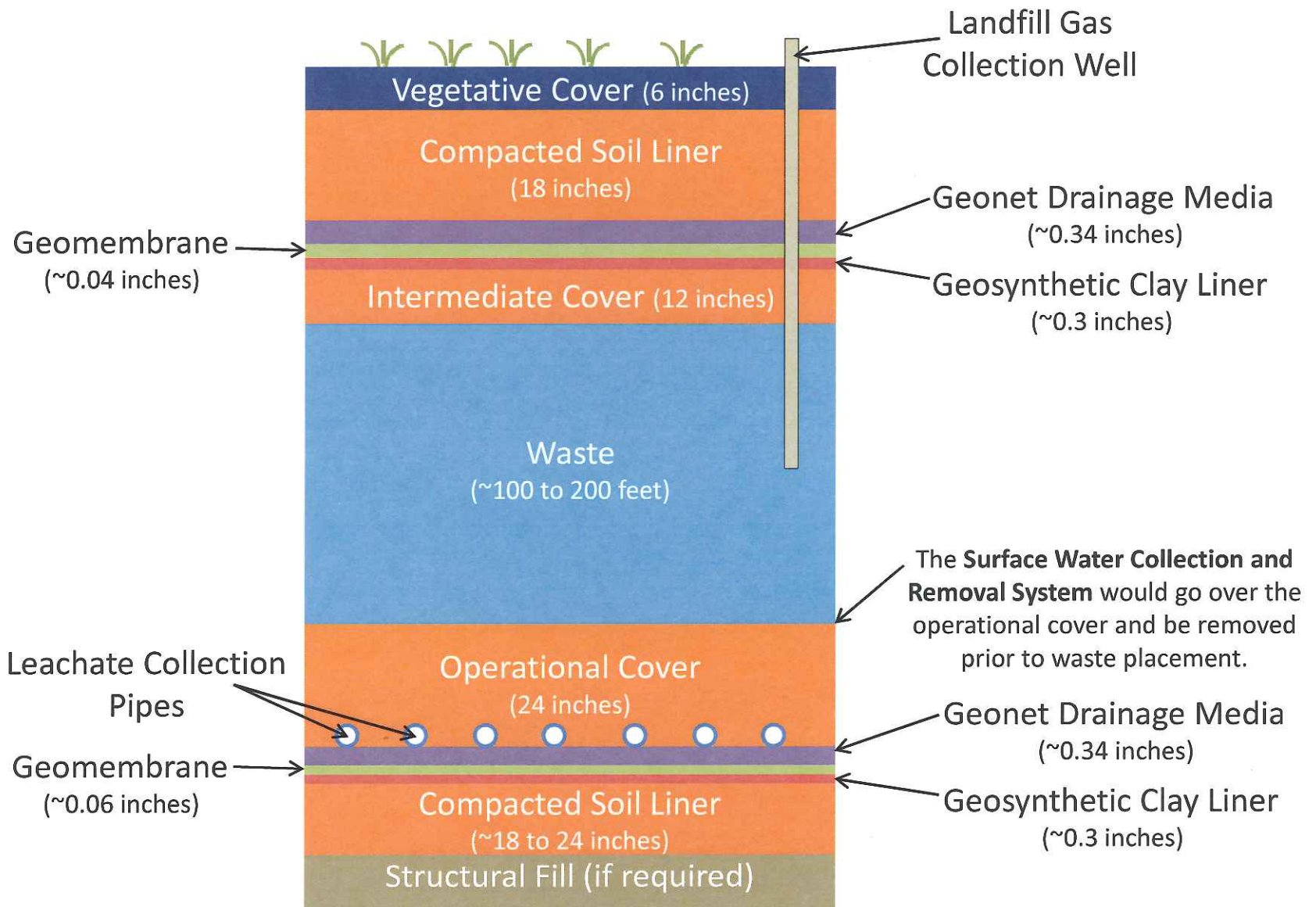
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Expansion Phase	Wetland Impact Number	Wetland ID in JD	Classification	Impact Type	Permanent Wetland Impacts (Acres)
Phase X	W1	Wetland 1	Open Water/Shrub Scrub	Fill	0.18
Phase X	W2	Wetland 2	Forested	Fill	0.35
Phase X	W3	Wetland 2	Emergent	Fill	0.02
<b>Total</b>					<b>0.55</b>
Expansion Phase	Stream Impact Number	Stream ID in JD	Classification	Impact Type	Permanent Stream Impacts (linear feet)
Phase IV	S1	Stream A - (UT to Second Creek)	RPW with Seasonal Flow	Fill	148
Phase V	S2	Stream A - (UT to Second Creek)	RPW with Seasonal Flow	Fill	36
Phase X	S3	Stream A - (UT to Second Creek)	RPW with Seasonal Flow	Fill	552
Phase X	S4	Stream 1 - (UT to Second Creek)	RPW with Perennial Flow	Fill	684
Phase X	S5	Stream 1 - (UT to Second Creek)	RPW with Seasonal Flow	Fill	385
Phase X	S6	Stream 1 - (UT to Second Creek)	RPW with Seasonal Flow	Fill	439
<b>Total</b>					<b>2,244</b>

**Preliminary Impacts to Jurisdictional Waters**

Figure 4



Drawing Not to Scale

## Landfill Cross Section Diagram