



# PUBLIC NOTICE

**US Army Corps  
Of Engineers**  
Wilmington District

Issue Date: October 25, 2024  
Comment Deadline: November 22, 2024  
Corps Action ID Number: SAW-2022-02469

The Wilmington District, Corps of Engineers (Corps) received an application on October 2, 2024, from Greenway Waste Solutions at North Meck, LLC, seeking Department of the Army authorization to permanently discharge fill into 1.5 acres of wetlands and 2,667 linear feet (0.305-acre) of stream channel, associated with the expansion and operation of the existing North Meck Construction and Demolition Landfill in Huntersville, Mecklenburg 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:** Ron Gilkerson  
Greenway Waste Solutions at North Meck, LLC  
19109 West Catawba Avenue, Suite 200  
Cornelius, North Carolina 28031

**AGENT (if applicable):** Lisa Mash  
Civil and Environmental Consultants Inc.  
777 Lowndes Hill Road, Building 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 at 15300 Holbrooks Road.

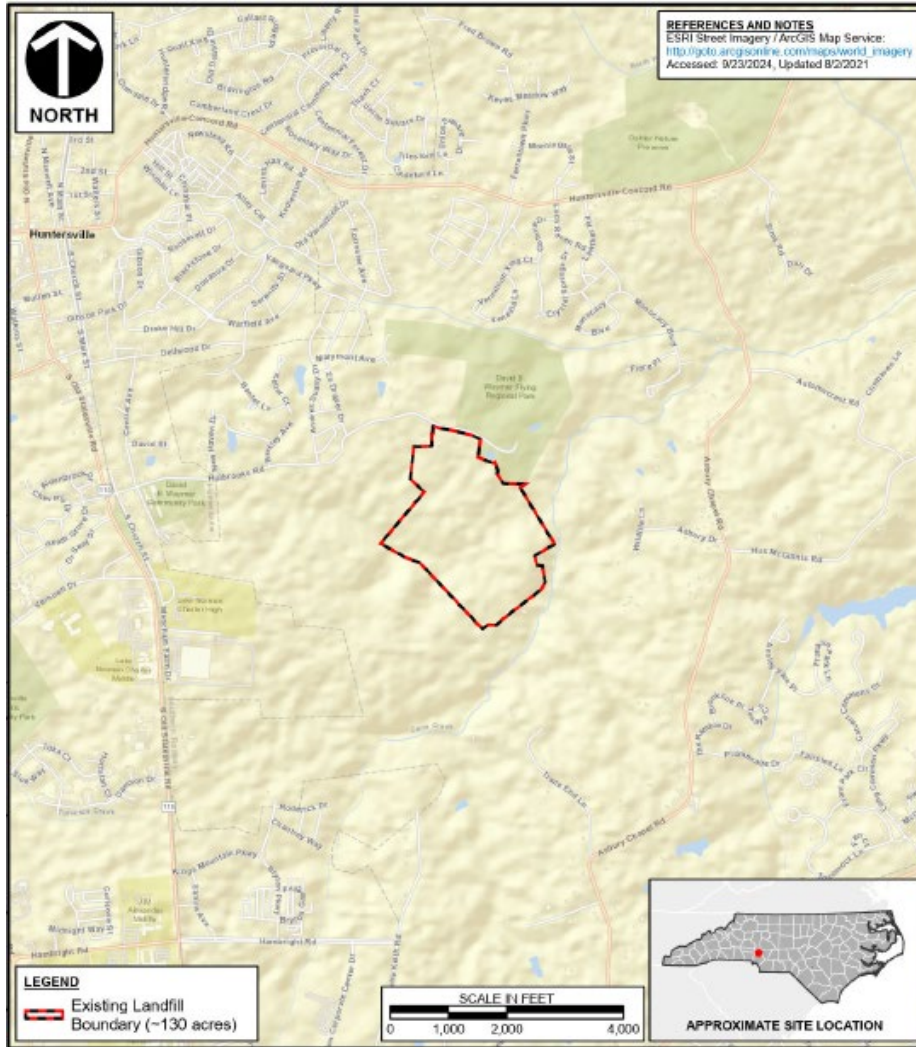
Project Area (acres): 177

Nearest Town: Huntersville

Nearest Waterway: Cane Creek

River Basin: Upper Pee Dee River, Hydrologic Unit Code (HUC) 03040105

Latitude and Longitude: 35.398626N, -80.817826W



Site Location Map.

## Existing Site Conditions

The North Meck Landfill (facility) is an existing construction and demolition (C&D) disposal facility owned and operated by Greenway Waste Solutions at North Meck, LLC. The current landfill boundary encompasses approximately 130 acres of which 60.2 acres are permitted for landfill disposal and the remaining 69.8 acres are utilized for

supporting infrastructure/buildings, soil borrowing, or left undisturbed. The permitted 60.2-acre landfill disposal boundary includes both closed and active disposal areas that were constructed over multiple phases for waste filling. Each phase was permitted and constructed as the need for additional airspace arose.

The landfill was originally permitted on June 24, 1993. The permitting history for the facility is summarized below:

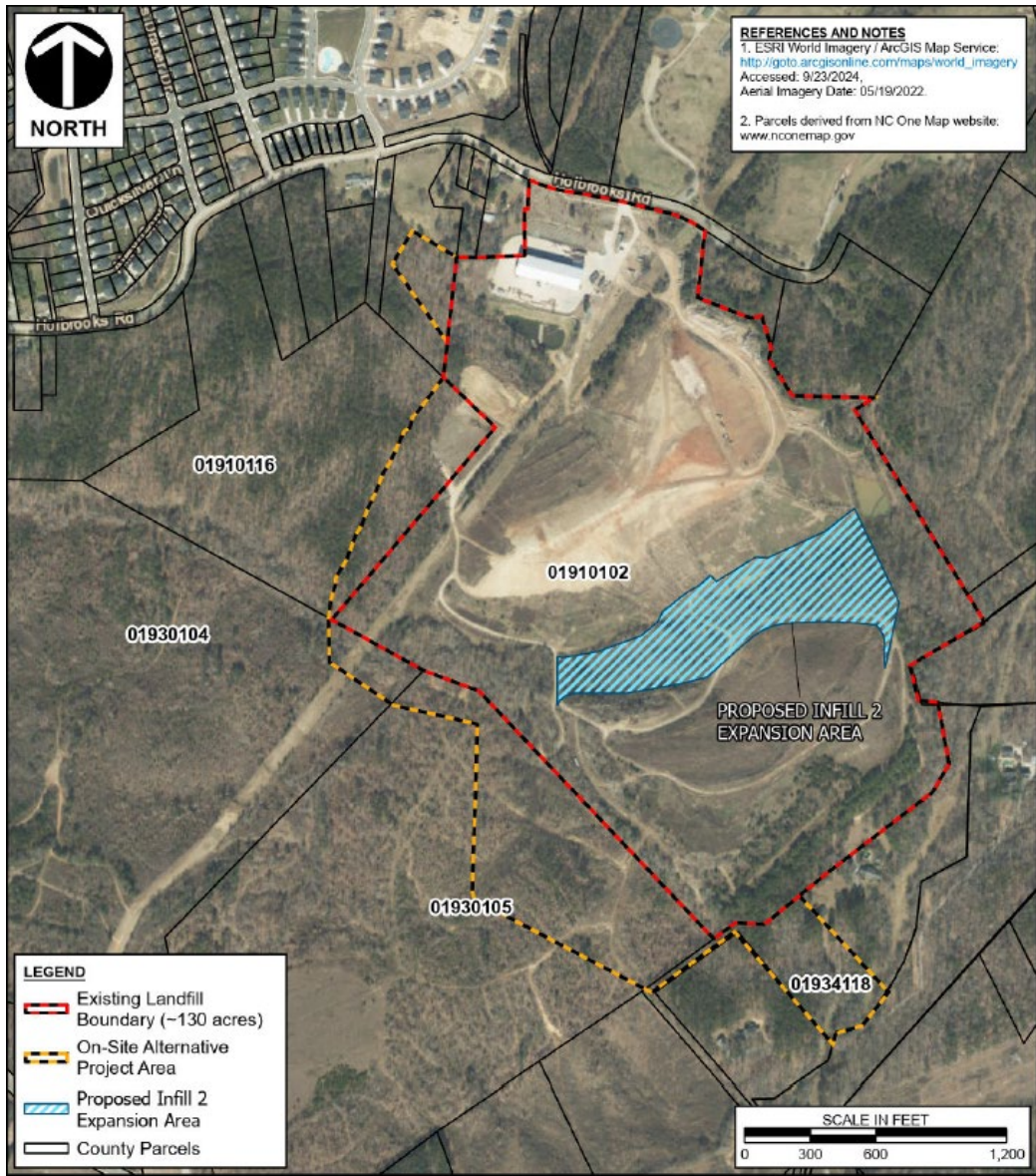
<b>Permit Type</b>	<b>Date Issued</b>
Permit to Operate Phase 1	June 24, 1993
Amendment 1 Phase 2	March 7, 1995
Permit to Construct Amendment 2	October 19, 2001
Permit to Operate Amendment 3	October 26, 2021
Permit to Construct Expansion II Phase 1	March 10, 2006
Permit to Construct Expansion II Phases 2&3	June 26, 2006
Infill 2 Expansion Area	Proposed Project

The facility is currently permitted to accept approximately 120,000 tons of non-hazardous solid waste per year under Solid Waste Facility Permit Number 60-13 for a Service Area that includes the counties of Mecklenburg, Union, Cabarrus, Catawba, Lincoln, Iredell, and Gaston in North Carolina and Lancaster and York in South Carolina.

The project site consists of a scale house, scales, parking stalls, and a gate located in the entrance corridor off Holbrooks Road at the northern portion of the facility. A Materials Recovery Facility is located west of the entrance and scale house. Two existing sediment basins control stormwater runoff from the facility.

There is a large residential development north of the proposed project site and David B. Waymar Flying Regional Park, which appears to be a small airport, is located east of the site. Undeveloped forested land surrounds the site to the west, south, and southeast.

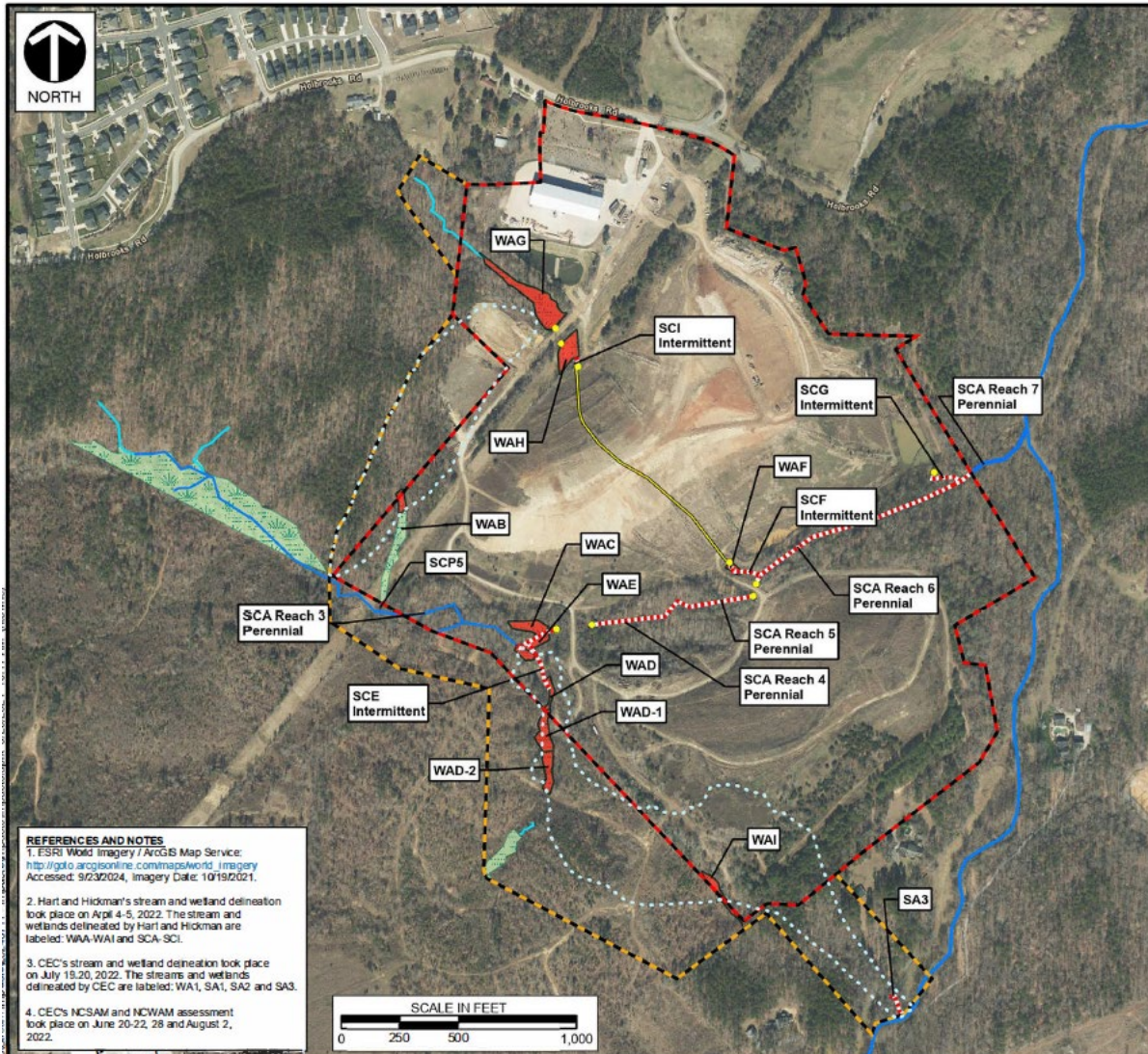




**Site Aerial Map.**

The project site is largely barren due to its historical use as a landfill. Cane Creek runs along the southern project boundary and flows northeast to South Prong Clarke Creek, east to Clark Creek, and south to Rocky River, a traditionally navigable water of the US. The site also contains approximately 4.5 acres of wetland and 3,990 lf of streams that traverse the site. Streams SCF and a portion of SCA Reach 6 are located within the FEMA 100-year floodplain and are proposed to be impacted (See map below). Site soils consist of Wilkes loam, 4 to 8 percent and 15 to 25 percent slopes, Enon sandy loam 2 to 8 percent, and Monacan loam 0 to 2 percent slopes, frequently flooded.





**Site Aquatic Resources Delineation Map.**

**Applicant's Stated Purpose**

To expand airspace capacity and life expectancy of the existing landfill facility to meet the current and anticipated needs of the landfill service area, which includes the nine counties referenced above.

**Project Description**

Given the current waste acceptance rate of 120,000 tons per year (90,000 cubic yards), the landfill is expected to reach capacity by the end of 2024. In response, the facility has been accepting reduced tonnage. The project proposes to expand the current disposal capacity at the North Meck C&D Landfill through an onsite lateral expansion that would allow for approximately 7,150,000 cubic yards (CY) of additional airspace for C&D

debris disposal that would allow for another 80 years of waste capacity to meet the current and future needs of the landfill service area.

The proposed project would expand the existing 60.2 acre permitted landfill boundary by 11.9 acres to increase the horizontal limit of waste by 48.8 acres and its vertical limit by 100 feet. The project area for the proposed project is approximately 177 acres which includes 11.9 acres for the proposed project; 60.2 acres of the currently permitted landfills; and 104.9 acres associated with the relocation of stream channels and infrastructure.

Construction of the proposed project would involve typical earth moving and mass grading equipment (bull dozers, excavators, vibratory rollers, compactors) to achieve the design grades for the expansion. Approximately 908,000 CY of mass excavation and approximately 40,000 CY of structural fill (soil) will be required. Specifically, the 40,000 CY of fill would be used to construct the Infill 2 Expansion Area for the purposes of providing a proper vertical separation of at least four feet above seasonal high groundwater. Clean fill material would be obtained from the onsite grading activities associated with the cut of the footprint of the relocated stream channels discussed below.

Stormwater runoff from the landfill would be directed through a series of proposed best management practices, including expansion of the existing eastern stormwater basin and construction of a new basin west of the Infill 2 Expansion Area. Additionally, approximately 1,085 lf of previously piped stream will be filled with grout and plugged to avoid potential future pipe failure that could adversely affect groundwater. The flow of the piped stream will be diverted, relocated, and daylighted for approximately 1,650 lf to the north and extend west toward an existing unnamed tributary to Cane Creek. The impacted stream will be relocated to the west for approximately 2,505 lf and flow south into Cane Creek along the southern project boundary.

In total, the project proposes the permanent loss of 1.5 acres of wetlands and 2,667 lf of perennial and intermittent streams.

### **Avoidance and Minimization**

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Avoidance and minimization would be achieved by avoiding approximately three acres of wetlands and 1,300 lf of stream and minimization of impacts via site selection, design, and implementation of best management practices, as well as stream relocation.

### **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Currently, existing mitigation banks and the in-lieu fee program do not have available mitigation credits within the service area of the



proposed project site sufficient to offset proposed impacts, therefore, the applicant proposes to provide offsite permittee-responsible mitigation (PRM). PRM will occur through enhancement and restoration activities under a watershed approach. Approximately 4,292 lf of stream and 5.51 acres of wetlands would be enhanced or restored. The proposed PRM site is located south of Monroe, Union County, North Carolina, at approximate latitude 34.945559N and longitude -80.460778W.



**PRM Site Map.**

### **Essential Fish Habitat (EFH)**

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 (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/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 determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.

For the proposed project, the Corps has made the following determination for federally listed endangered or threatened species or their formally designated critical habitat: May Affect, Not Likely To Adversely Affect the following species: Michaux's sumac (*Rhus michauxii*), Smooth coneflower (*Echinacea laevigata*), and Schweinitzer's sunflower (*Helianthus schweinitzii*). The tricolored bat (*Perimyotis subflavus*) is also listed for the site. The applicant has proposed a tree clearing moratorium during summer roosting months. In addition, the applicant has indicated they will be providing a Biological Assessment to the USFWS in the coming weeks.

By copy of this public notice, the Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

### **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  
(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, November 22, 2024. Comments should be submitted to Emily Greer, Charlotte Regulatory Field Office, 8430 University Executive Park Drive, Suite 615, Charlotte, North Carolina 28262, or via email at [emily.c.greer@usace.army.mil](mailto:emily.c.greer@usace.army.mil). The Corps Project Manager can be contacted at (704) 510-1141. Comments may also be submitted to [CharlotteNCREG1@usace.army.mil](mailto:CharlotteNCREG1@usace.army.mil)