


US Army Corps  
of Engineers  
Memphis District

# Public Notice

**FILE NUMBER: MVM-2022-208 (JFB)**

**NOTICE DATE:**  
**June 30, 2023**

Attn: Postmaster,   
Please Post Until

**EXPIRATION**  
**DATE:**  
**July 30, 2023**

## Public Notice

### **U.S. Army Corps of Engineers**

**AUTHORITY:** Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

**APPLICANT:**

Daniel Chamberlin  
Nestle Purina PetCare Company  
22450 State Highway Y East  
Bloomfield, Missouri 63825  
(573) 568-5393

**AGENT:**

Katie Astroth  
Civil & Environmental Consultants, Inc.  
3000 Little Hills Expressway, Suite 102  
St. Charles, Missouri 63301  
(314) 656-4566

**LOCATION:** The project site is located near the community of Bloomfield in Stoddard County, Missouri, more specifically at approximate Latitude 36.957085° and Longitude -89.873765° on the Bloomfield U.S. Geological Survey (USGS) Topographic map. (See Figure 1 & 2).

**PURPOSE:** The purpose of this project is to expand the fill area to increase the current and future fill area capacity needed to support continued production of Tidy Cats Lightweight pet litter.

**HISTORY:** The Nestle Purina PetCare Company Bloomfield Plant opened in 1976 and was the first to produce Tidy Cats Lightweight litter. Sales of this product have grown significantly over the past several years and the production process produces a byproduct known as Earthen Litter Material (ELM). After production, the ELM is stored onsite in an existing storage area that has been in use over the last 4.25 years. Approximately 2,700 truckloads of ELM, with an approximate volume of 16 CY per load, are currently being generated per month by the plant. The existing fill area onsite is estimated to have approximately 6 months of capacity left at the current ELM generation rates.

**DESCRIPTION OF WORK:** The applicant proposes to expand their existing and primary ELM fill area at their Bloomfield Plant. The proposed fill expansion area (project area) encompasses 17-acres and contains 0.953 acre of jurisdictional forested wetland, 0.751 acre of jurisdictional scrub-shrub wetland, and 1,580 linear feet (0.144 acre) of jurisdictional ephemeral streams. These wetland and stream areas, totaling 1.848 acres, will be permanently impacted by the project through filling activities due to the placement of ELM (see Figure 3).

**AVOIDANCE/MINIMIZATION:** An alternative analysis was completed to determine the preferred alternative for the proposed project. This analysis examined the potential impacts to jurisdictional waters by all alternatives considered. The preferred alternative was selected to avoid and minimize impacts to potentially jurisdictional waters. Upon selection of the preferred alternative, the design requirements for the ELM fill area expansion do not

allow for the avoidance of impacts to jurisdictional waters. However, mitigation measures and management practices would be employed to minimize these impacts. These practices will include, wetland and stream mitigation, a National Pollutant Discharge Elimination System permit for the discharge of pollutants through a point source into waters of the United States from construction and land clearing activities and site operations, as well as sediment and erosion controls.

**MITIGATION:** Nestle Purina PetCare Company is proposing to mitigate for all proposed wetland and stream impacts through the purchase of wetland and stream mitigation credits from the Land Learning Foundation. Based on the Missouri Wetland Mitigation Method, a total of 12.2 wetland mitigation credits will be required for proposed wetland impacts.

**WATER QUALITY CERTIFICATION:** The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has submitted a certification request to the Missouri Department of Natural Resources. In accordance with Certification Rule part 121.6, once the applicant submits a certification request the Corps of Engineers will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification within 60 days.

**ENDANGERED SPECIES:** Our preliminary determination is that there would be no endangered species or critical habitat affected by this proposal. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work

**CULTURAL RESOURCES:** In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District is soliciting comments from federal, state, and local agencies, federally recognized Indian Tribes, the public, and other interested parties in order to identify and evaluate potential effects of the proposed action on historic properties.

**FLOODPLAIN:** In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed public notice and notify this office of any floodplain development permit requirements.

**PUBLIC INTEREST REVIEW:** The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the project, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project 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, floodplain values, 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.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; federally recognized 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 and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision. If a public hearing is held, it will be for the purpose of obtaining additional information that we could not otherwise obtain through a public notice process; not to inform the public about the specific details of the project in greater detail than what is found in this notice. This is not a Corps of Engineers project. We are not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 404 and Section 10 permits required by our office.

**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** Send comments to the Corps of Engineers, Memphis District. Comments may be sent via mail or email to the following:

U.S. Army Corps of Engineers – Memphis District  
ATTN: Brandi Harms  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
E-mail: [brandi.l.harms@usace.army.mil](mailto:brandi.l.harms@usace.army.mil)  
phone: (901) 544-0735

The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

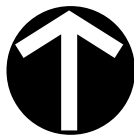
For Final Individual Permits actions in the Memphis District, go to the following link:

<https://permits.ops.usace.army.mil/orm-public>. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending individual permits can be located by selecting the “**Pending IP**” tab above. All of the environmental documents and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Division office for examination.

Gregg W. Williams  
Chief  
Regulatory Division

Attachments





NORTH

**REFERENCE(S):**

USGS TOPOGRAPHIC MAP/ ARCGIS MAP SERVICE:  
HTTP://GOTO.ARCGISONLINE.COM/MAPS/  
USA\_TOPO\_MAP, ACCESSED 5/9/2023

36.957085°, -89.873765°

**LEGEND**

 PROJECT AREA

SCALE IN FEET

0 1,000 2,000 4,000



**Civil & Environmental Consultants, Inc.**

3000 Little Hills Expressway · Suite 102 · St. Charles, MO 63301

(314) 656-4566 · (866) 250-3679 · fax: (314) 656-4595

www.cecinc.com

NESTLE PURINA PETCARE COMPANY  
EARTHEN LITTER MATERIAL (ELM) FILL AREA  
BLOOMFIELD, STODDARD COUNTY, MISSOURI

**SITE LOCATION MAP**

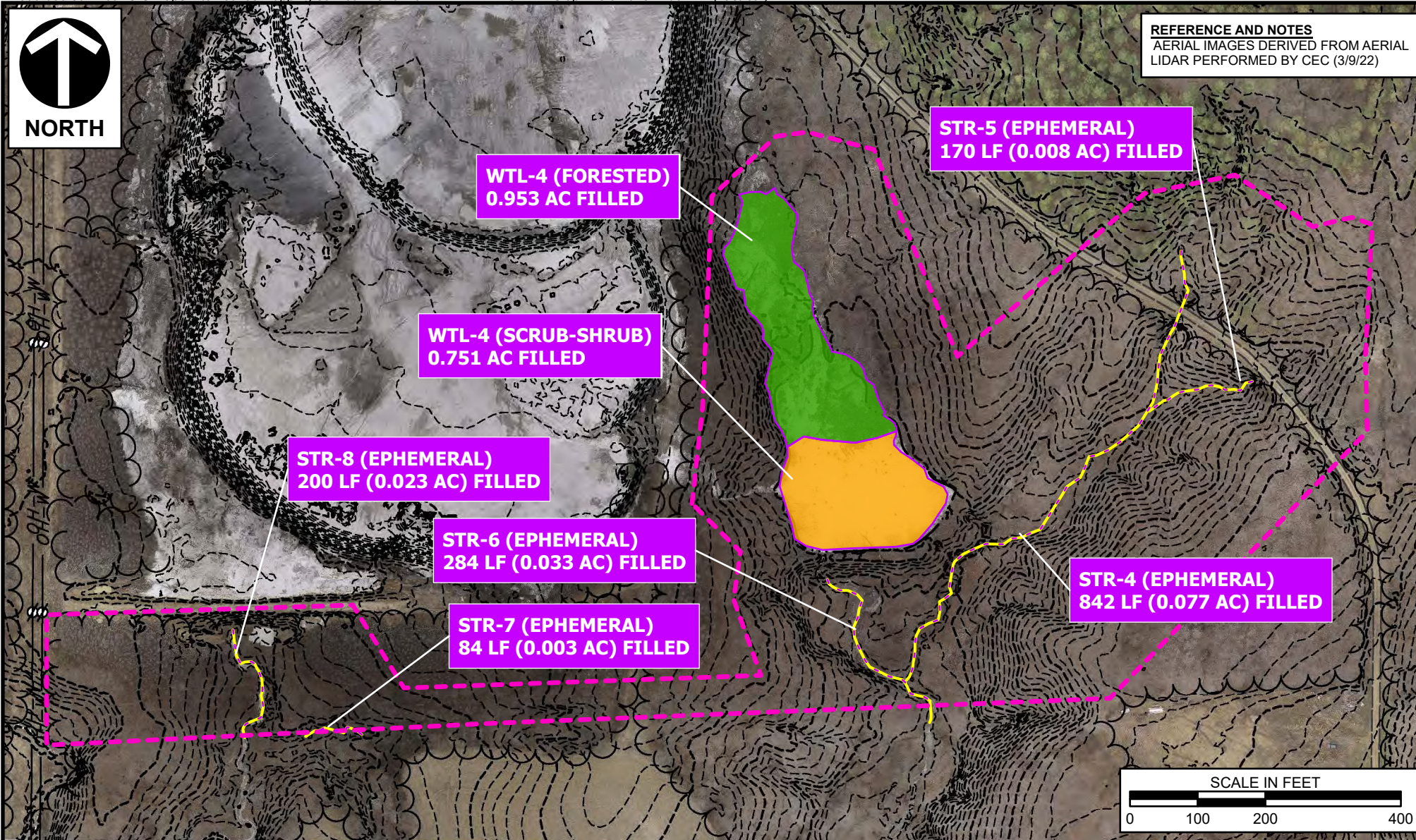
DRAWN BY:	KLA	CHECKED BY:	KLA	APPROVED BY:	DRK*	FIGURE NO:	1
DATE:	5/9/2023	SCALE:	1"=2,000'	PROJECT NO:	301-169		

\*Hand Signature on file









**REFERENCE AND NOTES**  
AERIAL IMAGES DERIVED FROM AERIAL  
LIDAR PERFORMED BY CEC (3/9/22)

LEGEND	
	PROJECT AREA
	STREAM IMPACT
	WETLAND IMPACT
	EPHEMERAL STREAM
	FORESTED WETLAND
	SCRUB-SHRUB WETLAND

 <b>Civil &amp; Environmental Consultants, Inc.</b> 3000 Little Hills Expressway · Suite 102 · St. Charles, MO 63301 (314) 656-4566 · (866) 250-3679 · fax: (314) 656-4595 <a href="http://www.cecinc.com">www.cecinc.com</a>		DRAWN BY: KLA		CHECKED BY: KLA	
		DATE: 5/9/2023		SCALE: 1"=200'	

NESTLE PURINA PETCARE COMPANY EARTHEN LITTER MATERIAL (ELM) FILL AREA BLOOMFIELD, STODDARD COUNTY, MISSOURI			
WATERS IMPACT MAP			
APPROVED BY: DRK*		FIGURE NO: <b>3</b>	
PROJECT NO: 301-169			