



US Army Corps  
of Engineers  
Memphis District

# Public Notice

FILE NUMBER: MVM 2017-087

NOTICE DATE:  
April 25, 2022

Attn: Postmaster,  
Please Post Until

EXPIRATION DATE:  
May 10, 2022

## 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:**

Mr. Joseph Vieceli  
Waste Services of Northeast Mississippi, LLC  
3 Waterway Square PI #550  
The Woodlands, Texas 77380  
Ph: (832) 442-2900

**AGENT:**

Mr. Jonathan Queen  
Weaver Consultants Group, LLC  
6420 Southwest Blvd., Suite 206  
Fort Worth, Texas 76109  
Ph: (817) 735-9770

**PURPOSE:** The purpose of the project is to expand an existing landfill (Northeast Mississippi Regional Landfill) to allow the applicant to continue providing waste disposal services to Tippah County and the surrounding area.

**LOCATION:** The project site is located approximately 2 miles west of Walnut, Mississippi, and south of U.S. Highway 72 on approximately 89 acres of the existing landfill facility in Tippah County, Mississippi, at coordinates N34.94334° / W-88.94022°, as shown on Figure 1.

**DESCRIPTION OF WORK:** The applicant's proposed work consists of the expansion of an existing 82-acre waste disposal area on property totaling 401.3 acres. The existing waste disposal area currently accepts municipal solid waste and nonhazardous industrial solid waste in accordance with applicable State requirements. The expansion would add an additional 72.7 acres of waste disposal area immediately to the east for a proposed final configuration that would encompass 154.7 acres, as shown on Figures 2 and 3. Construction of the proposed landfill expansion would include clearing, excavation, and earthwork with the use of standard earth moving equipment (i.e. backhoe, bulldozer, trackhoe, haul truck, compactor).

The applicant's proposed landfill expansion would permanently fill 0.03 acre of wetland and 1,619 linear feet of other waters of the United States (streams). The location of existing wetlands and streams is shown on Figure 4. The deposition of fill material into waters of the United States, including streams and wetlands, requires authorization from the Corps of Engineers.

The Corps of Engineers previously issued a public notice for this project based on a prior jurisdictional determination. The Corps of Engineers is currently processing a request for an approved jurisdictional determination for potential aquatic resources within the proposed project area. In addition to the waters described above, there are approximately 2,267 linear feet of ephemeral streams and/or erosional features and 0.10-acre of wetlands that are being evaluated for geographic jurisdiction according to current U.S. Army Corps of Engineers regulations and guidance. The applicant has asserted that these features do not meet the definition of waters of the United States and are, therefore, not jurisdictional under Section 404 of the Clean Water Act. Impacts to any features that the Corps determines are waters of the United States would increase the total impacts described above. Per 33 CFR 325.2 (a) (2), the district engineer will issue a supplemental, revised, or corrected public notice if in his view there is a change in the application data that would affect the public's review of the proposal.

**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. 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.

**AVOIDANCE/MINIMIZATION:** According to the applicant, several options were evaluated to avoid and minimize impacts to waters of the U.S. within the 401.3-acre landfill permit boundary. As a result, the applicant is avoiding impacts to 165 l.f. of intermittent stream. It is the applicant's determination that their selected alternative balances the need for the Tippah County area while minimizing impacts to jurisdictional features on the entire landfill property. The applicant also states that constructed drainage and erosion control structures will be inspected on a regular basis and after every significant rainfall event. It is expected these erosion and sedimentation measures will minimize potential impacts to downstream waters.

**MITIGATION:** The applicant is proposing to mitigate the loss of 1,619 linear feet of intermittent stream and 0.03 acre of wetland by purchasing available credits from one or several mitigation banks.

**ENDANGERED SPECIES:** The applicant recently consulted the United States Fish and Wildlife Service's (USFWS) IPaC website to determine if there are federally listed endangered species that could potentially occur within the project area. USFWS lists three species, Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and wood stork (*Mycteria americana*), that could potentially be affected by activities at the project's location. There is no critical habitat listed by USFWS at the project's location. Potential impacts resulting from the proposed action on these species have been reviewed by our office according to the SLOPES (Standard Local Operating Procedures for Endangered Species) agreement with USFWS. Based on best available information, our office has determined that the proposed action "may affect, but is not likely to adversely affect" the northern long-eared bat and any resulting take is not prohibited by the final 4(d) rule. Our office intends to coordinate this determination with USFWS through the optional streamlined consultation framework for the NLEB. There will be "no effect" to the wood stork as a result of the proposed action. The project site is located within a designated consultation zone for the Indiana bat per the SLOPES agreement. Our office has not yet reached an effect determination for the Indiana bat. Any additional comments USFWS may have regarding endangered or threatened wildlife or plants or their critical habitat in response to this public notice will be considered in our evaluation of the described work.

**CULTURAL RESOURCES:** This project was previously advertised by public notice on February 6, 2021. The Division Archaeologist reviewed this project and determined the undertaking would have no effect to historic properties, archaeological or above-ground, that are listed or eligible for listing to the NRHP and that no further cultural resources investigation is warranted. Mississippi Department of Archives & History provided their comments and concurred that no additional cultural resources survey would be needed and their agency had no objection to the proposed undertaking. In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District is soliciting any additional comments from federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties in order to identify and evaluate potential impacts 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 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 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:** To request additional information or provide comments on this notice, please contact Mr. James M. Elcan using the information below:

U.S. Army Engineer District – Memphis  
ATTN: James Elcan  
167 N. Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
E-mail: [james.m.elcan@usace.army.mil](mailto:james.m.elcan@usace.army.mil)  
Phone: (901) 544-0737

Comments may be sent via mail or e-mail. 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: [http://geo.usace.army.mil/egis/f?p= 340:2:0::NO:RP](http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP). 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

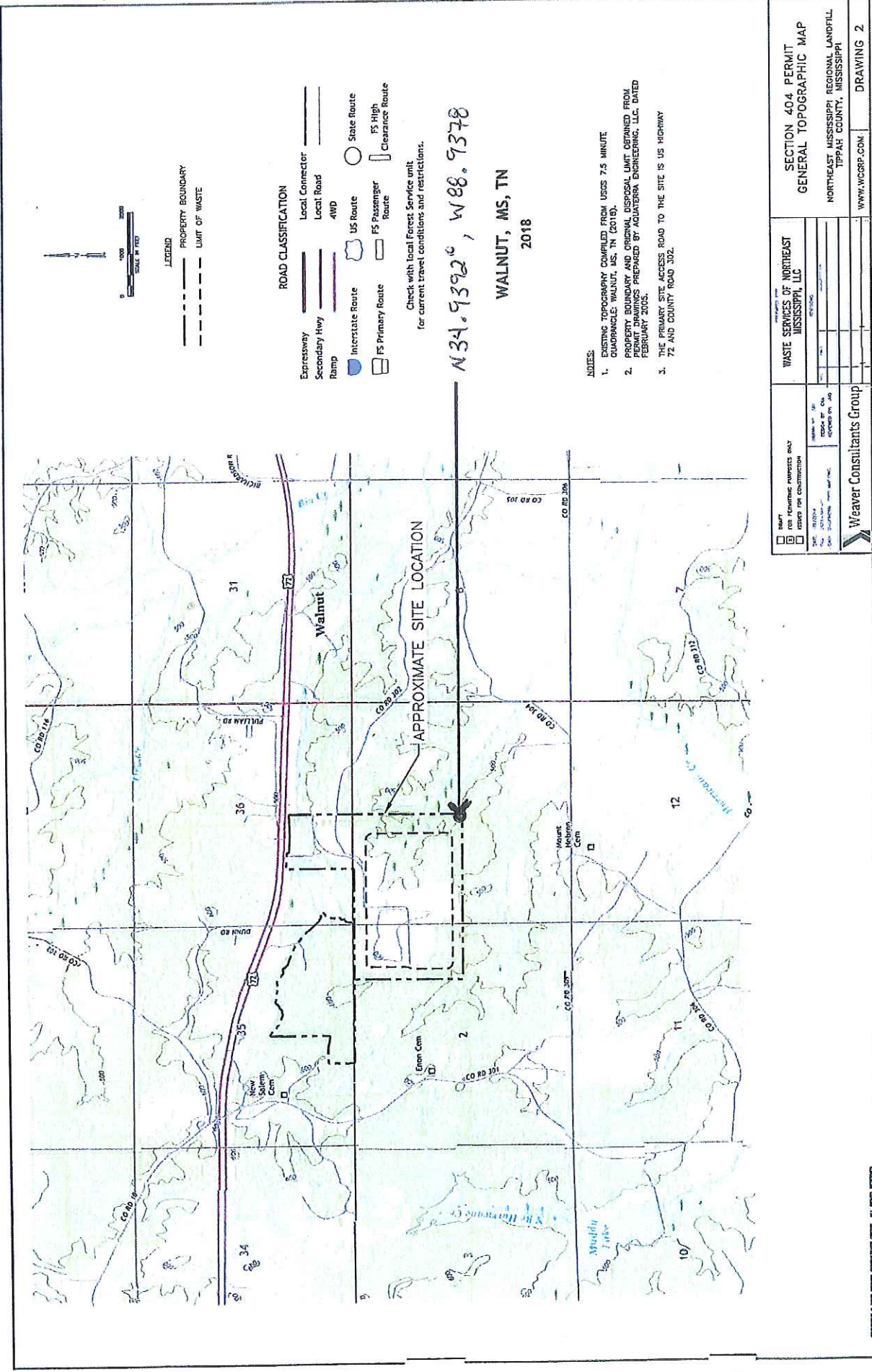
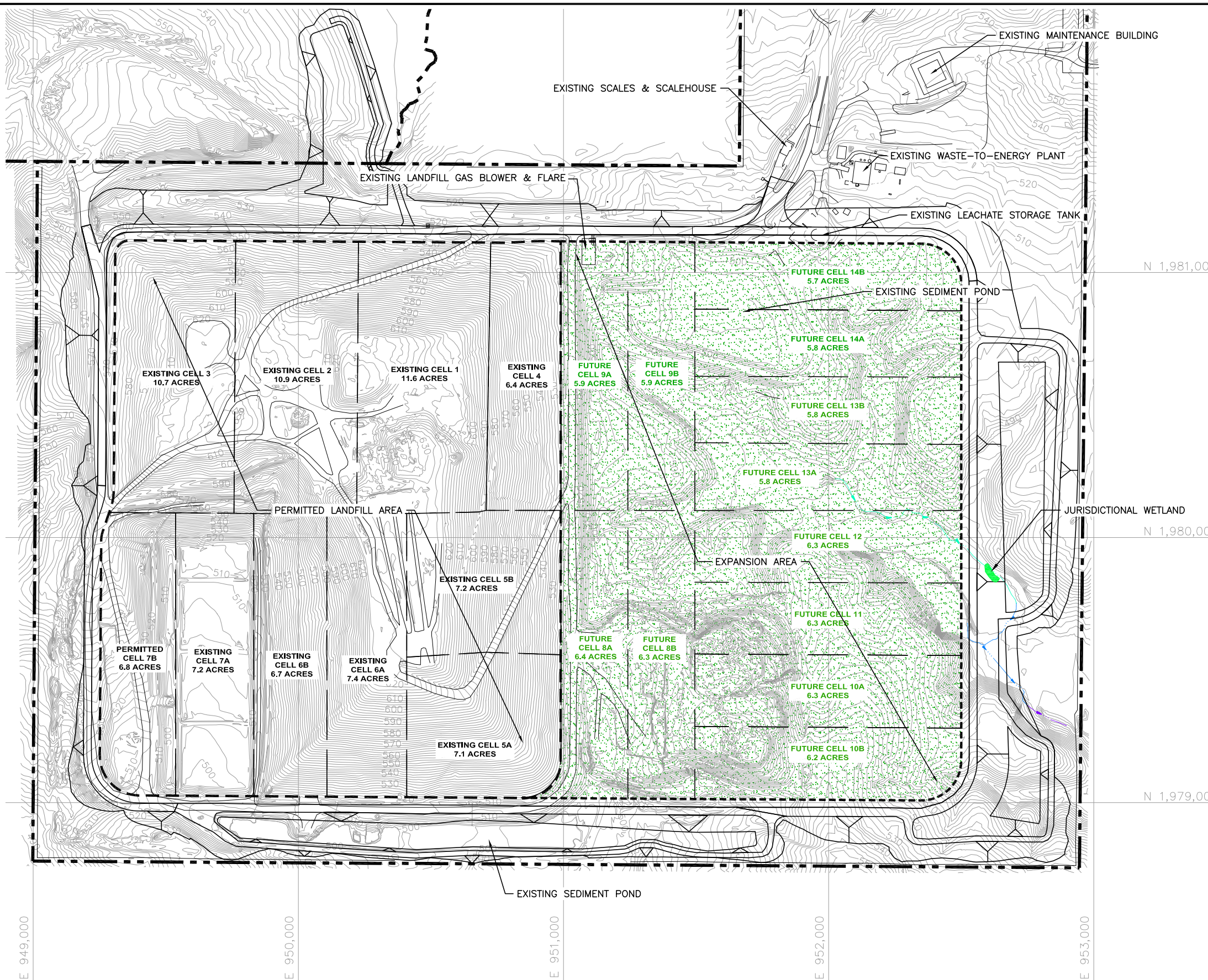


Figure 1.

QUADRANGLE LOCATION





**LEGEND**

- PROPERTY BOUNDARY
- PERMITTED LIMIT OF WASTE
- EXPANSION LIMIT OF WASTE
- EXISTING GRADE
- STATE PLANE COORDINATE SYSTEM
- JURISDICTIONAL INTERMITTENT STREAM NORTHERN DISTURBANCE AREA
- JURISDICTIONAL INTERMITTENT STREAM SOUTHERN DISTURBANCE AREA
- JURISDICTIONAL INTERMITTENT STREAM NON DISTURBANCE AREA
- JURISDICTIONAL WETLANDS NORTHERN DISTURBANCE AREA
- EXPANSION AREA

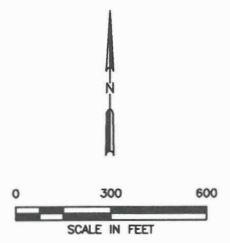
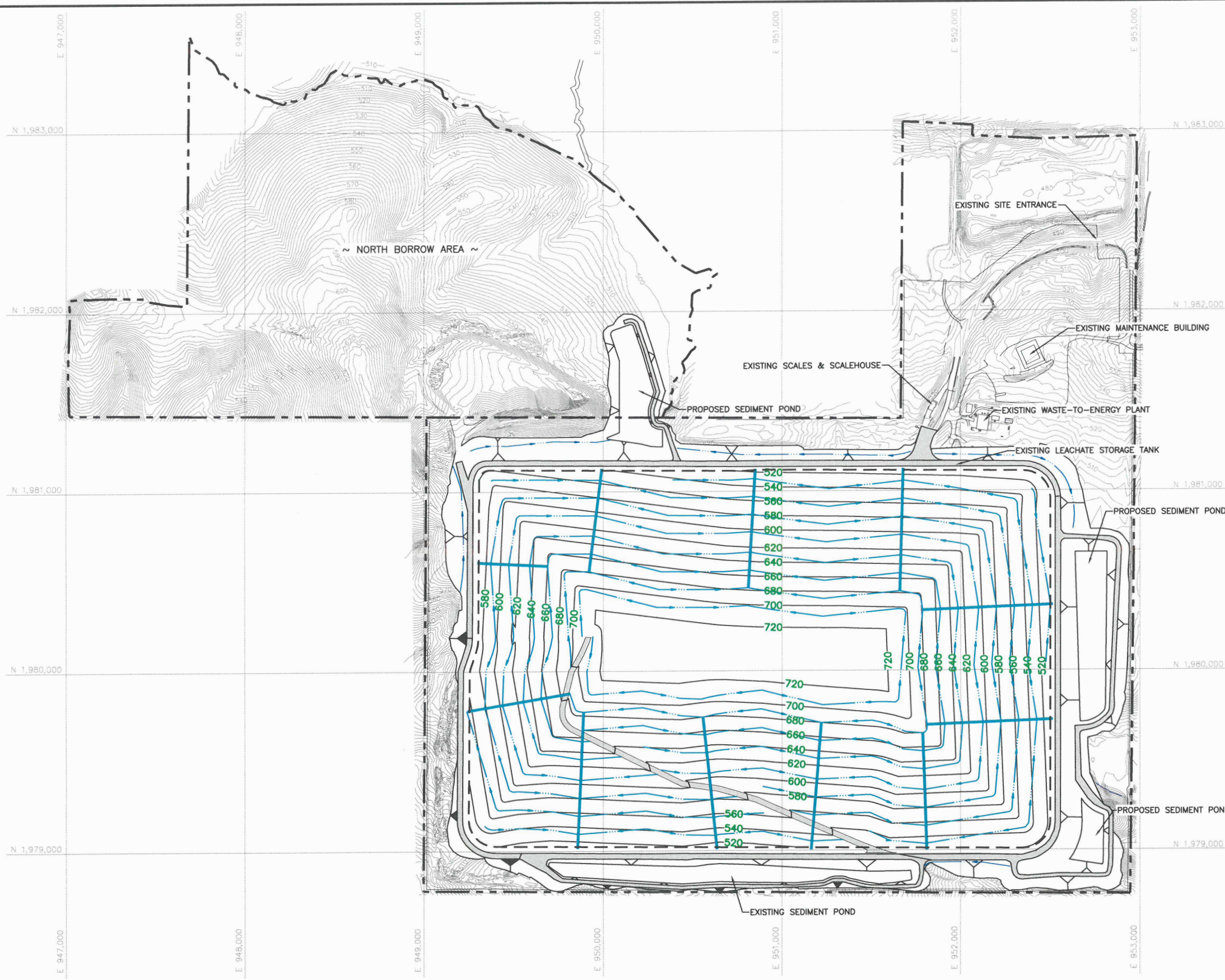
- NOTES:**
- EXISTING CONTOURS AND ELEVATIONS OBTAINED FROM SURVEY PERFORMED BY SOUTHERN RESOURCES MAPPING DATED NOVEMBER 27, 2017.
  - PROPERTY BOUNDARY AND ORIGINAL DISPOSAL LIMIT OBTAINED FROM PERMIT DRAWINGS PREPARED BY AQUATERRA ENGINEERING, LLC, DATED FEBRUARY 2005.
  - STEAM FLOWLINES WERE DIGITIZED FROM APPROVED JURISDICTIONAL DETERMINATION, DATED JULY 20, 2020.

JURISDICTIONAL WATER REQUIRING MITIGATION		
	STREAM	WETLAND
NORTHERN DISTURBANCE AREA	936.8 LF	0.029 AC
SOUTHERN DISTURBANCE AREA	682.2 LF	0 AC

Figure 2.

<input type="checkbox"/> DRAFT <input checked="" type="checkbox"/> FOR PERMITTING PURPOSES ONLY <input type="checkbox"/> ISSUED FOR CONSTRUCTION	PREPARED FOR <b>WASTE SERVICES OF NORTHEAST MISSISSIPPI, LLC</b>		<b>SECTION 404 PERMIT GENERAL SITE MAP</b>  NORTHEAST MISSISSIPPI REGIONAL LANDFILL TIPPACH COUNTY, MISSISSIPPI	
	DATE: 09/2019 FILE: 0601-301-11 CAD: MITIGATION PHASES.DWG	DRAWN BY: SRF DESIGN BY: CRA REVIEWED BY: JVO		
		NO.	DATE	DESCRIPTION
		1	11/2020	ADDED CELL BOUNDARIES
		2	11/2020	ADDED JURISDICTIONAL STREAMS/WETLANDS
		3	11/2020	REVISED NOTE 3
Weaver Consultants Group		WWW.WCGRP.COM		DRAWING 3





**LEGEND**

	PROPERTY BOUNDARY
	EXPANSION LIMIT OF WASTE
	EXISTING GRADE
	STATE PLANE COORDINATE SYSTEM
	720 PROPOSED FINAL COVER CONTOUR
	PROPOSED DRAINAGE CHUTE
	PROPOSED DRAINAGE SWALE
	JURISDICTIONAL INTERMITTENT STREAM NON DISTURBANCE AREA

- NOTES:**
- EXISTING CONTOURS AND ELEVATIONS OBTAINED FROM SURVEY PERFORMED BY SOUTHERN RESOURCES MAPPING DATED NOVEMBER 27, 2017.
  - PROPERTY BOUNDARY AND ORIGINAL DISPOSAL LIMIT OBTAINED FROM PERMIT DRAWINGS PREPARED BY AQUATERRA ENGINEERING, LLC, DATED FEBRUARY 2005.
  - STEAM FLOWLINES WERE DIGITIZED FROM APPROVED JURISDICTIONAL DETERMINATION, DATED JULY 20, 2020.
  - FINAL EXPANSION CONTOURS AND LIMITS OF WASTE OBTAINED FROM PROMUS ENGINEERING SOLID WASTE LANDFILL EXPANSION AND PERMIT RENEWAL, DATED OCTOBER 2019.

**Figure 3.**

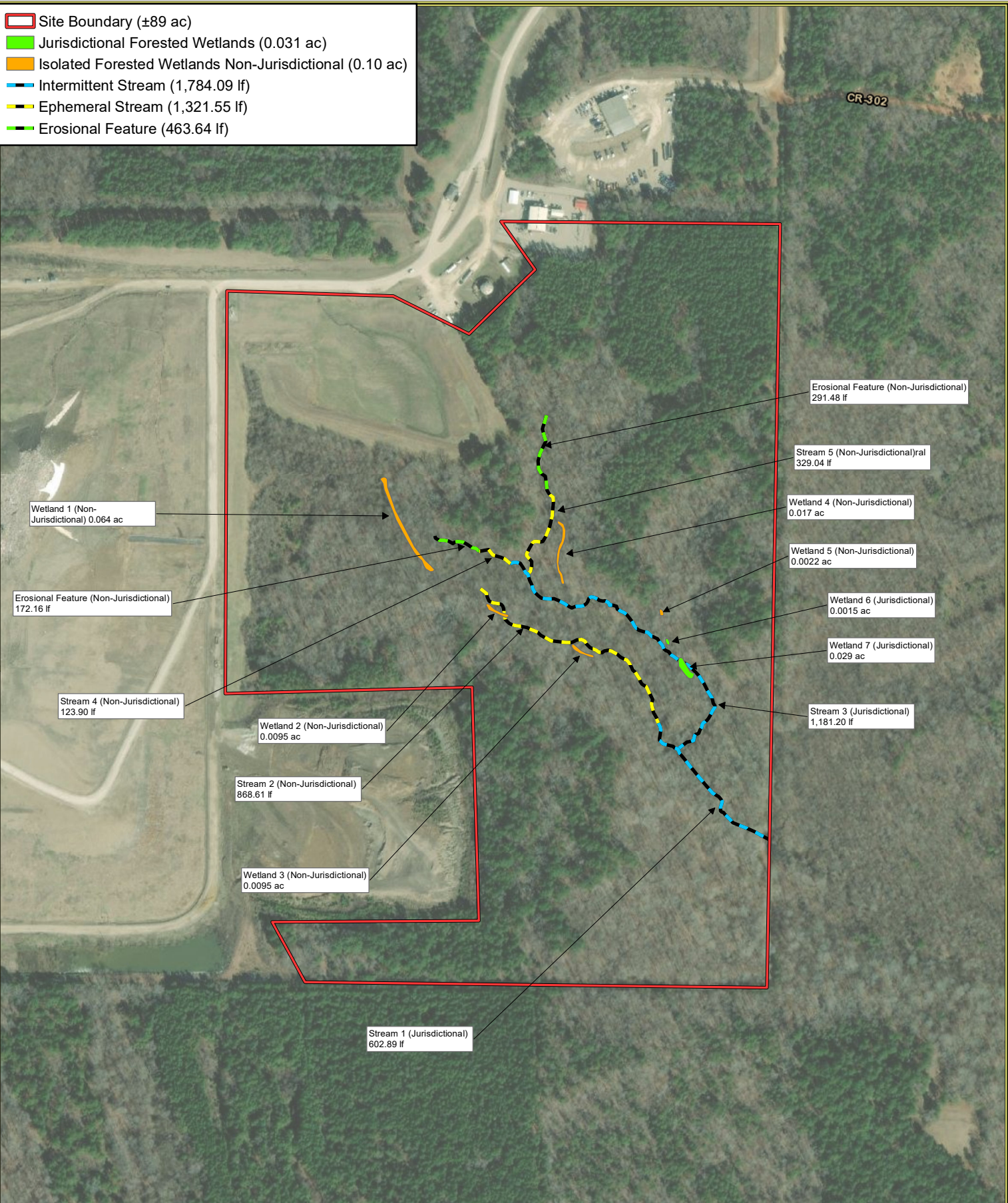
<input type="checkbox"/> DRAFT <input checked="" type="checkbox"/> FOR PERMITTING PURPOSES ONLY <input type="checkbox"/> ISSUED FOR CONSTRUCTION		PREPARED FOR <b>WASTE SERVICES OF NORTHEAST MISSISSIPPI, LLC</b>		<b>SECTION 404 PERMIT PROPOSED FINAL CONTOUR PLAN</b>  NORTHEAST MISSISSIPPI REGIONAL LANDFILL TIPPACH COUNTY, MISSISSIPPI	
DATE: 11/2020 FILE: 0601-301-11 CAD: 5-PROP. FINAL COVER PLAN.DWG		DRAWN BY: SRF DESIGN BY: CRA REVIEWED BY: JVQ			
		<b>REVISIONS</b>			
		NO.	DATE	DESCRIPTION	
		1	11/2020	REVISED NOTE 3	
				WWW.WCGRP.COM	DRAWING 5

P:\Solid waste\WC\Northeast Mississippi Regional\USACE 2019 Project\USACE 404 Permit\05-PROPOSED FINAL COVER PLAN.dwg, byoung, 1:2



Figure 4.

- Site Boundary (±89 ac)
- Jurisdictional Forested Wetlands (0.031 ac)
- Isolated Forested Wetlands Non-Jurisdictional (0.10 ac)
- Intermittent Stream (1,784.09 lf)
- Ephemeral Stream (1,321.55 lf)
- Erosional Feature (463.64 lf)



**HEADWATERS** INC.  
NATURAL RESOURCES CONSULTING  
WWW.HEADWATERS-INC.COM

**Northeast Mississippi Regional Landfill  
Proposed Expansion**  
Sec. 1 - T 2S - R 3E  
Tippah County, Mississippi  
Wetland Location Map

0 260 520 Feet  
1:5,200

N

NAD 1983 StatePlane Mississippi East FIPS 2301 Feet

Date Created: 3/11/2022 Created by: JDL

ESRI World Imagery Basemap

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