



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2017-087 (JME)

NOTICE DATE:
October 16, 2019

Attn: Postmaster,
Please Post Until  EXPIRATION DATE:
November 15, 2019

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. Matt Crockett
Waste Services of Northeast Mississippi, LLC
3 Waterway Square PI #550
The Woodlands, Texas 77380
Ph: (832) 442-2913

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 0.13 acre of wetland and 3,587 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.

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Mississippi Department of Environmental Quality (MDEQ), Office of Pollution Control, that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341 (a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. Commentors are requested to also furnish a copy of their comments to the Mississippi Department of Environmental Quality, Office of Pollution Control, P.O. Box 2261, Jackson, Mississippi, 39225. The Department will consider all relevant comments in the decision to grant or deny water quality certification for the proposed activity. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404 (b) of the Clean Water Act.

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. 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 3,587 linear feet of ephemeral and intermittent stream and 0.13 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: 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 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 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 or Ms. Florence Watson with MDEQ 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
 Phone: (901) 544-0737
 Fax: (901) 544-0211

Florance Watson
 Water Quality Certification Branch
 Environmental Permits Division
 Mississippi Department of Environmental Quality
 Post Office Box 2261
 Jackson, Mississippi 39225
 E-mail: florance_watson@deq.state.ms.us

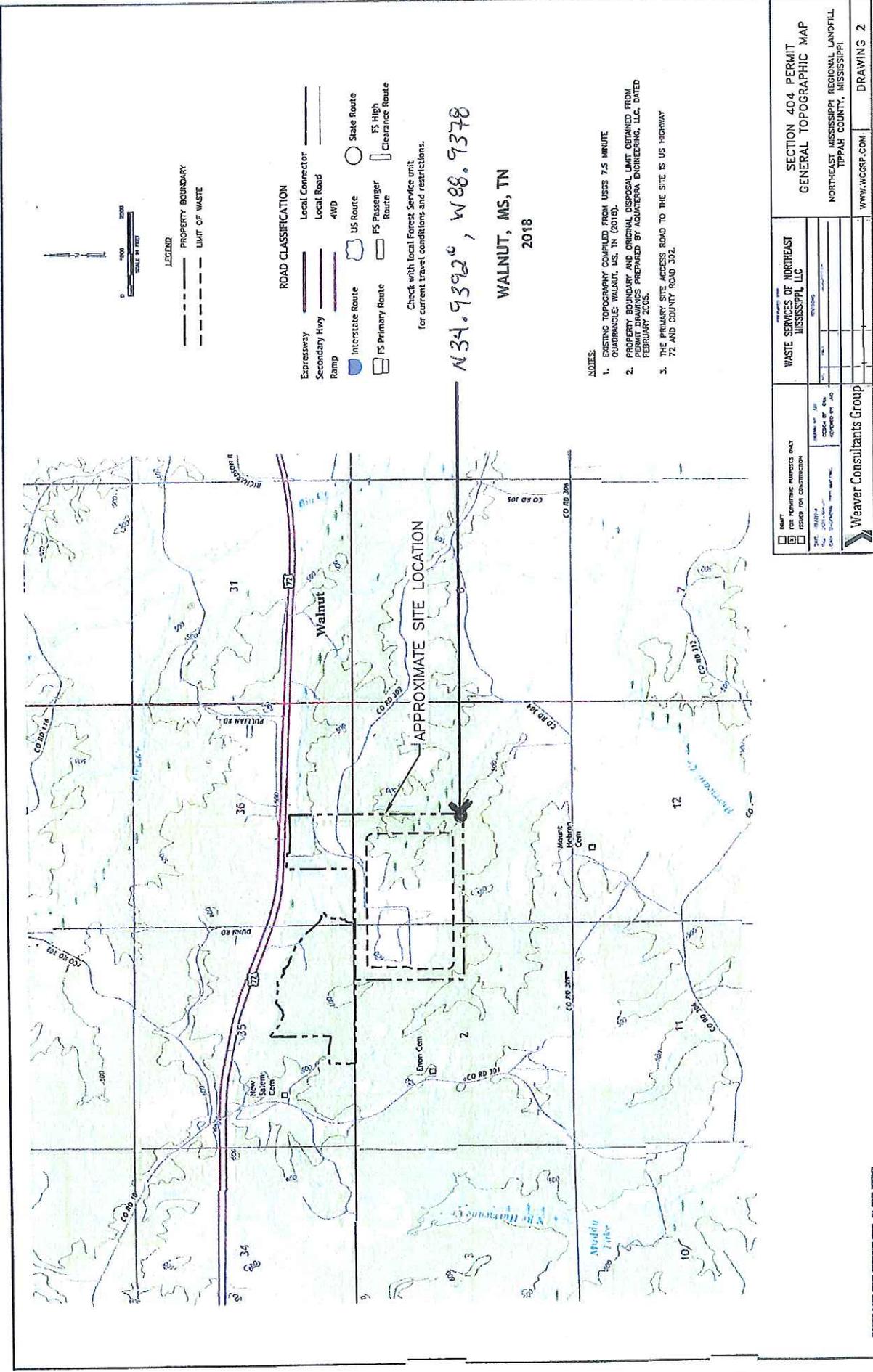
Comments may be sent via mail or e-mail. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

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>. 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 Branch office for examination.



Gregg Williams
 Chief
 Regulatory Branch

Attachments



N34.9392°, W88.9378

WALNUT, MS, TN
2018

- NOTES:
- EXISTING TOPOGRAPHY COMPILED FROM USGS 7.5 MINUTE QUADRANGLE: WALNUT, MS, TN (2018).
 - PROPERTY BOUNDARY AND ORIGINAL DISPOSAL LIMIT OBTAINED FROM PERMIT DRAWINGS PREPARED BY AQUATERRA ENGINEERING, LLC, DATED FEBRUARY 2005.
 - THE PRIMARY SITE ACCESS ROAD TO THE SITE IS US HIGHWAY 72 AND COUNTY ROAD 302.

Copyright © 2018 Weaver Consultants Group, LLC. All rights reserved.

<input type="checkbox"/> PART FOR REVIEW PURPOSES ONLY <input type="checkbox"/> PART FOR CONSTRUCTION	WASTE SERVICES OF NORTHEAST MISSISSIPPI, LLC <small>DATE: 02/15/2018 DRAWN BY: CJK CHECKED BY: JLD DATE: 02/15/2018</small>	SECTION 404 PERMIT GENERAL TOPOGRAPHIC MAP NORTHEAST MISSISSIPPI REGIONAL LANDFILL TIPPACH COUNTY, MISSISSIPPI WWW.WGCRP.COM
	Weaver Consultants Group DRAWING 2	

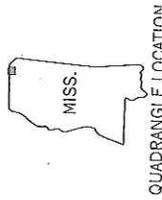
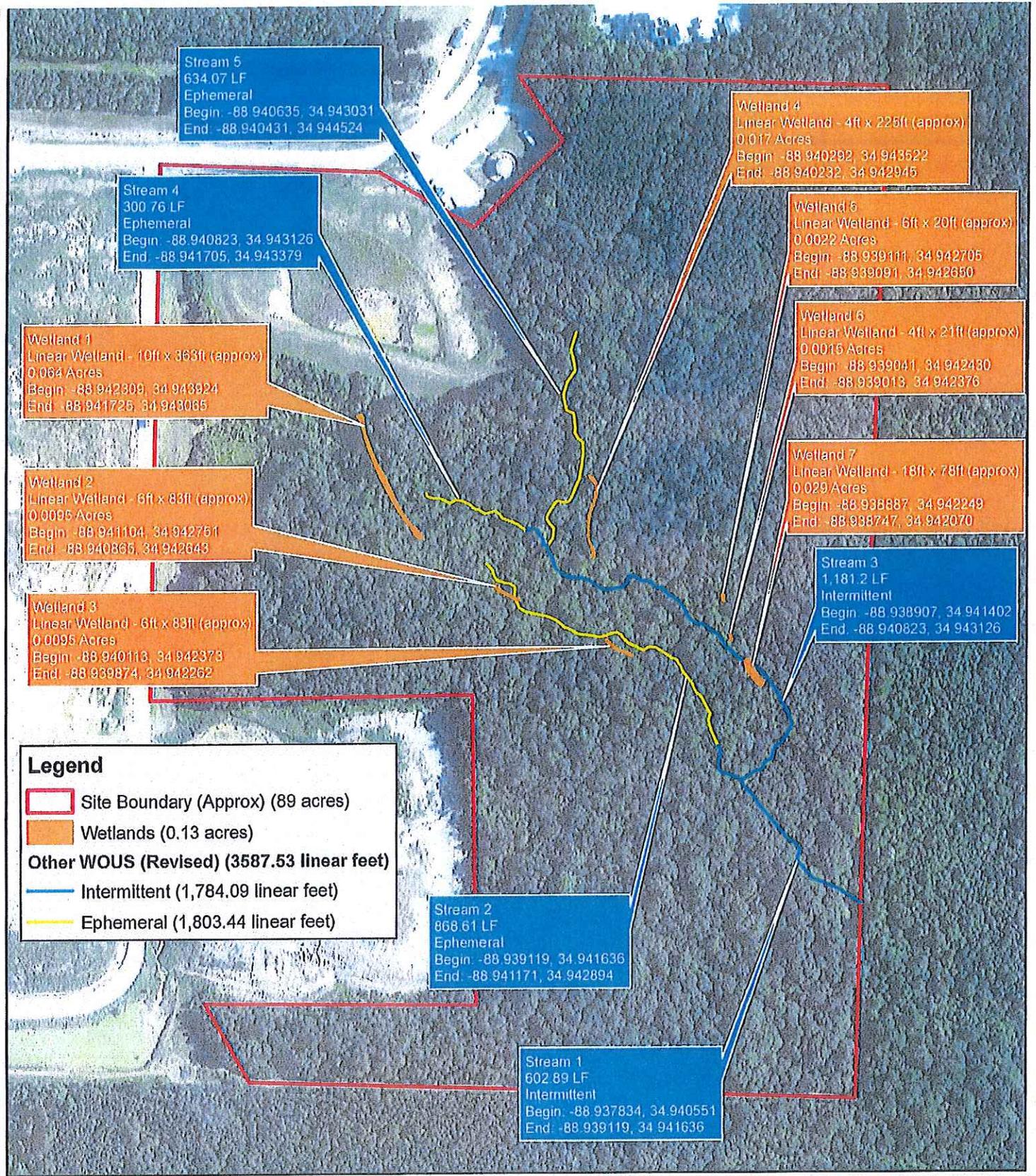


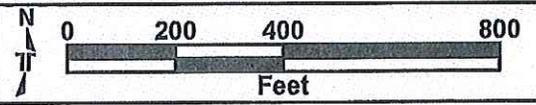
Figure 1.

QUADRANGLE LOCATION

Figure 4.



Sources:
Service Layer Credits: Background is 2016 USDA NAIP Imagery for Tippah County, Mississippi.



DRAWN BY	AK
CHECKED BY	XX
GIS SCALE	1" = 400'
DATE	02/01/2018

Terracon
Consulting Engineers & Scientists
Terracon Project No. EH177205

Revised WOUS JD Map
Waste Connections
Northeast Mississippi Regional Landfill
Proposed Expansion
Walnut, Tippah County, Mississippi

Exhibit
1