



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	TVG-MVK-2009-107
EVALUATOR:	Ms. Tarmiko Graham
PHONE NO.:	(601) 631-5540
FAX NO.:	(601) 631-5459
E-MAIL:	Tarmiko.V.Graham@usace.army.mil
DATE:	June 3, 2009
EXPIRATION DATE:	June 23, 2009

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District and the Mississippi Department of Environmental Quality are considering an application for a Department of the Army Permit and State Water Quality Certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F and the Mississippi Department of Environmental Quality at Post Office Box 10385, Jackson, Mississippi 39289-0385, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:
Mr. Mike Bilberry
NCL Waste, LLC
Post Office Box 821429
Houston, Texas 77282

Name of Agent:
Mr. Spencer Trichell
Eco-Systems, Incorporated
6360 I-55 North, Suite 330
Jackson, Mississippi 39211

Location of Work: Section 30, T7N-R1E, latitude 32.4223°, longitude -90.2407°, within the Big Black River drainage basin, Madison County, Mississippi.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit for the discharge of dredged and/or fill material into waters, including wetlands of the United States in Madison County, Mississippi. NCL Waste, LLC proposes to construct a solid waste landfill to satisfy the disposal and sanitation needs of the

Jackson metropolitan area and surrounding region. The proposed project would provide a much needed location for safe and environmentally regulated disposal of solid waste.

The NCL Landfill is located on a 165-acre tract of land located in Madison County, Mississippi. NCL currently owns the proposed land and would be operating the landfill. The NCL Landfill would be used for the disposal of non-hazardous household, commercial, and industrial solid wastes generated from the Jackson metropolitan area and surrounding communities. The proposed capacity of the NCL Landfill would be 14,200,000 cubic yards.

Approximately 1.36 acres of forested wetlands and approximately 3,829 linear feet of intermittent stream would be filled by the proposed work. The earthen fill material would come from adjacent uplands onsite. All fill would be in solid form and would be discharged during the dry months of the year, when potential for dispersal of fill material into jurisdictional waters is lower. An entrenched silt fence would be installed around all discharge areas to further reduce the potential for earthen fill materials to migrate offsite.

Dominant vegetation within the forested wetlands consists of loblolly pine, sweet gum, sugarberry, American elm, poison ivy, Virginia Creeper, red maple, water oak, sycamore, and Japanese Honeysuckle. Hydric soils within the project site consist of loess silt loam and reid town silt loam.

The applicant conducted an alternatives analysis in order to choose the least damaging practicable alternative project site and plan. The site chosen for the project is located in an area with existing landfills and few low-density residential dwellings. All other State siting criteria are met on this site and the site is included in the Madison County Solid Waste Management Plan.

Approximately 1.36 acres of forested wetlands and 3,829 linear feet of intermittent stream would be impacted by the proposed project. To compensate for the loss of aquatic resources, the applicant is proposing to purchase wetland credits from a mitigation bank that services this area. No commercial stream mitigation credits are available; therefore, stream mitigation would be satisfied through the purchase of additional wetland mitigation credits.

The placement of dredged and/or fill material in waters, including wetlands of the United States requires a Department of the Army permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment, and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in Madison County listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, the Corps Regulatory Archaeologist, Federally Recognized Tribes, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

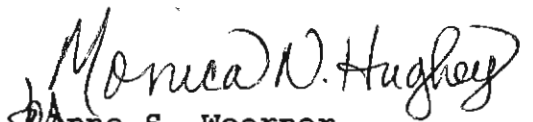
Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water

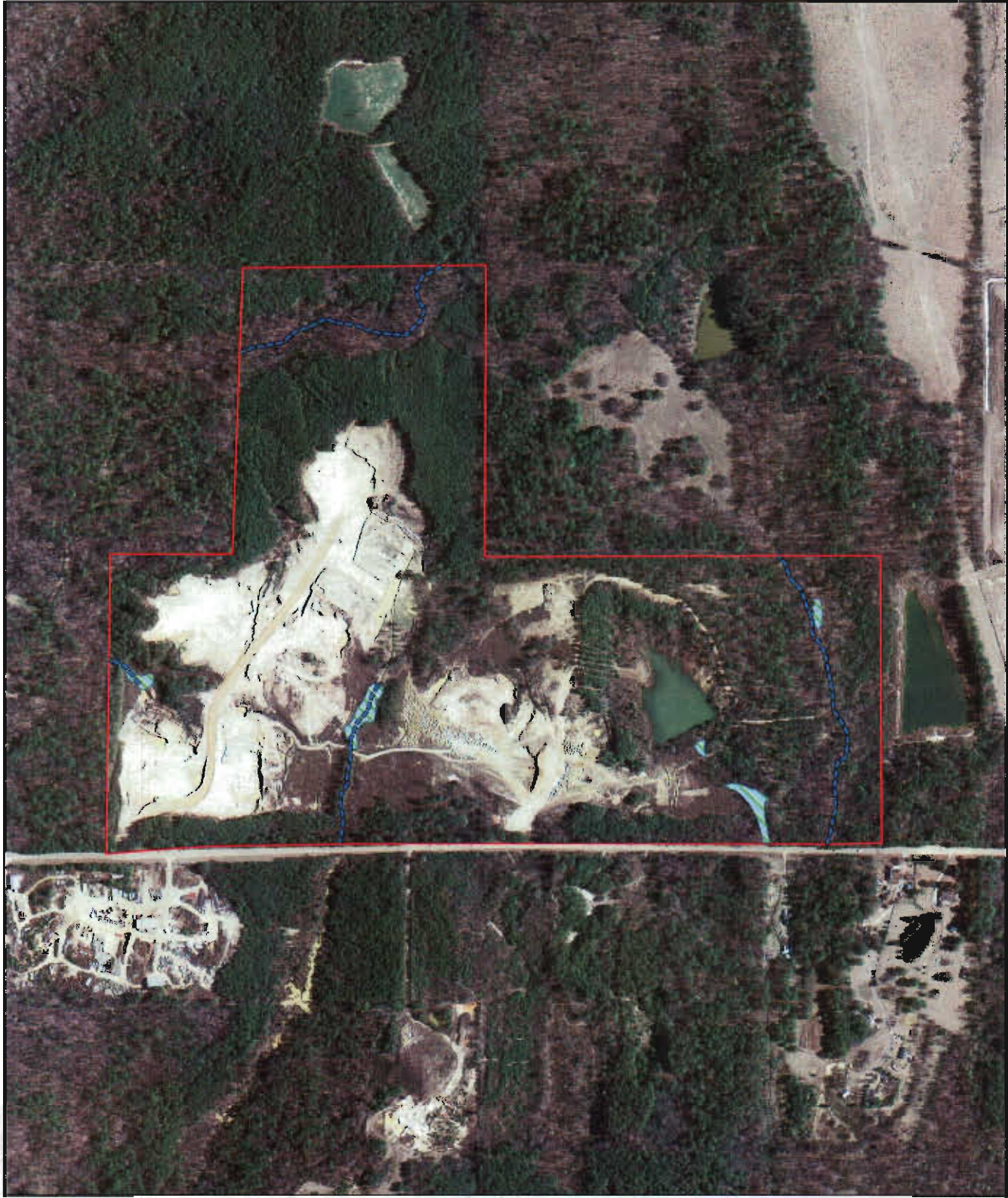
quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the receding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.


Anne S. Woerner
Chief, Evaluation Section
Regulatory Branch



Madison County, MS

12 May 2009
MVK-2009-107
 Eco-Systems Inc
 NCL Waste LLC
 Landfill in Madison
 Madison County, MS
 Section 30, T7N, R1E
Approved
Jurisdictional Determination
 Jeremy Stokes



US Army Corps of Engineers®

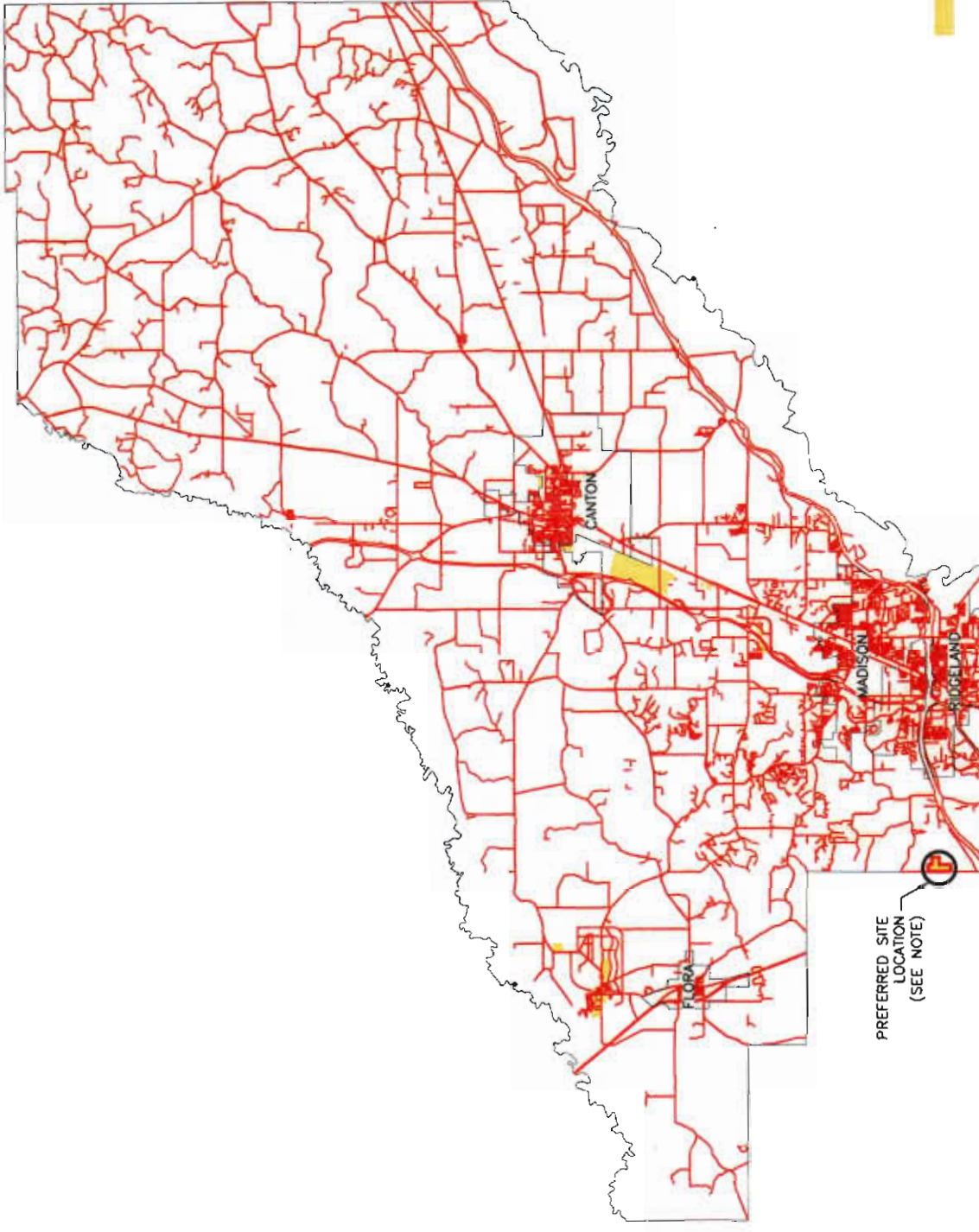
Regulatory Branch
 Enforcement Section

0 450 900
 Feet

Legend

- Jurisdictional_Other_Waters_(3829_L.F.)
- Wetlands_(1.36_Acres)
- Property_Boundary

1:9,000



ALTERNATIVE SITES



PROJECT No. NCL10128092
CAD FILE NAME

ALTERNATIVE SITE MAP
CEMVK-OD-FE TVG-MVK-2009-107

Eco-Systems, Inc. 
 Consultants, Engineers and Scientists
 Jackson, MS • Meridian, MS • Mobile, AL
 Houston, TX • Nashville, TN • Atlanta, GA
 Hattiesburg, MS • Gulfport, MS

SCALE: 1" = 30,000'
DRAWN: MTW
CHECKED: SDT
REVIEWED: JLA
PROJECT MANAGER: JLA
DATE: 12/12/2008

NCL WASTE, LLC