



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
4751 BEST ROAD, SUITE 140
COLLEGE PARK, GEORGIA 30337-5600

February 24, 2023

Regulatory Division
SAS-2002-10410

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344), as follows:

The comment period for the Department of the Army Permit application will close 30 days from the date of this public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this permit, and must be submitted so as to be received on or before the last day of the comment period. Written comments concerning this Department of the Army Permit application must reference the Applicant's name and the Permit Application Number and be forwarded to the US Army Corps of Engineers (Corps) at the above address, or via the email listed at the end of this notice.

This Joint Public Notice announces a request for authorizations from both the U.S. Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

Application Number: SAS-2002-10410

Applicant: Mr. Thomas Lewis
Willow Oak Landfill, LLC
7395 Roosevelt Highway
Fairburn, Georgia 30213

Agent: Mr. Ryan Malloy
Ecological Solutions, Inc.
630 Colonial Park Drive, Suite 200
Roswell, Georgia 30075

Location of Proposed Work: The 31.3-acre expansion area is located within the eastern portions of the existing 214-acre Willow Oak C&D Landfill, at 7395 Roosevelt Highway, Palmetto, Fulton County, Georgia (centered at approximately: latitude: 33.541211, longitude: -84.628200; within the Bear Creek watershed, HUC 12: 031300020307).

Description of Work Subject to the Jurisdiction of the Corps: The project involves a lateral expansion of an existing commercial construction and demolition landfill within the northeastern portions of the landfill property. The expanded landfill is intended to continue to support the high levels of growth and development in the area that are predicted to continue into the foreseeable future. The Applicant's preferred site plan would result in the loss of 2,874 linear feet of perennial stream channels (1,460 LF of PS 1 and 1,414 LF of PS 2), 701 linear feet of intermittent stream channels (574 LF of IS 1 and 127 LF of IS 3), and 3.04-acre of wetlands (1.38-ac. of Wet A, 0.52-ac. of Wet B, 0.42-ac. of Wet C, and 0.72-ac. of Wet D). These proposed impacts are in addition to the original landfill impacts of 2,463 linear feet of stream and 1.43-acres of wetlands. The cumulative impacts to aquatic resources resulting from the project would be 6,038 linear feet of stream channels and 4.47-acres of wetlands.

The applicant has proposed to off-set these impacts through the purchase of 15.96 legacy wetland mitigation credits and 29,651 legacy stream mitigation credits from an Approved Compensatory Mitigation Bank located within the Primary Service Area of the project.

BACKGROUND

As a condition of a prior Department of the Army permit authorization, issued under Regulatory File No. SAS-2002-10410, the Permittee was approved to implement a compensatory mitigation plan on the currently proposed project expansion area, involving wetland and stream preservation, stream restoration, and wetland creation. This approved compensatory mitigation area was in turn legally protected through the execution and recording of a Declaration of Conservation Covenants and Restrictions. In conjunction with the current application, the Permittee's representative has provided concurrence with the proposal to extinguish the Declaration of Conservation Covenants and Restrictions to facilitate the future development of the project, as proposed. As a condition of the Corps' approval of this proposal, the Applicant is proposing to purchase additional stream and wetland credits from either an approved compensatory mitigation bank within the Primary Service Area for the project and/or the Georgia In-lieu Fee Mitigation Program, prior to approval to terminate the existing site legal protection instrument, in order to replace the lost compensatory mitigation site.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division will review the proposed project for Water Quality Certification, in accordance with the provisions of Section 401 of the Clean Water Act. The applicant has not yet requested a Water Quality Certification from the State of Georgia. Prior to issuance of a Department of the Army Permit for a project located in,

on, or adjacent to the waters of the State of Georgia, review for Water Quality Certification in accordance with Section 401 of the Clean Water Act is required. A reasonable period of time, which shall not exceed one year, is established under the Clean Water Act for the State to act on a request for Water Quality Certification, after which, issuance of such a Department of the Army Permit may proceed. This public notice serves as notification to the Administrator of the U.S. Environmental Protection Agency (USEPA) pursuant to section 401(a)(2) of the Clean Water Act for neighboring jurisdiction review and begins the 30-day clock for USEPA to notify affected states.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia, which may be in the form of a license, easement, lease, permit or another appropriate instrument.

U.S. ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: The Applicant contracted a Phase I cultural resource survey of the proposed project site, in order to assess if potential archaeological sites, historic structures, or cultural resources may be present within the general vicinity of the proposed work area. The Corps is presently reviewing the accompanying report in conjunction with the current application submittal. Presently unknown archaeological, scientific, prehistorical or historical data may also be located at the site and could be affected by the proposed work.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 et seq.), we request information from the U.S. Department of the Interior, Fish and Wildlife Service, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service; or, any other interested party, on whether any species listed or proposed for listing may be present in the area. Based on the submitted *IPaC Trust Resource Report* for the project site, Monarch butterfly, a Federal candidate species, may occur at the project site location.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact, 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 that 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, 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.

Consideration of Public Comments: The U.S. Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American 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 U.S. Army 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 in the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act, including an evaluation of practicable alternatives. In the Applicant's current proposal, three off-site alternatives and four on-site alternatives (including the preferred alternative layout) have been proposed.

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 for a Department of the Army permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantive information necessary for evaluating the proposed project.

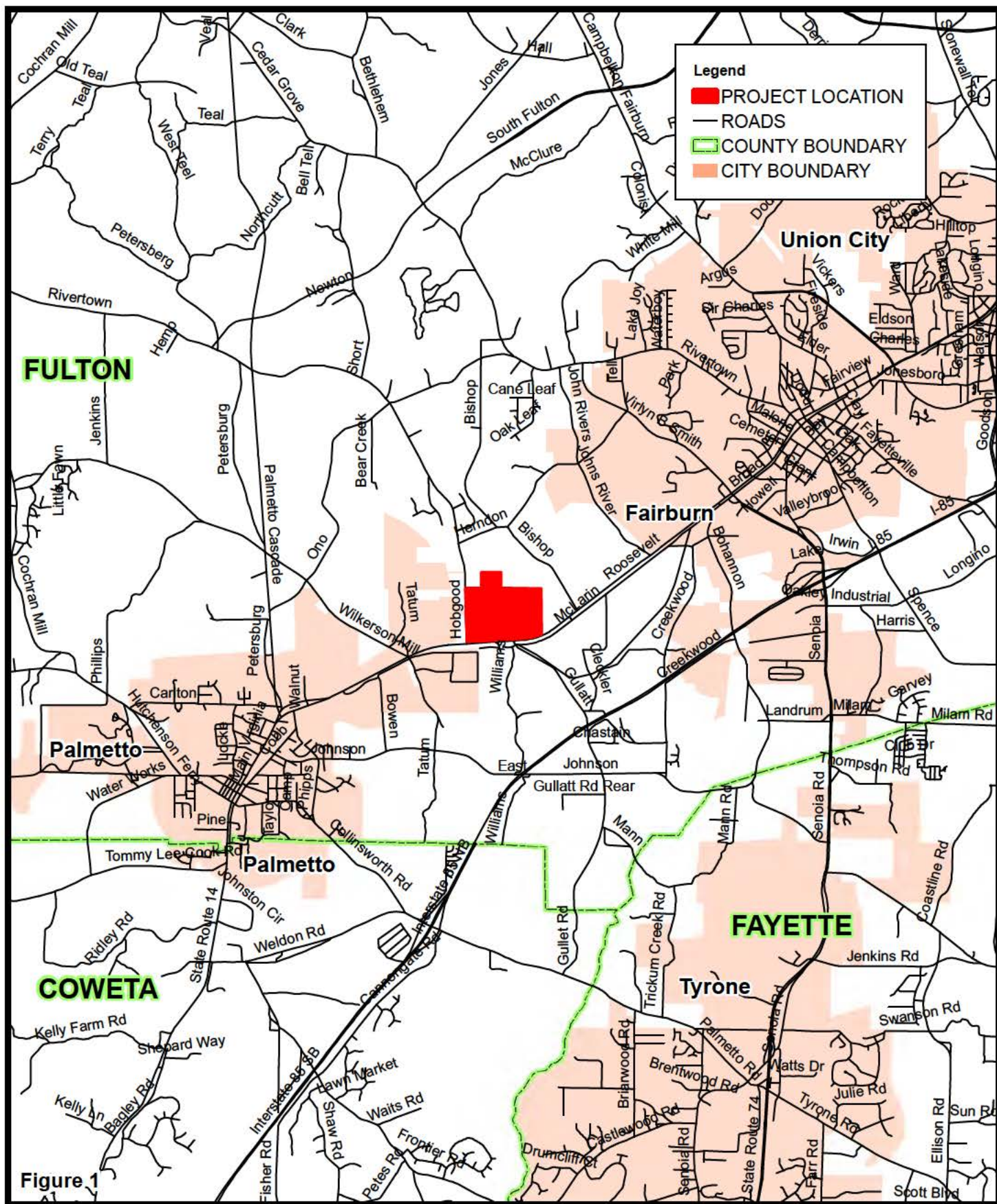
Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments via email to jade.r.bilyeu@usace.army.mil or in writing to: Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Jade Bilyeu, 4751 Best Road, Suite 140, College Park, Georgia 30337-5600, no later than **30 days** from the date of this notice. Please refer to the Applicant's name

(Willow Oak Landfill, LLC) and the assigned Regulatory file number (SAS-2002-10410) in your comments.

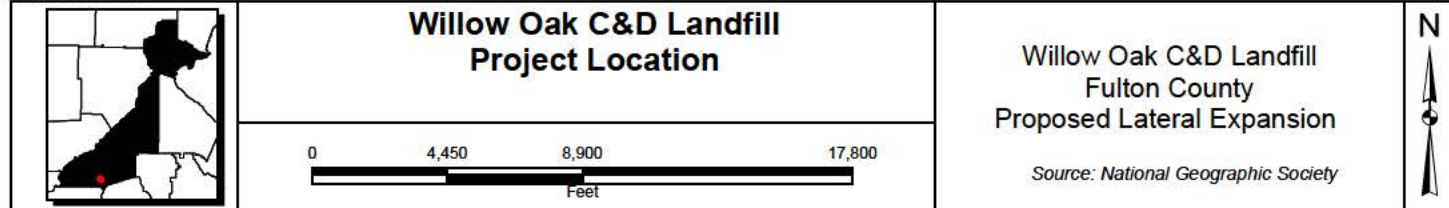
If you have any further questions concerning this public notice, please contact Ms. Jade R. Bilyeu, Project Manager, Piedmont Branch at 678-422-6572, or jade.r.bilyeu@usace.army.mil.

Encls

1. Figure 1: Willow Oak C&D Landfill Project Location
2. Figure 7 & Figure 7a: Willow Oak C&D Landfill Environmental Survey Findings (two pages)
3. Figure 12: Willow Oak C&D Landfill Alternative 4 (Applicant's Preferred Site Layout)



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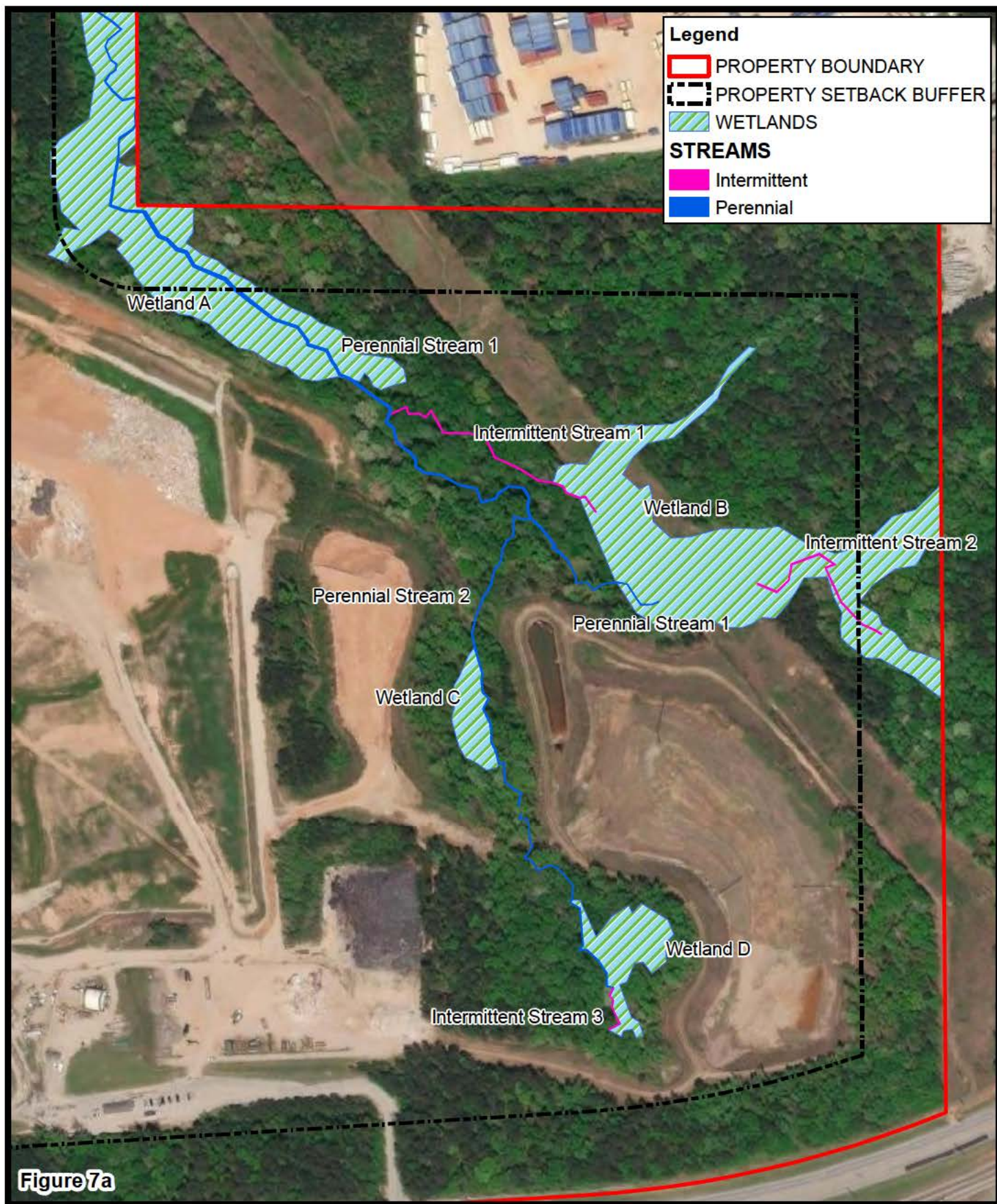
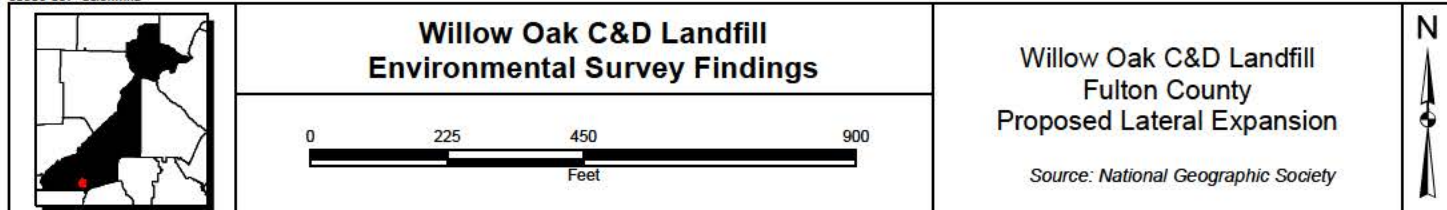


Figure 7a

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