



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
1645 SOUTH 101ST EAST AVENUE
TULSA, OKLAHOMA 74128-4609

Application No. SWT-2016-386

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ)
(30-DAY COMMENT PERIOD)

Interested parties are hereby notified that the District Engineer (DE) has received an application for a Department of the Army (DA) permit and water quality certification pursuant to Sections 404 and 401 of the Clean Water Act. The ODEQ hereby incorporates this public notice and procedure as its own public notice and procedure by reference thereto.

The application is for the placement of fill material within an unnamed tributary to the North Canadian River and an associated wetland to expand the Oklahoma City Landfill to the north of the existing facility.

Name of Applicant: Mr. Steven Clark
Oklahoma City Waste Disposal, Inc.
7600 Southwest 15th Street
Oklahoma City, OK 73128

Name of Agent: Mr. Jonathon Queen
Weaver Consultants Group, LLC
6420 Southwest Boulevard, Suite 206
Fort Worth, TX 76109

Location: The proposed project is in portions of Sections 8 and 9, Township 11 North, Range 4 West, near the intersection of Interstate Highway 40 and Council Road, Oklahoma County, Oklahoma. The project site can be found on the Mustang, Oklahoma 7.5 Minute USGS Quadrangle map at North Latitude 35.44405 and West Longitude 97.63623.

Purpose: The basic purpose of this work is to provide a long-term solid waste landfill. A solid waste landfill is not a water dependent activity. The proposed project would result in the placement of fill material in a special aquatic site.

The overall purpose of the project is to provide a long-term solid waste disposal facility for the City of Oklahoma City and surrounding areas. The applicant's proposed project would provide approximately 23 acres of expansion to the existing Oklahoma City Landfill.

Table of Impacts:

Original Proposal					
Number or Location	Impact Activity	Type of Water	Type of Fill Material	Qty of Material cys below OHWM	Footprint (ac and/or lf)
Unnamed Stream	Placement of Fill Material	Stream	Clean Soil	See below	477 lf
Wetland	Placement of Fill Material	Wetland/ Sand Pit	Clean Soil	Both combined 20,700 cys	6.35 ac
cubic yards (cys), ordinary high water mark (OHWM), acre (ac), linear feet (lf)					

Description of Work: The applicant proposes to place fill material within 6.35 ac of jurisdictional emergent wetland and 477 lf of an unnamed tributary to the North Canadian River. The combined fill below the OHWM is approximately 20,700 cys. Fill material for the proposed project would consist of weathered clay, silt, sand sediment, various shale and sandstone. The fill material that would be placed in waters of the United States would come from on-site excavation associated with the development of the landfill and associated infrastructure in accordance with the ODEQ, FEMA, and this DA permit proposal. The fill material would be excavated, hauled, and placed utilizing standard earthwork equipment.

Avoidance and Minimization Information: The applicant provided the following information with regard to how avoidance and minimization of impacts to aquatic resources was incorporated into the project plan:

The applicant evaluated several options to avoid and minimize impacts to potentially jurisdictional areas located within the northern area of the 417.79 ac landfill permit boundary. Based on the applicant's delineation report, the review area contains a total of 2,290 lf of streams and 9.33 ac of wetlands. The project would result in the avoidance of 1,813 lf of stream and 2.98 ac of wetland. The proposed site design includes two strategically located sediment ponds that would allow stormwater from the landfill to pass through these ponds prior to entering waters of the United States; this would minimize secondary impacts to waters from increased sediments and suspended solids entering the waters. The proposal balances the need to provide for the long-term solid waste disposal needs for Oklahoma City while minimizing the impact to existing waters located on-site. The proposal places a priority on maintaining portions of the existing riparian woodlands, maintaining portions of existing wetlands, creating additional waters of the United States to offset the unavoidable impacts to the unnamed tributary, and creating additional public use area.

Mitigation: Furthermore, the applicant proposes the following as compensatory mitigation for the unavoidable impacts to aquatic resources expected from the proposed project:

To offset 477 lf of stream channel impacts, the applicant is proposing the relocation of a portion of the unnamed tributary resulting in a net drainage length gain of 1,367 lf. The slope of the relocated tributary flowline would be less than the existing creek due to the lengthening of the channel. Therefore, average flow velocities would decrease and erosion potential would be reduced. To offset the impacts to 6.35 ac of emergent wetlands, the applicant proposes to purchase credits sufficient for 6.35 ac of emergent wetlands at the Excel Mitigation Center.

This mitigation plan is the applicant's proposal. The Corps has made no determination at this time with regard to the adequacy of the proposed mitigation relative to the federal mitigation rules and guidance, including Tulsa District's Mitigation and Monitoring Guidelines. The Corps is accepting comments on the need for and nature of the proposed mitigation in addition to comments on the applicant's primary proposal. The Corps bears the final decision on the need for and extent of mitigation required if the project proposed herein is authorized.

Other: The applicant provided the following information: Oklahoma City Waste Disposal, Inc. is the owner of the Oklahoma City Landfill and holder of ODEQ Permit No. 35555018. The facility accepts municipal solid waste and non-hazardous industrial solid waste in accordance with OAC 252:515. Oklahoma City Waste Disposal is a subsidiary of Waste Connections, Inc.

In April 1993, the Corps issued a permit (OKR2003030) for this site that involved the rerouting of an unnamed tributary that was originally located parallel to Campbell Creek. The work authorized by this permit has been completed, and this permit expired in March 1996.

In December 2010, the Corps issued a permit (SWT-2008-657) for this site that involved the relocation of Campbell Creek on the southeast, south, and east side of the site.

In May 2015, the Corps issued a modification to permit (SWT-2008-657) that included minimal revisions to permitted mitigation activities on the southwest and south portions of the site. The work authorized by this permit has been initiated, including the completion of Phase I. The Campbell Creek relocation and other additional work is ongoing, in accordance with permit (SWT-2008-657).

Project Setting: The Oklahoma City Landfill is located in the Cross Timbers ecoregion, which is a transition area between winter wheat growing regions to the west and the forested low mountains of eastern Oklahoma. This region is composed of a mosaic of tall grass prairie and oak-hickory forests. The average annual rainfall for this site is 36 inches per year. The unnamed tributary has a drainage area of approximately 1,500 ac

and is mapped as intermittent on the Quad map. The proposed expansion area is a generally undeveloped portion of the Oklahoma City Landfill at its northern boundary.

Existing Condition: The applicant provided the following information: The Oklahoma City Landfill is south of this expansion area; however, the landfill entrance road, scale house, outbuilding, and parking lot are on the western edge of the Northern Expansion Area. Although undeveloped, an area indicated as "sandpit" on the topographic map is evidence of previous aggregate mining activities on the Northern Expansion Area. The majority of the site is woodlands except for the previous aggregate mining has left an open water pit throughout the central portion of the site. The northwestern corner has been cleared of trees and is dominated by herbaceous vegetation. The North Canadian River forms the eastern boundary of the site.

Forested uplands are the predominant vegetative community within the site. These areas surround much of the centrally located open water pit and wetland. These areas are dominated by deciduous trees with a high percentage of canopy cover. Dominant canopy species include American elm (*Ulmus americana*), sugar hackberry (*Celtis laevigata*), western soapberry (*Sapindus drummondii*), and eastern cottonwood (*Populus deltoides*). The understory consists of American beautyberry (*Callicarpa americana*), greenbrier (*Smilax L.*), giant ragweed (*Ambrosia trifida*), and saplings of the canopy species.

The open water pit and wetland are located completely within the area indicated as "sandpit" on the topographic map. Additionally, this area has evidence of standing water on aerial photography. Vegetation was sparse, primarily consisting of black willow (*Salix nigra*) and cottonwood (*Populus deltoides*) saplings. Some of the drier portions also included round-head rush (*Juncus validus coville*).

An area adjacent to the North Canadian River is characterized as river scour. This area frequently experiences flash floods, but otherwise is well drained. The soils are regularly picked up during flood events and new sediments are deposited as the flood recedes. Vegetation tends to be relatively sparse, with a few black willow (*Salix nigra*) and cottonwood (*Populus deltoides*) trees and clumps of Johnson grass (*Sorghum halepense*), likely due to frequent flooding.

Plans and Data: Plans showing the location of the proposed activity and other data are enclosed with this notice. If additional information is desired, it may be obtained from U.S. Army Corps of Engineers, Tulsa District, ATTN: Regulatory Office, 1645 South 101st East Avenue, Tulsa, OK 74128-4609, or telephone 918-669-7400.

Cultural Resources: The permit (SWT-2008-657) was previously coordinated with both the Oklahoma Historical Society and Oklahoma Archeological Survey, which resulted in a cultural survey. The nearest archeological site (34OK96) identified in that survey was determined to have no affect due to the previous project. The current project is an expansion of the overall landfill site to the north in a previous sand mine pit. This area meets 33 CFR Part 325 Appendix C(3)(b)(1), which represents areas extensively

modified by previous work. This results in little likelihood that historic properties exist or would be affected by the proposed impacts.

The DE has consulted the National Register of Historic Places regarding the potential effects from the proposed action. The DE will comply with the requirements of the National Historic Preservation Act of 1966 for any known or presently unknown historic or archeological resources that may exist in the project vicinity and which could be directly affected by the proposed work. This public notice is being sent to the State Historic Preservation Officer and to Native American Tribal governments to reveal if other known historic or archeological resources that may be eligible for listing in the National Register exist in the project area and which could be directly affected by the proposed work. This coordination is being done to fulfill our requirements under the National Historic Preservation Act of 1966 (Public Law 89-665) and associated historic preservation laws. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological or other historic properties which may be affected by the proposed work, the DE will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966, as amended, and 36 CFR Part 800, in accordance with implementing regulations 33 CFR 325, Appendix C.

Threatened and Endangered Species: The following federally listed species are known to occur in the vicinity or are listed for the county in which the proposed action is located: Arkansas River shiner (*Notropis girardi*), interior least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus*), and whooping crane (*Grus americana*). A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies. This notice constitutes a request to those agencies for information on whether any other listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity. Our preliminary determination is that the proposed activity would not affect listed threatened or endangered species or their critical habitat.

Environmental Considerations: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use 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 which may be relevant to the proposal will be considered, including the cumulative effects thereof: 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 ownerships, and, in general, the needs and welfare of the people. A permit will be denied if the discharge does not comply with the Environmental Protection Agency's 404(b)(1) Guidelines. Subject to the 404(b)(1) Guidelines and any other applicable guidelines or

criteria, a permit will be granted unless the DE determines that it would be contrary to the public interest.

Comments: In order to consider and evaluate the impacts of this proposed activity the Corps is soliciting comments from the public, federal, state, and local agencies and officials, Indian tribes, and other interested parties. Comments concerning the issuance of this permit should be received by the DE no later than 30 days from the date of this public notice. Any comments received will be considered by the Corps 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. 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 public hearings shall state, with particularity, the reasons for holding a public hearing.

At the request of the Oklahoma Water Resources Board's National Flood Insurance Program State Coordinator, we are sending a copy of this notice to the local floodplain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. The local floodplain administrator is required to perform this review for all proposed development and maintain records of such review.

Comments concerning water quality impacts will be forwarded to ODEQ for consideration in issuing a Section 401 Water Quality Certification for the proposed project. Work may **not** commence until decisions have been made on both Sections 401 and 404.

Andrew R. Commer
Chief, Regulatory Office

Enclosures