US Army Corps of Engineers ®
Fort Worth District

Public Notice

Applicant:	North Texas Municipal Water District
Project No.:	SWF-2012-00322
Date:	September 13, 2012

The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

Regulatory Program

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.

Section 10

The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate *all work or structures in or affecting the course, condition or capacity of navigable waters of the United States.* The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

Section 404

The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the *discharge of dredged and fill material into all waters of the United States, including wetlands.* The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

Contact

Name:	Mr. Eric Dephouse, Project Manager
Phone Number:	817-886-1820

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT

AND

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge dredged and fill material into waters of the United States (U.S.) associated with the creation of an earthen material stockpile area for the North Texas Municipal Water District (NTMWD) 121 Regional Disposal Facility (RDF) in Melissa, Collin County, Texas.

APPLICANT: North Texas Municipal Water District
PO Box 2408
Wylie, Texas 75098

APPLICATION NUMBER: SWF-2012-00322

DATE ISSUED: September 13, 2012

LOCATION: The project site is located at 3820 Sam Rayburn Highway in Melissa, Collin County, Texas. More specifically, the proposed stockpile area is located west of the active disposal area within the 121 RDF (Sheet 1 of 11). The U.S. Geological Survey (USGS) North American Datum of 1983 coordinates for the approximate center point of the proposed project are as follows: Latitude 33.2925° North, Longitude 96.5321° West. The site is mapped on the Anna, TX 7.5-minute USGS quadrangle map (Sheet 2 of 11). The site is located in the East Fork Trinity River Basin Watershed - USGS Hydrologic Unit 12030106.

OTHER AGENCY AUTHORIZATIONS: Section 401 State Water Quality Certification

PROJECT DESCRIPTION: The NTMWD proposes to discharge approximately 6,969 cubic yards of dredged and fill material into 1.9 acres of waters of the U.S. in conjunction with the construction of a proposed 21 million cubic yard soil stockpile. Total adverse impacts to waters of the U.S. would include 0.80 acre of non-forested wetlands, 1440 linear feet of ephemeral stream, and 0.58 acre of impoundment. The proposed stockpile would be approximately 2,800 feet long by 2,400 feet wide, and 220 feet tall at maximum capacity for storage of soil for use at the NTMWD 121 RDF.

The NTMWD 121 RDF was opened in 2004 to fulfill the need for long-term localized solid waste disposal and management for its solid waste member cities and customers from the surrounding area. The solid waste member cities of the NTMWD are Allen, Frisco, McKinney, Plano, and Richardson. Under the original design, the existing stockpile area within the landfill permit boundary would not be encroached by disposal activities for many years, however due to

the amount of waste entering the facility the current stockpile area would need to be relocated sooner than previously anticipated due to the accelerated use of landfill space which would require cells to be constructed sooner than anticipated. During these earlier stages of the landfill life, soil excavated for cell construction greatly exceeds soil used for operations thus resulting in the need to stockpile soils for later use. The landfill permit boundary would not provide any areas that could be used for relocating the soil stockpile. Consequently, NTMWD purchased property contiguous with the landfill for stockpiling purposes. The purpose of this project is to provide an alternative soil and earthen material stockpile for the storage of excavated soil from new cell construction, which would be used in the future for cell construction, operations, and final cover construction. The new stockpile location would allow for continuing 121 RDF cell construction, which would meet the need for long-term localized solid waste disposal and management within the projected useful life of the 121 RDF.

The NTMWD proposes to discharge approximately 21 million cubic yards of material into 1.9 acres of waters of the U.S. in conjunction with the construction of the proposed stockpile over the life of the project, currently projected to occur through at least 2044. The proposed stockpile would be approximately 2,800 feet long by 2,400 feet wide, by 220 feet tall at maximum capacity for storage. Table 1 lists the proposed impacts by type of water feature (Sheets 5 and 6 of 11).

TABLE 1
Proposed Impacts to Waters of the U.S.

Waterbody Type	**Permanent**		**Temporary**	
	Acres	**LF**	**Acres**	**LF**
Non-forested wetland	0.80	-	0.0	-
Ephemeral stream	0.55	1,440	0.0	-
Impoundment	0.58	-	0.0	-
Total:	**1.93**	**1,440**	**0.0**	**-**

ALTERNATIVE SITE LOCATIONS AND ALTERNATIVE LAYOUTS: To continue meeting the long-term solid waste disposal and management needs of Collin County and the member cities, the NTMWD evaluated four different alternatives for the proposed stockpile area, (1) no build alternative, (2) the applicant's preferred alternative, (3) build stockpile on alternative site within or adjoining the 121 RDF that would have fewer impacts, and (4) different configuration of stockpile area on the current location.

Alternative 1: No-Build Alternative. This alternative was eliminated as it would not compensate for the need of additional area to dispose of the ever increasing waste generated within the member cities. If the current stockpile area were to be left as is, the 121 RDF facility would not be able to be fully utilized within the previously permitted boundaries, and would create the need for another solid waste landfill within the area. The creation of a new solid waste landfill is a costly and time-consuming process, as indicated by the time necessary to open the 121 RDF. Planning for the 121 RDF began in the mid-1990s with the opening of the 121 RDF not

occurring until 2004, approximately 10 years. This option is not viable, as it does not solve the overall purpose and need associated with the disposal of solid waste from the member cities.

Alternative 2: Applicant's Preferred Alternative. This alternative was selected as the most feasible option for the proposed stockpile area (Sheets 7 through 11 of 11). The location of the property would provide access to the current 121 RDF without crossing any roads or highways. The property west of the 121 RDF was evaluated as an option and found to be the most viable, after eliminating properties south due to Farm-to-Market Road (FM) 545 and properties to the north and east due to environmental concerns. This area is contiguous to the current 121 RDF and materials could easily be transported between the existing 121 RDF and the proposed stockpile. Additionally, it is anticipated that there would be far fewer impacts to the environment on this site as there are fewer waters of the U.S. on the site as compared to properties north of the existing 121 RDF. As such, the location to the west was selected by the applicant as the location providing the best access to the existing 121 RDF, while having the fewest impacts to the environment when compared with other alternative properties. Additionally, this site would provide options for the configuration of the stockpile area that would make it feasible to construct the stockpile without causing substantial large impacts to the surrounding environment, while minimizing the potential for habitat fragmentation.

Alternative 3: Alternative Site. The NTMWD evaluated the area surrounding the 121 RDF to find a suitable site for the stockpile area. The main selection criterion for the site was that it must border the current 121 RDF site so that the materials could be moved efficiently and economically between the active and expanding cells and the stockpile area. Areas to the south of the current 121 RDF footprint were immediately eliminated due to the FM 545, which provides the boundaries along the south. The NTMWD specifically did not want to increase traffic on local roadways, which would tax the overall infrastructure in this rural area, create a limit on the load weight that could be transported, and result in safety hazards for the traveling public. Therefore, FM 545 provided a natural boundary, which eliminated available properties to the south. With the available areas south of the 121 RDF being eliminated, available properties to the north, east, and west were explored. The areas north and east of the 121 RDF were evaluated as an option; however, many properties were eliminated due to the high number of waters of the U.S. within the available parcels. The area requirement for the stockpile could not be accomplished without greater impacts to potential jurisdictional water features within many of these available properties. As such, available properties to the south, east, and north of the existing 121 RDF were eliminated from further consideration due to the natural barrier of FM 545 and the increased potential impacts to jurisdictional water features.

Alternative 4: Alternative Configurations. The NTMWD evaluated at least two alternative stockpile configurations to the applicant's preferred alternative configuration designed to minimize impacts to waters of the U.S., while still providing the minimum area necessary to achieve the project purpose. One configuration evaluated would avoid impacts to waters of the U.S. within the stockpile site; however, the avoidance of all waters of the U.S. would not provide the minimum necessary area for the stockpile. The eliminated configuration would have required the stockpile area to be built upward vertically rather than horizontally establishing a towering stockpile. This configuration would not be logistically acceptable for numerous health

and safety reasons. The second alternative configuration evaluated and eliminated would have completely impacted all waters of the U.S. on site. This was the original preferred configuration as it would have provided the greatest surface area for the stockpiling of material. This alternative configuration was eliminated as it would have created the greatest amount of impacts to potentially jurisdictional waters and would not have provided any avoidance and/or minimization practices.

COMPENSATORY MITIGATION: The NTMWD proposes to compensate for the loss of aquatic functions associated with the waters of the U.S. through the purchase of mitigation banking credits. The project area is located within the service area of several mitigation banks including the Bunker Sands Mitigation Bank, South Forks Trinity River Mitigation Bank, and Trinity River Mitigation Bank. As such, the applicant proposes to purchase the appropriate number of credits from one of the available banks, or a combination thereof, depending on which bank has the required number of credits available in the final stages of the permitting process.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits 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 its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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 USACE is soliciting comments from the public; federal, state, and local agencies and officials; 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 USACE in determining whether to issue; issue with modifications or conditions; 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 also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

STATE WATER QUALITY CERTIFICATION: This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with USACE processing of this Department of the Army application, the TCEQ is

reviewing this application under Section 401 of the Clean Water Act, and Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. **Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087.** The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin Office. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if granted, would adversely affect such interest.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. The proposed project would be located in Collin County where the whooping crane (*Grus americana*) are known to occur or may occur as migrants. The whooping crane is listed as the only endangered species in the county. Our initial review indicates that the proposed work would have no effect on federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The proposed project has been surveyed for the presence of prehistoric and historic sites. A total of three historic sites were recorded on the property: 41COL217; 41COL218, and; 41COL220. These three sites are not considered eligible for inclusion in the National Register of Historic Places. The Texas State Historic Preservation Office concurred with this determination on April 9, 2012. There is a very low probability that unanticipated cultural resources will be encountered during the proposed work.

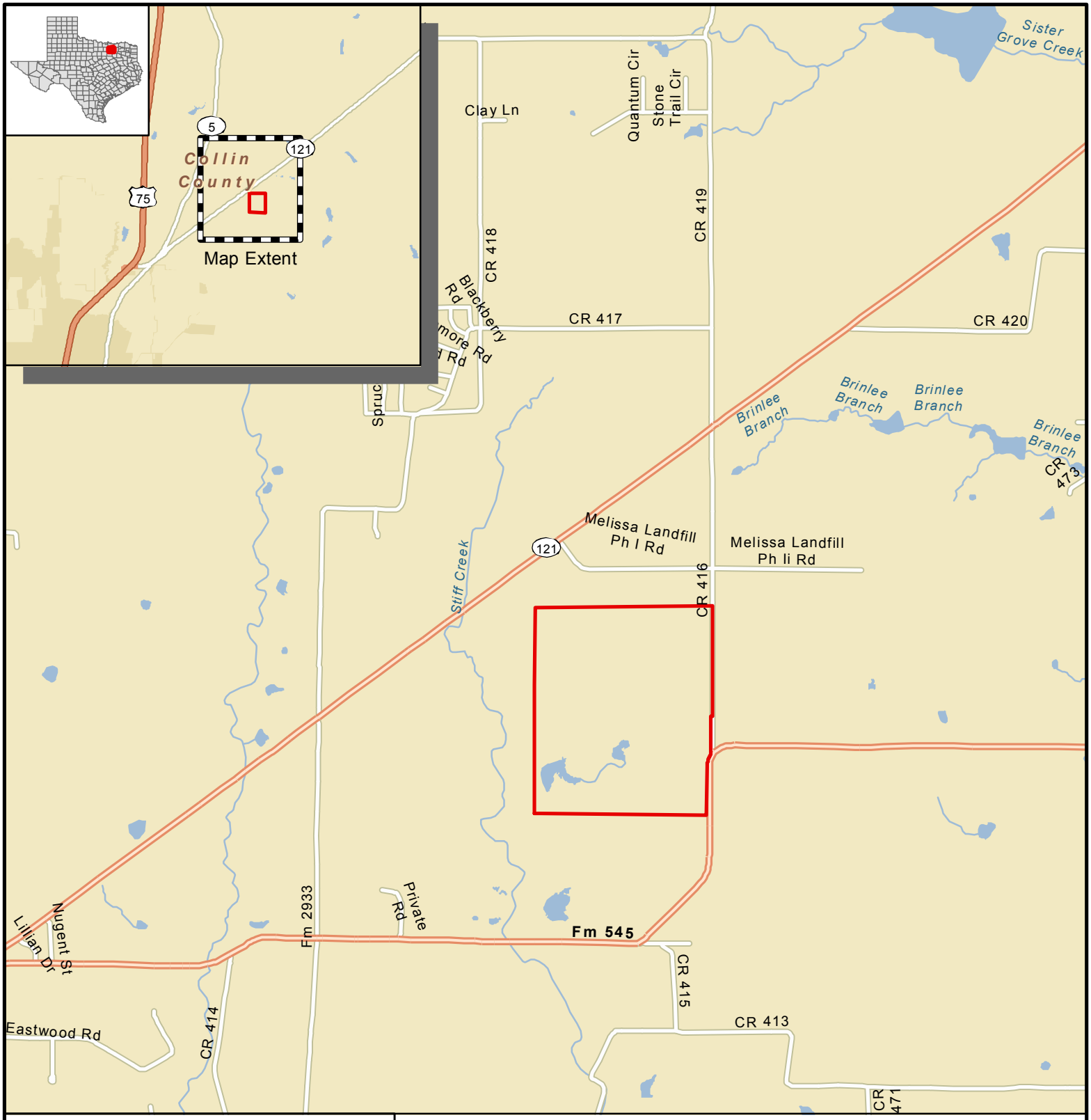
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer would determine whether the issues raised are substantial and should be considered in his permit decision. If a public hearing is warranted, all known interested persons would be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before October 13, 2012, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Mr. Eric Dephouse; Regulatory Branch, CESWF-PER-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. You may visit the Regulatory Branch in Room 3A37 of the Federal Building at 819 Taylor Street in Fort Worth between 8:00 A.M. and 3:30 P.M., Monday through Friday. Telephone inquiries should be directed to (817) 886-1820. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

DISTRICT ENGINEER
FORT WORTH DISTRICT
CORPS OF ENGINEERS



Sheet 1 of 11
General Location Map

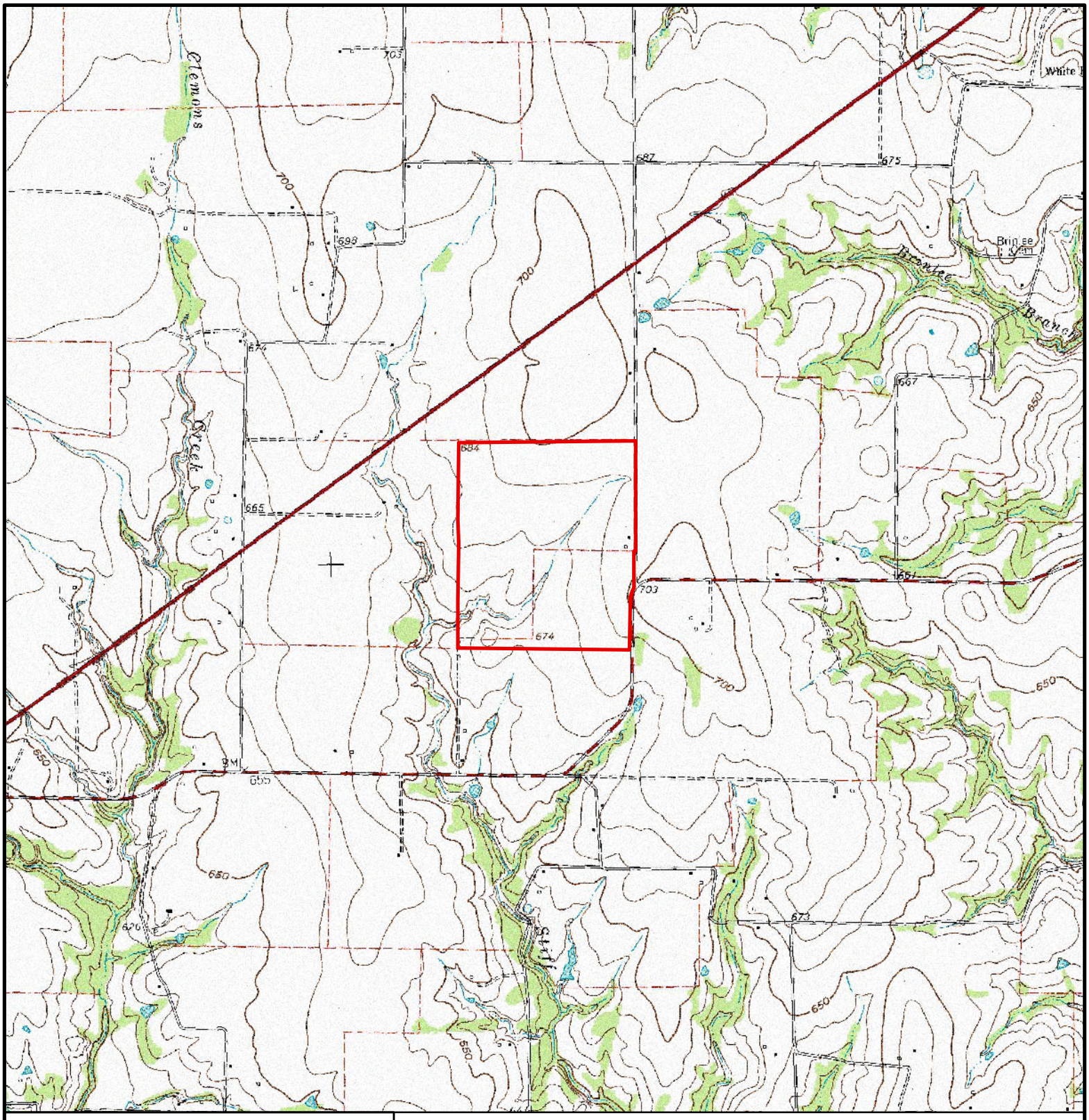
Project Area

N
W E
S

County: Collin
State: Texas
Date map created: 5/1/2012
Source: ESRI 10 Streetmap North America

1 inch = 2,000 feet

0 1,500 3,000 6,000 Feet



Sheet 2 of 11
Topography of
the Project Area

Project Area

N
W E
S

1 inch = 2,000 feet

0 1,500 3,000 6,000 Feet

County: Collin
State: Texas
Date map created: 5/1/2012
Source: USGS Topographic Map
Anna 7.5' Quadrangle, 1963

Sheet 3 of 11
Soil Series located within and adjacent to the Project Area

County: Collin
State: Texas
Date map created: 5/1/2012
Source: 2010 USDA NAIP
Aerial Photography; USDA NRCS
Digital Soil Survey 2007

Soil Series Description

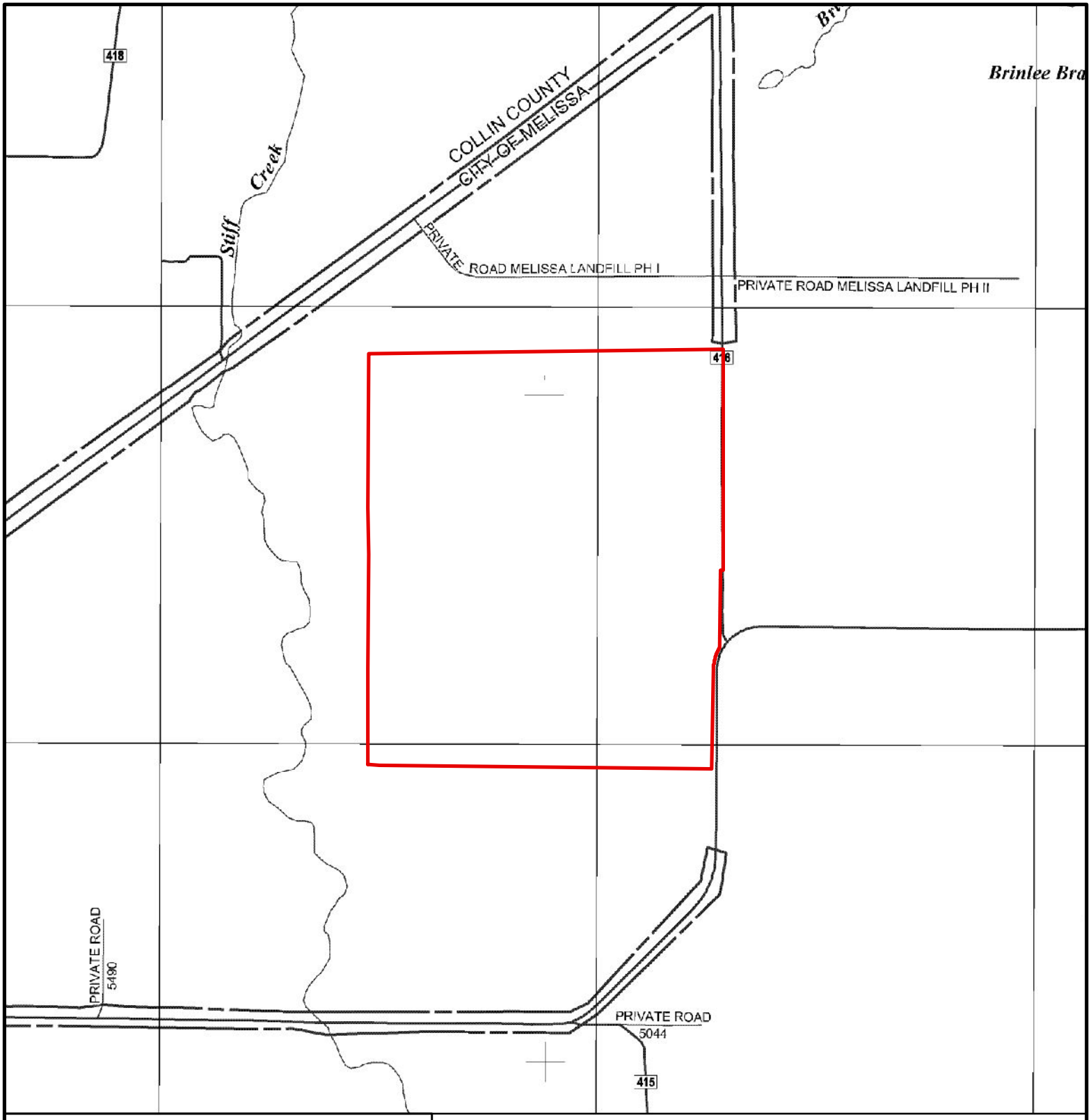
- Other Values
- AuB - Austin silty clay, 1-3% slopes
- AuC2 - Austin silty clay, 3-5% slopes
- EdB - Eddy gravelly clay loam, 1-3% slopes
- HoB - Houston Black clay, 1-3% slopes
- ScB - Stephen silty clay, 1-3% slopes
- SeC2 - Stephen-Eddy complex, 3-5% slopes

Project Area

N
W E
S

1 inch = 500 feet

0 375 750 1,500 Feet



Sheet 4 of 11
FEMA FIRM with the Project Area

County: Collin
State: Texas
Date map created: 5/1/2012
Source: Federal Emergency Management Agency Flood Insurance Rate Map
Panel 48085C0170J
Effective 6/2/2009

Project Area

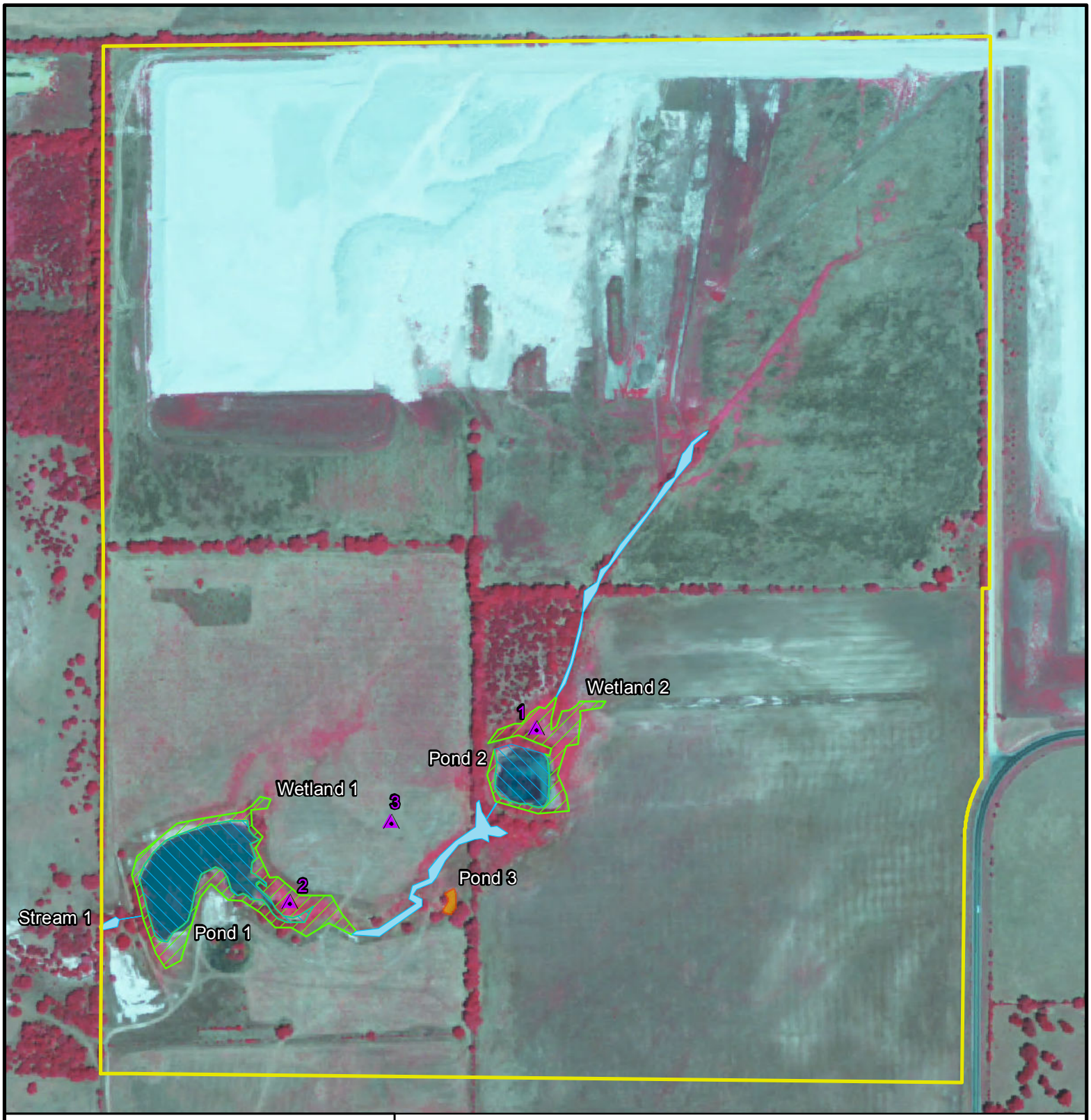
FEMA Zone Description

Zone X - Areas determined to be outside the 0.2% annual chance floodplain.

N
W E
S

1 inch = 1,000 feet

0 750 1,500 3,000 Feet



Sheet 5 of 11
Water Features identified within the Project Area

County: Collin
State: Texas
Date map created: 5/1/2012
Source: 2010 USDA NAIP Aerial Photography

Project Area

Dataform Locations

Features that meet a definition of a Water of the United States

Pond

Stream

Wetland

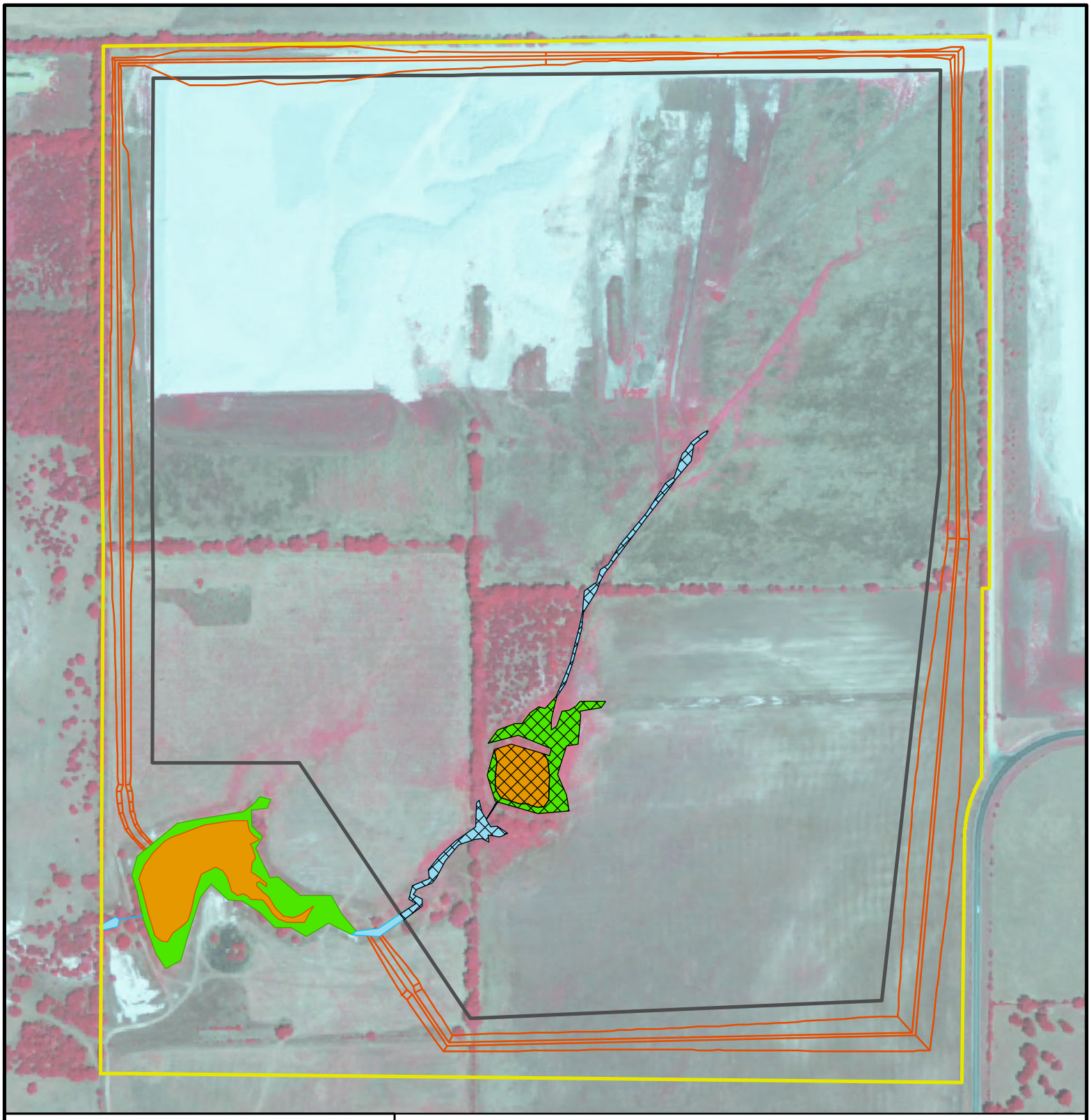
Features that do not meet a definition of a Water of the United States

Pond

N
W E
S

1 inch = 400 feet

0 250 500 1,000 Feet



Sheet 6 of 11
Proposed Site Plan
and Impacts to Waters
of the United States

County: Collin
State: Texas
Date map created: 6/18/2012
Source: 2010 USDA NAIP
Aerial Photography

Project Area
Proposed Stockpile Boundary
Proposed Channels
Impacts to Waters of the United States

Features that meet a definition of a Water of the United States

Pond
Stream
Wetland

N
W E
S

1 inch = 400 feet

0 250 500 1,000
Feet

0 200 400
SCALE IN FEET

LEGEND

- OFFSITE PROPERTY BOUNDARY
- 250 EXISTING CONTOUR
- N 6753000 STATE PLANE GRID
- DRAINAGE AREA BOUNDARY
- PRIMARY REACH
- SECONDARY REACH
- CA1 DRAINAGE AREA DESIGNATION
- COMPARISON POINT

NOTES:

1. EXISTING CONTOURS WITHIN THE PERMITTED AREA COMPILED FROM AERIAL SURVEY PROVIDED BY METROPOLITAN AERIAL SURVEYS, FLOWN ON FEBRUARY 21, 2012.
2. WETLAND DELINEATION PREPARED BY INTEGRATED ENVIRONMENTAL SOLUTIONS.

EXISTING CONDITION DRAINAGE BOUNDARY AREAS

DRAINAGE AREA	AREA (Ac.)	25–YEAR FLOW RATE (cfs)	25–YEAR VOLUME (Ac–ft)	100–YEAR PEAK FLOW (cfs)	100–YEAR VOLUME (Ac–ft)
CA1	2.97	2326.2	830.8	3550.7	1193.2
CA2	59.00	262.5	74.1	375.6	107.4
CA3	107.7	300.0	74.4	541.0	112.4
CA4	15.4	638.6	185.3	893.7	235.9
POND	2.5	559.7	137.0	777.8	195.2

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ISSUED FOR INFORMATION ONLY

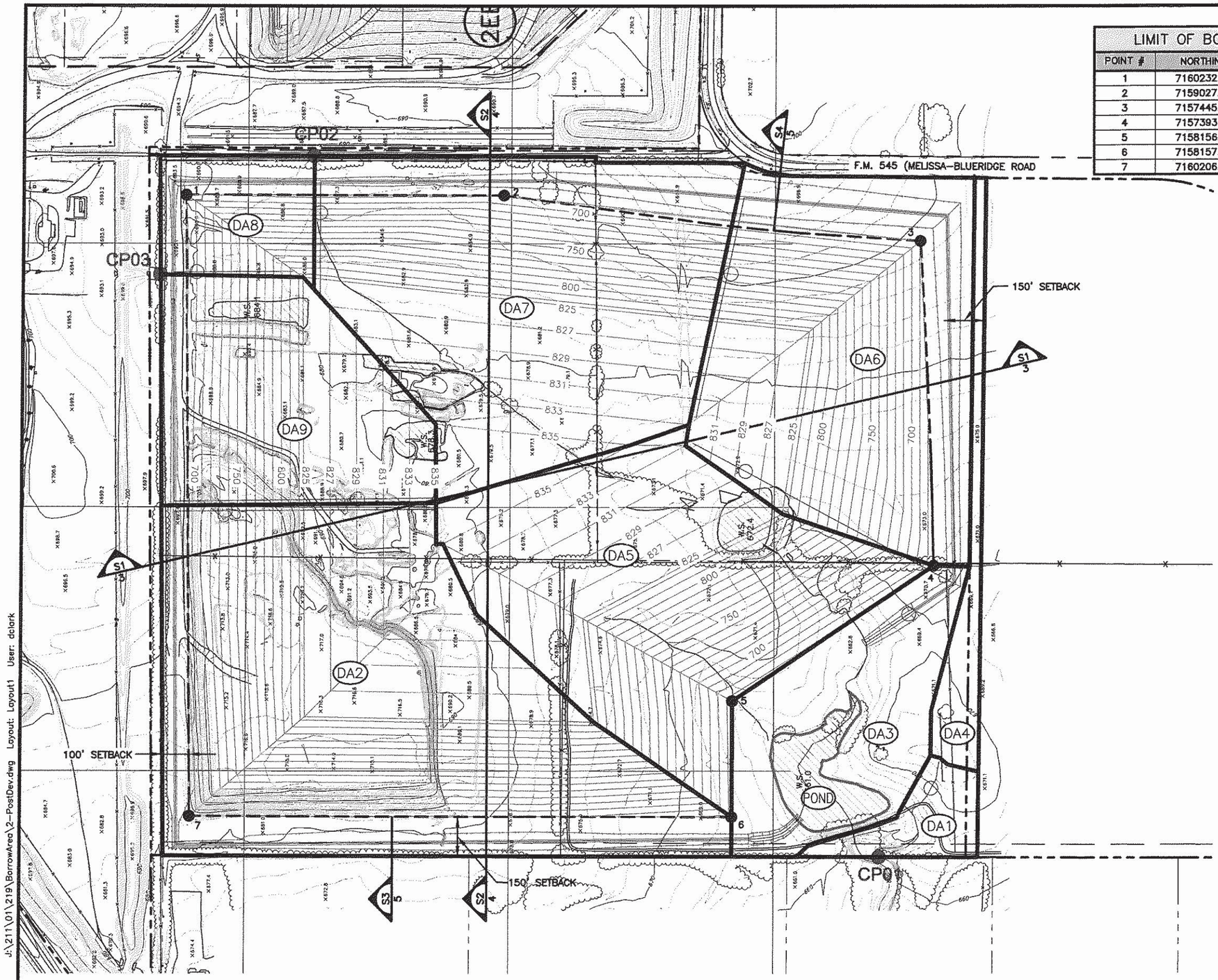
REVISIONS							
REV	DATE	DESCRIPTION	DWN BY	DES BY	CHK BY	APP BY	

CURRENT SITE PLAN

NORTH TEXAS MUNICIPAL WATER DISTRICT
121 RDF

BIGGS & MATHEWS ENVIRONMENTAL
CONSULTING ENGINEERS
MANSFIELD
DALLAS • WICHITA FALLS
817–563–1144

DSN.	FAW	DATE : 04/12	Sheet 7 of 11
DWN.	BBB	SCALE : GRAPHIC	
CHK.	DLC	DWG : 1–Permitted.dwg	



LIMIT OF BORROW AREA		
POINT #	NORTHING	EASTING
1	7160232.72	2571184.98
2	7159027.94	2571183.73
3	7157445.90	2571011.05
4	7157393.09	2569778.80
5	7158156.49	2569265.29
6	7158157.36	2568825.64
7	7160206.75	2568828.69

0 200 400
SCALE IN FEET

LEGEND

- OFFSITE PROPERTY BOUNDARY
- 250 EXISTING CONTOUR
- N 6753000 STATE PLANE GRID
- DRAINAGE AREA BOUNDARY
- PRIMARY REACH
- SECONDARY REACH
- DA1 DRAINAGE AREA DESIGNATION
- COMPARISON POINT

NOTES:

1. EXISTING CONTOURS WITHIN THE PERMITTED AREA COMPILED FROM AERIAL SURVEY PROVIDED BY METROPOLITAN AERIAL SURVEYS, FLOWN ON FEBRUARY 21, 2012.
2. WETLAND DELINEATION PREPARED BY INTEGRATED ENVIRONMENTAL SOLUTIONS.
3. STOCKPILE FILL HAS FOOTPRINT OF 136.3ACRES, 4:1 SIDESLOPES, A MAXIMUM TOP ELEVATION OF 835 FT MSL, AND AN APPROXIMATE FILL VOLUME OF 21,000,000 CY.

POST DEVELOPED DRAINAGE BOUNDARY AREAS					
DRAINAGE AREA	AREA (Ac.)	25–YEAR FLOW RATE (cfs)	25–YEAR VOLUME (Ac–ft)	100–YEAR PEAK FLOW (cfs)	100–YEAR VOLUME (Ac–ft)
DA1	3.0	2326.2	830.6	3550.7	1193.2
DA2	46.7	262.5	74.1	375.6	107.4
DA3	14.0	300.0	74.4	541.0	112.4
DA4	3.7	638.6	165.3	893.7	235.9
DA5	30.1				
DA6	30.4				
DA7	36.0				
DA8	6.1				
DA9	17.5				
POND	2.5	559.7	137.0	777.8	195.2

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POST DEVELOPED SITE PLAN

NORTH TEXAS MUNICIPAL WATER DISTRICT 121 RDF

BIGGS & MATHEWS ENVIRONMENTAL
CONSULTING ENGINEERS
MANSFIELD
DALLAS • WICHITA FALLS
817–563–1144

DSN.	DLC	DATE : 12/11	Sheet 8 of 11
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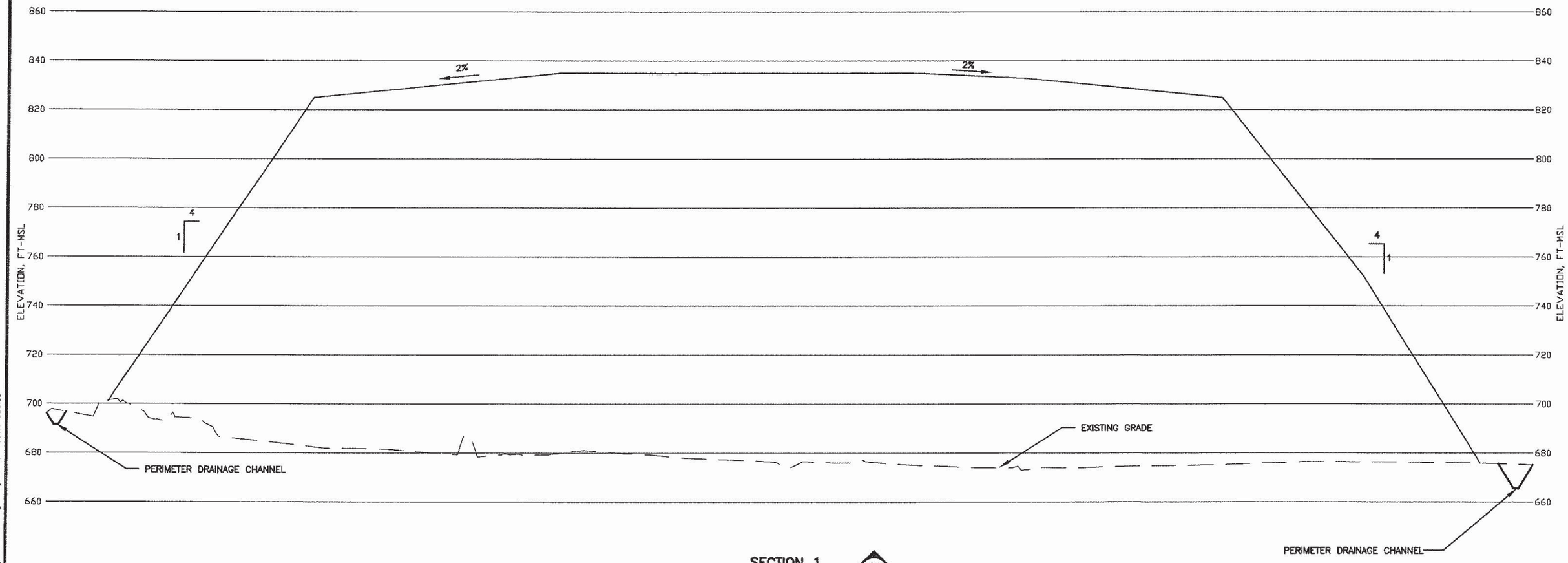

SECTION 1 S1 4

0 100 200 HORIZONTAL SCALE

0 20 40 VERTICAL SCALE

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ISSUED FOR CONSTRUCTION

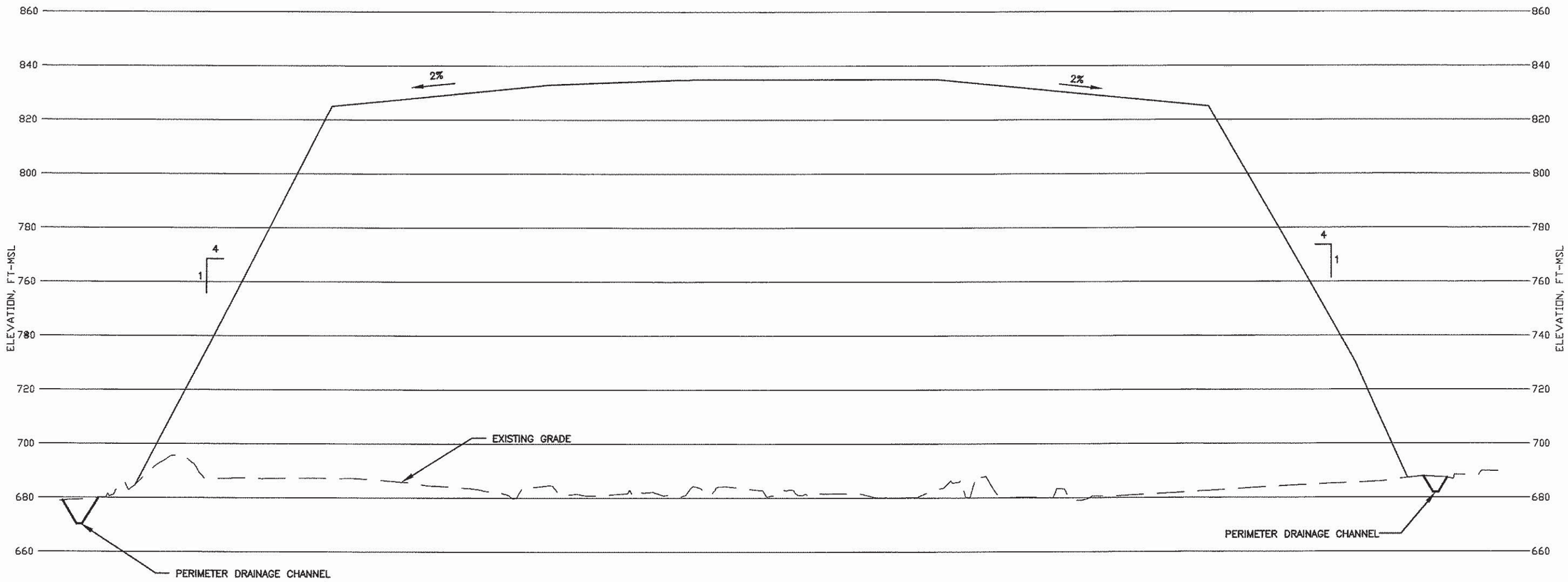
REVISIONS							
REV	DATE	DESCRIPTION	DWN BY	DES BY	CHK BY	APP BY	

STOCKPILE SECTION

NORTH TEXAS MUNICIPAL WATER DISTRICT
121 RDF

BIGGS & MATHEWS ENVIRONMENTAL
CONSULTING ENGINEERS
MANSFIELD • WICHITA FALLS
817-563-1144

DSN. FAW	DATE : 04/12	Sheet	
DWN. BBB	SCALE : GRAPHIC	9 of 11	
CHK. FAW	DWG : SECTIONS.dwg		



SECTION 2 S2 4

0 100 200 HORIZONTAL SCALE

0 20 40 VERTICAL SCALE

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ISSUED FOR CONSTRUCTION

REVISIONS						
REV	DATE	DESCRIPTION	DWN BY	DES BY	CHK BY	APP BY

STOCKPILE SECTION

NORTH TEXAS MUNICIPAL WATER DISTRICT 121 RDF

BIGGS & MATHEWS ENVIRONMENTAL
CONSULTING ENGINEERS
MANSFIELD • WICHITA FALLS
817-563-1144

DSN. FAW	DATE : 04/12	Sheet	
DWN. BBB	SCALE : GRAPHIC	10 of 11	
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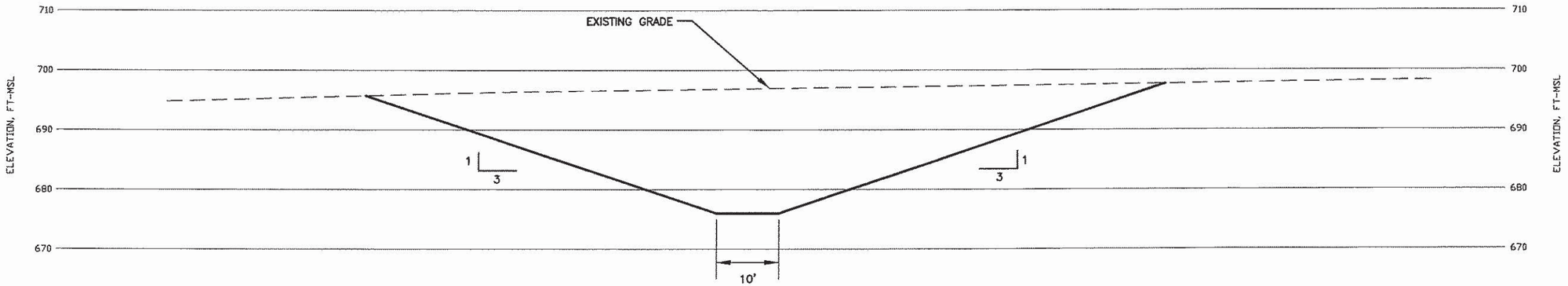
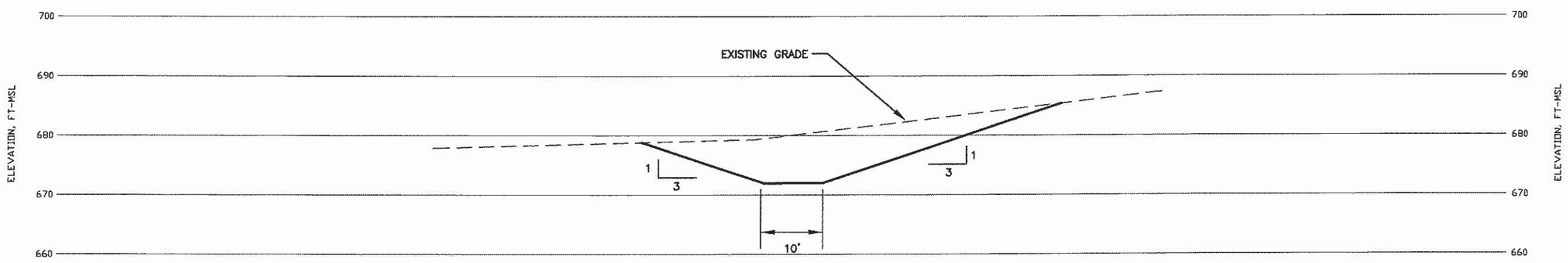


EAST CHANNEL SECTION S4 / 5

0 10 200
HORIZONTAL SCALE



WEST CHANNEL SECTION S5 / 5

0 10 20
HORIZONTAL SCALE

ISSUED FOR CONSTRUCTION

REVISIONS							
REV	DATE	DESCRIPTION	DWN BY	DES BY	CHK BY	APP BY	

CHANNEL SECTIONS

NORTH TEXAS MUNICIPAL WATER DISTRICT
121 RDF

BIGGS & MATHEWS ENVIRONMENTAL
CONSULTING ENGINEERS
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