



January 10, 2013

North Carolina Department of Environment  
and Natural Resources  
Division of Waste Management, Pre-Regulatory Landfill Unit  
1646 Mail Service Center  
Raleigh, North Carolina 27699

Attn: Ms. Cathy Jacobs  
Project Manager

Re: **Sensitive Environments Wetland Delineation Letter Report**  
**McAdenville Dump**  
**332 McAdenville Road**  
**Belmont, Gaston County, NC**  
**ID # NONCD0000318**  
**Task Order 318SE**

Dear Ms. Jacobs:

On November 14, 2012, URS Corporation completed a wetland delineation of two marsh areas near the southeastern boundary of the landfill in order to determine whether the areas were subject to permit requirements of Section 404 and Section 10 of the Clean Water Act. It was determined that these two areas were not jurisdictional wetlands. However, two seep areas (SEEP-2, SEEP-3) were delineated as jurisdictional wetlands. Wetland W1 (SEEP-2) was 0.04 acres in size and Wetland W2 (SEEP-3) was 0.01 acres in size. These wetland areas were marked using flagging for subsequent surveying pending the United States Army Corps of Engineers' (USACE) approval.

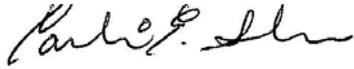
URS' Professional Wetland Scientist (PWS) completed and submitted a preliminary jurisdictional determination (JD) package to the USACE during the week of December 3, 2012. This package included USACE's preliminary JD form, supporting data, a site map with areal extents of wetland areas and stream features, and GPS coordinates. On December 20, 2012, URS called Dave Brown of the USACE to discuss the status of the JD package. The USACE approved the preliminary JD of the two wetland areas, Wetland W1 and Wetland W2. The JD package and approval form is attached. Therefore, on January 4, 2013, Taylor, Wiseman, Taylor (TWT) met URS on-site to survey the two jurisdictional wetland areas. The survey is attached. Prior to any construction activities that may disturb these delineated wetland and stream features, permit authorization from the USACE and NC Division of Water Quality (DWQ) must be obtained.

URS Corporation – North Carolina  
1600 Perimeter Park Drive, Suite 400  
Morrisville, North Carolina 27560  
(919) 461-1100 Phone  
(919) 461-1415 Fax

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If you have any questions or require additional information, please do not hesitate to contact Carlin Slusher at 919-461-1341 or Margaret Ness at 919-461-1423.

Sincerely,  
**URS CORPORATION – NORTH CAROLINA**

A handwritten signature in black ink, appearing to read "Carlin Slusher". The signature is fluid and cursive, with a prominent initial "C" and "S".

Carlin Slusher  
Project Manager

Attached:       USACE JD Package  
                      Site Survey

**U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT**

Action I.D.: 2012-01972

County: Gaston

U.S.G.S. Quad: Mount Holly

**NOTIFICATION OF JURISDICTIONAL DETERMINATION**

Property Owner/Agent: **URS Corporation-North Carolina**

Attn.: **Charlie Benton**

Address: **1600 Perimeter Park Drive, Suite 400, Morrisville, NC 27560**

Telephone No.: **919-461-1435**

Property description:

Size (acres): **Approximately 26 Acres**

Nearest Waterway: **UTs to South Fork Catawba River**

Coordinates: **35.259862 N 81.064353 W**

Nearest Town: **McAdenville**

River Basin: **South Fork Catawba River**

Hydrologic Unit Code: **03050102**

Location Description: **Property is the former McAdenville Landfill located east of the intersection of McAdenville Road and Beechbrook Drive, north of McAdenville Road in the Town of McAdenville, Gaston County, North Carolina.**

**Indicate Which of the Following Apply:**

**A. Preliminary Determination**

- Based on preliminary information, there may be waters and wetlands on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process ( Reference 33 CFR Part 331). ). If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**B. Approved Determination**

- There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are waters and wetlands on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- We strongly suggest you have the waters and wetlands on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.
- The waters and wetlands on your property have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.
- The waters and wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on \_\_\_\_\_. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

Action Id.: 2012-01972

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **David Brown** at **828-271-7980**.

### C. Basis For Determination

The site may contain wetlands as determined by the *1987 Corps of Engineers Wetland Delineation Manual* and the *Interim Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Eastern Mountain and Piedmont Region*. These wetlands are abutting to stream channels located on the property that exhibit indicators of ordinary high water marks. The stream channels on the property are unnamed tributaries to the South Fork Catawba River and are relatively permanent waters (RPW), which flow into South Fork Catawba River (a RPW). The South Fork Catawba River flows into the Catawba River, a Section 10 River at Mountain Island Lake Dam in Mecklenburg County. The Catawba River joins the Santee-Cooper River in South Carolina before entering the Atlantic Ocean

### D. Remarks:

The waters of the U.S. at this site were inspected on-site by the Corps on December 11, 2012 to be as depicted on the property in Figure 5 Delineated Streams and Wetlands Map by URS Corporation, attached. The location and exact extent of the jurisdictional areas depicted on this figure are approximate.

### E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

### F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

Attached to this verification is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR 331. Enclosed you will find a request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers  
South Atlantic Division  
Attn: Jason Steele, Review Officer  
60 Forsyth Street SW, Room 10M15  
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **N/A Preliminary Jurisdictional Determination**.

**\*\*It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.\*\***

Corps Regulatory Official: David Brown /DB

Issue Date: **Januray 2, 2013**

Expiration Date: **January 2, 2018**

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at our website at <http://per2.nwp.usace.army.mil/survey.html> to complete the survey online.

Proposed Project

McAdenville Landfill  
NONCD0000318

Town of McAdenville  
Gaston County  
North Carolina

Legend

- Property Boundary
- 2012 Stream Delineation
- 2012 Wetland Delineation
- Pre-regulated Landfill Area

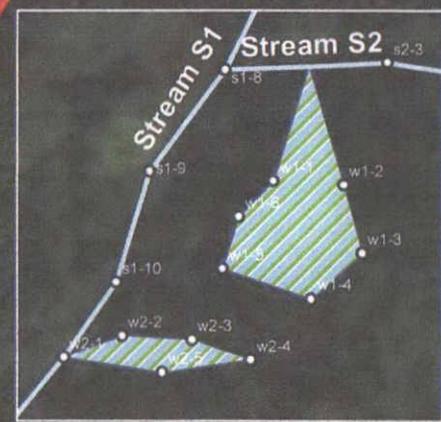
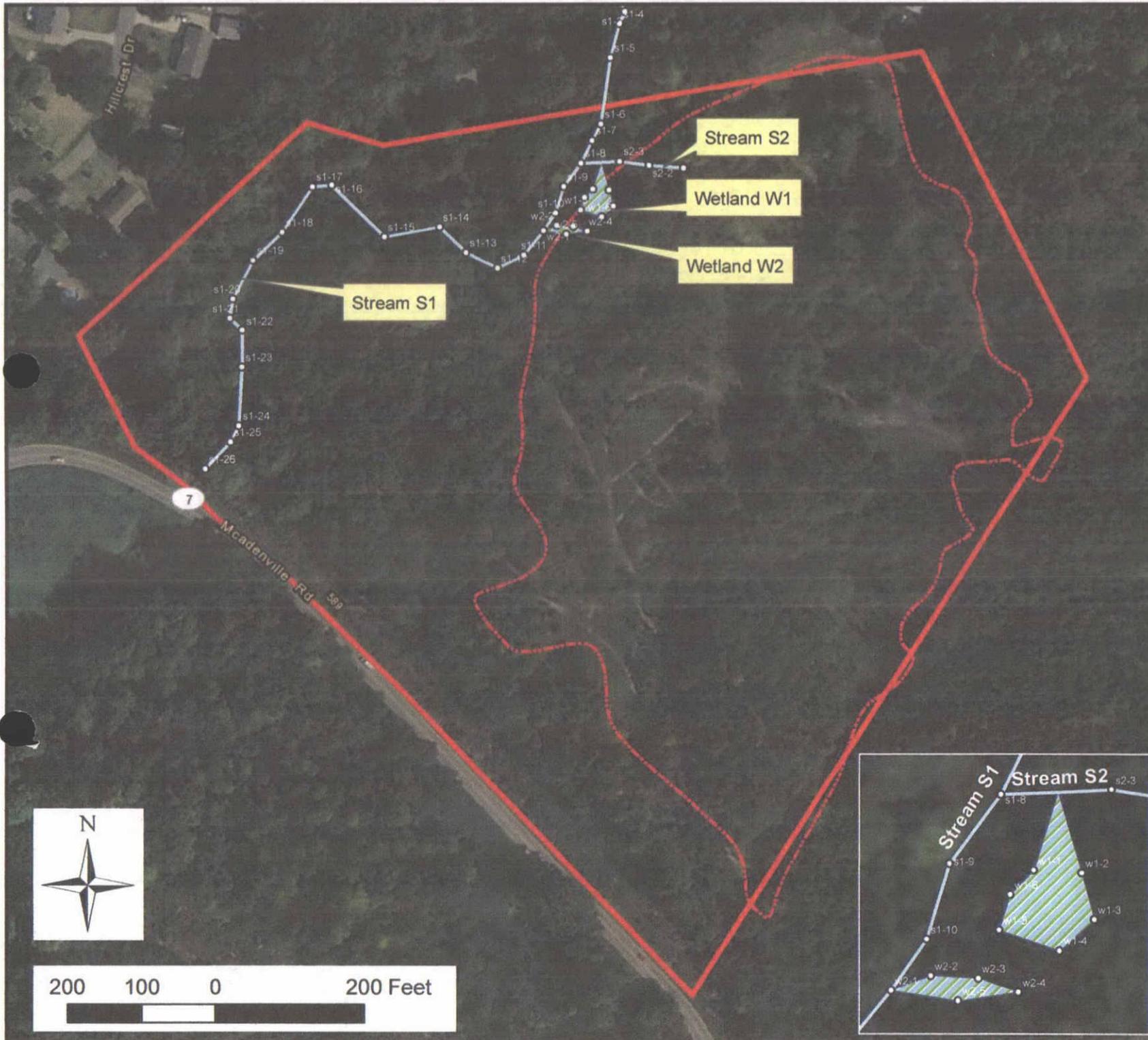


Figure 5

Delineated Streams  
and Wetlands

PID# 185048  
PIN # 3585358846

November 2012  
This map is for reference only.

**ATTACHMENT**

**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):** *January 2, 2013* *hdb*

**B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**

**Applicant:**

Cathy Jacobs, Project Manager  
North Carolina Department of Environment and Natural Resources  
Division of Waste Management, Pre-Regulatory Landfill Unit  
1646 Mail Service Center  
Raleigh, North Carolina 27699

**Applicant's Agent:**

Charlie Benton, PWS  
Senior Environmental Scientist  
URS Corporation – North Carolina  
1600 Perimeter Park Drive, STE 400  
Morrisville, North Carolina 27560

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** *CEAW-R6-A; 2012-0197Z* *hdb*

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:  
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)**

State: NC County/parish/borough: Mecklenburg City: Town of McAdenville  
Center coordinates of site (lat/long in degree decimal format):  
Lat. 35.259862° N, Long. -81.064353° W.

Universal Transverse Mercator:

Name of nearest waterbody: South Fork Catawba River

Identify (estimate) amount of waters in the review area: **See Page 5.**

Non-wetland waters: 1156 linear feet: 2-10 width (ft) and/or acres.

Cowardin Class: Riverine,

Stream Flow: Perennial (S1) and Intermittent (S2)

Wetlands: 0.05 acres.

Cowardin Class: Forested

Name of any water bodies on the site that have been identified as Section 10 waters: **N/A**

Tidal:

Non-Tidal:

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: 11-Dec-12/DB

Field Determination. Date(s): 11-Dec-12/DB

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If,

during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply -**

checked items should be included in case file and, where checked and requested, appropriately reference sources below):

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps:

Corps navigable waters' study:

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 – Mount Holy, NC

USDA Natural Resources Conservation Service Soil Survey.

Citation: Gaston County Soil Survey, 1989, sheet 4.

National wetlands inventory map(s). Cite name:

State/Local wetland inventory map(s):

FEMA/FIRM maps:

100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

Photographs:  Aerial (Name & Date):

or  Other (Name & Date):

Previous determination(s). File no. and date of response letter:

Other information (please specify):

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

Applicant's Agent for Applicant

 2-Jan-13

Signature and date of  
Regulatory Project Manager  
(REQUIRED)

 5-Dec-12  
DB

Signature and date of  
person requesting preliminary JD  
(REQUIRED, unless obtaining the  
signature is impracticable)

Field Delineated Wetlands and Streams

<b>Site number</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Cowardin Class</b>	<b>Estimated amount of aquatic resource in review area</b>	<b>Class of aquatic resource</b>
W1	35.364767	-80.772992	PFO	0.04 acre	non-tidal – wetland
W2	35.366445	-80.768327	PFO	0.01 acre	non-tidal – wetland
S1	35.260456	-81.065050	R2	1,018 feet	Riverine
S2	35.260717	-81.064077	R2	138 feet	Riverine