



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant: Mr. Dan Christensen
Central Arkansas Recycling & Disposal
Services, LLC

Published: April 16, 2025
Expires: May 12, 2025

**Little Rock District
Permit Application No. SWL-2021-00085-2**

TO WHOM IT MAY CONCERN: The Little Rock District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Mr. Dan Christensen
Central Arkansas Recycling & Disposal Services, LLC
1457A East Robinson Avenue
Springdale, Arkansas 72762

AGENT: Mr. John Metrailer
PMI
3512 South Shackleford Road
Little Rock, Arkansas 72205

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Fish Creek. The proposed project is located in tributaries of and wetlands associated with Fish Creek, in sections 2 and 3, T. 1 S., R. 12 W., south of Little Rock, Pulaski County, Arkansas.

EXISTING CONDITIONS: The area consists of a mix of developed lands, land that has been reforested, multiple ephemeral and intermittent creeks, mined pits that have filled with water over time, and several large palustrine forested wetlands. To the west of the current disposal area lies a large emergent wetland. Mines and quarries dominate the northern and western parts of the area, while farmland and undeveloped land are found to the south and east. To the south of the proposed project area are several businesses and numerous residential structures. Interstate 530 runs north-south directly to the east, with State Route 338 located to the north and northwest.

PROJECT PURPOSE:

Basic: To expand the Central Arkansas Recycling & Disposal Services, LLC (CARDS) landfill.

Overall: To expand the CARDS landfill, which is nearing its maximum capacity, for the proper disposal of trash and recyclable materials.

PROPOSED WORK: The applicant requests authorization to expand the CARDS Landfill. The proposed project would discharge approximately 6,165 cubic yards of fill material into 3.82 acres of wetlands, approximately 486 linear feet of ephemeral streams, 74 linear feet of intermittent streams, and 80 linear feet of intermittent streams and 92 linear feet of perennial streams would be piped.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Avoidance and minimization occurred during the landfill footprint planning by conducting a delineation of aquatic resources on the property and obtaining an approved jurisdictional determination.

COMPENSATORY MITIGATION: For unavoidable impacts to waters of the United States, the applicant will either conduct on-site mitigation or purchase credits from an approved mitigation bank if required.

CULTURAL RESOURCES: A Corps staff archeologist will evaluate the proposal for compliance with Section 106 of the National Historic Preservation Act, including identification and evaluation of cultural resources potentially impacted by the proposal's implementation in waters of the United States. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

Species	ESA Listing Status	Critical Habitat (Y/N)	USACE Effect Determination (Species) ²
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed Endangered	N	NLJS
Eastern Black Rail (<i>Laterallus jamaicensis ssp. jamaicensis</i>)	Threatened	N	NE
Piping Plover (<i>Charadrius melodus</i>)	Threatened	N	NE
Red Knot	Threatened	N	NE

<i>(Calidris canutus rufa)</i>			
Monarch Butterfly <i>(Danaus Plexippus)</i>	Proposed Threatened	N	NLJS
Alligator Snapping Turtle <i>(Macrochelys temminckii)</i>	Proposed Threatened	N	NLJS
² NE= No Effect, NLAA= Not like to adversely affect, MAA= may adversely affect, NLJS=Not Likely to Jeopardize Species			

The Corps has determined that the lack of habitat would have no effect on listed species and that the project is not likely to jeopardize the continued existence of the proposed species.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is solely responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the Arkansas Department of Energy and Environment, Division of Environmental Quality (certifying authority). In accordance with Certification Rule Part 121.6, the Corps and the Arkansas Department of Energy and Environment, Division of Environmental Quality have determined the reasonable period of time for the certifying agency to act upon the certification request is 180 days once the applicant submits a certification request to the certifying agency. In accordance with Certification Rule Part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received the subject certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The

DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: 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 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Little Rock District will receive written comments on the proposed work, as outlined above, until May 12, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Michael Gala at Michael.R.Gala@usace.army.mil. Alternatively, you may submit comments in writing to Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Enclosures

Approximate Coordinates of Project Center

Latitude: 34.659528° Longitude: -92.268898°

UTM Zone: **15N**

North: **3835541**

East: **566997**

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CARDS Landfill expansion

Pulaski County

Secs. 2, 3, T. 1 S., R. 12 W.

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